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133rd General Assembly

Regular Session

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Sub. S. B. No. 3

Senators Eklund, O'Brien

**Cosponsors: Senators Obhof, Coley, Antonio, Blessing, Brenner, Burke, Craig,
Dolan, Hackett, Hottinger, Kunze, Lehner, Manning, McColley, Sykes, Thomas,
Williams, Wilson, Yuko**

A BILL

To amend sections 109.572, 128.04, 177.01, 1
1901.186, 1901.20, 1907.02, 2152.021, 2152.18, 2
2743.60, 2901.13, 2923.01, 2923.02, 2923.13, 3
2923.241, 2923.31, 2923.41, 2925.01, 2925.02, 4
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 5
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 6
2925.37, 2925.38, 2925.42, 2925.51, 2927.21, 7
2929.01, 2929.13, 2929.14, 2929.141, 2929.15, 8
2929.18, 2929.25, 2929.34, 2931.03, 2933.51, 9
2935.36, 2941.1410, 2945.71, 2951.041, 2953.31, 10
2953.32, 2953.52, 2967.18, 2967.19, 2967.28, 11
2981.01, 3301.32, 3301.541, 3313.662, 3319.31, 12
3319.39, 3712.09, 3719.013, 3719.21, 3719.99, 13
3721.121, 3734.44, 3767.01, 4112.02, 4510.17, 14
4729.99, 4742.03, 5103.0319, 5119.36, 5119.37, 15
5119.93, 5119.94, 5120.53, 5153.111, and 5502.13 16
and to enact sections 181.27, 2925.031, 17
2925.032, 2925.111, and 2925.112 of the Revised 18
Code to modify the controlled substance 19
possession and trafficking prohibitions and 20
penalties, modify the drug and alcohol abuse 21
civil commitment mechanism, require the State 22

Criminal Sentencing Commission to study the 23
impact of those changes, and prohibit 24
restraining or confining a woman or child who is 25
a charged, convicted, or adjudicated criminal 26
offender or delinquent child at certain points 27
during pregnancy or postpartum recovery. 28

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

Section 1. That sections 1901.186, 1901.20, 1907.02, 29
2901.13, 2923.02, 2923.13, 2925.01, 2925.03, 2925.11, 2929.01, 30
2929.13, 2929.14, 2929.15, 2931.03, 2941.1410, 2945.71, 2953.31, 31
2953.32, 2953.52, 2981.01, 5119.93, and 5119.94 be amended and 32
sections 181.27, 2925.031, 2925.032, 2925.111, and 2925.112 of 33
the Revised Code be enacted to read as follows: 34

Sec. 181.27. (A) In addition to its duties set forth in 35
sections 181.23 to 181.26 of the Revised Code, the state 36
criminal sentencing commission is hereby designated a criminal 37
justice agency, as defined in section 109.571 of the Revised 38
Code, and as such is authorized by this state to apply for 39
access to the computerized databases administered by the 40
national crime information center or the law enforcement 41
automated data system in Ohio, and to other computerized 42
databases administered for the purpose of making criminal 43
justice information accessible to state criminal justice 44
agencies. 45

(B) In addition to its duties set forth in sections 181.23 46
to 181.26 of the Revised Code, the state criminal sentencing 47
commission shall do all of the following: 48

(1) Within ninety days after the effective date of this 49
section, pursuant to section 181.23 of the Revised Code, 50
commence a study of the impact of sections relevant to the act 51
in which this section is enacted, including but not limited to, 52
changes to sections 1901.20, 1907.02, 2925.01 to 2925.51, 53
2941.1410, 2953.31, 2953.32, 2953.52, 5119.93, and 5119.94 of 54
the Revised Code, and continue studying that impact on an 55
ongoing basis. 56

(2) Not later than December 31, 2020, and biennially 57
thereafter, submit to the general assembly and the governor its 58
findings regarding the study described in division (B)(1) of 59
this section, in a report that contains the results of the study 60
and recommendations. 61

Sec. 1901.186. (A) As used in this section: 62

(1) "Felony sex offense" has the same meaning as in 63
section 2967.28 of the Revised Code. 64

(2) "Offense of violence" has the same meaning as in 65
section 2901.01 of the Revised Code. 66

(3) "Informant" means a person who is assisting a law 67
enforcement agency in a criminal investigation by purchasing 68
controlled substances from others in return for compensation 69
from the law enforcement agency. 70

(B) In addition to all other jurisdictions granted a 71
municipal court in this chapter, except as provided in division 72
(C) of this section, the Tiffin-Fostoria municipal court has 73
concurrent jurisdiction with the Seneca county court of common 74
pleas in all criminal actions or proceedings to which both of 75
the following apply: 76

(1) The court finds that the offender's addiction to a 77

drug of abuse was the primary factor leading to the offender's	78
commission of the offense charged.	79
(2) The offender is admitted to participate in the	80
participating in victory of transition (PIVOT) drug recovery	81
program.	82
(C) The Tiffin-Fostoria municipal court does not have	83
concurrent jurisdiction with the Seneca county court of common	84
pleas in a criminal action or proceeding when any of the	85
following applies:	86
(1) The defendant is not a resident of Seneca county.	87
(2) The defendant is charged with a felony offense of	88
violence.	89
(3) The defendant is charged with a felony sex offense or	90
has a duty to comply with sections 2950.04, 2950.041, 2950.05,	91
and 2950.06 of the Revised Code.	92
(4) The defendant is charged with a felony violation of	93
section 2925.04 or 2925.041 of the Revised Code.	94
(5) The defendant is under a community control sanction or	95
post-release control sanction imposed by another court or is on	96
parole or probation under the supervision of another	97
jurisdiction.	98
(6) Criminal proceedings are pending against the defendant	99
for a felony offense in another jurisdiction.	100
(7) The defendant is serving a prison term imposed by	101
another court.	102
(8) The defendant is engaged as an informant for a law	103
enforcement agency.	104

(D) Division (A) (3) of section 1901.20 of the Revised Code 105
does not apply to the Tiffin-Fostoria municipal court. 106

(E) The concurrent jurisdiction granted by this section 107
shall expire five years after ~~the effective date of this section~~ 108
August 1, 2018, unless renewed or made permanent by the general 109
assembly prior to its expiration. 110

Sec. 1901.20. (A) (1) The municipal court has jurisdiction 111
to hear misdemeanor cases committed within its territory, 112
subject to division (A) (3) of this section, and has jurisdiction 113
over the violation of any ordinance of any municipal corporation 114
within its territory, including exclusive jurisdiction over 115
every civil action concerning a violation of a state traffic law 116
or a municipal traffic ordinance. The municipal court does not 117
have jurisdiction over a violation that is required to be 118
handled by a parking violations bureau or joint parking 119
violations bureau pursuant to Chapter 4521. of the Revised Code. 120
However, the municipal court has jurisdiction over the violation 121
of a vehicle parking or standing resolution or regulation if a 122
local authority, as defined in division (D) of section 4521.01 123
of the Revised Code, has specified that it is not to be 124
considered a criminal offense, if the violation is committed 125
within the limits of the court's territory, and if the violation 126
is not required to be handled by a parking violations bureau or 127
joint parking violations bureau pursuant to Chapter 4521. of the 128
Revised Code. 129

The municipal court, if it has a housing or environmental 130
division, has jurisdiction over any criminal action over which 131
the housing or environmental division is given jurisdiction by 132
section 1901.181 of the Revised Code, provided that, except as 133
specified in division (B) of that section, no judge of the court 134

other than the judge of the division shall hear or determine any 135
action over which the division has jurisdiction. In all such 136
prosecutions and cases, the court shall proceed to a final 137
determination of the prosecution or case. 138

(2) A judge of a municipal court does not have the 139
authority to dismiss a criminal complaint, charge, information, 140
or indictment solely at the request of the complaining witness 141
and over the objection of the prosecuting attorney, village 142
solicitor, city director of law, or other chief legal officer 143
who is responsible for the prosecution of the case. 144

(3) If a person commits a reclassified misdemeanor drug 145
possession offense within the territory of a municipal court and 146
the person is charged with the offense, the charges in the case 147
shall be filed in the court of common pleas of the county in 148
which the offense was committed. The court of common pleas has 149
exclusive jurisdiction over all actions or proceedings in the 150
case. 151

(4) As used in division (A) (3) of this section, 152
"reclassified misdemeanor drug possession offense" means any 153
violation of section 2925.11, 2925.111, or 2925.112 of the 154
Revised Code committed on or after the effective date of this 155
amendment or of the version of section 2925.11 of the Revised 156
Code that was in effect prior to the effective date of this 157
amendment and was committed prior to that effective date, and to 158
which all of the following apply: 159

(a) Prior to the effective date of this amendment, the 160
conduct constituting the violation was a felony under the 161
version of section 2925.11 of the Revised Code that then was in 162
effect. 163

(b) On the effective date of this amendment, the offense 164
classification of the felony violation referred to in division 165
(A) (4) (a) of this section was reduced to a misdemeanor under the 166
version of section 2925.11, 2925.111, or 2925.112 of the Revised 167
Code that took effect on that date. 168

(c) If the offense is a violation of the version of 169
section 2925.11 of the Revised Code that was in effect prior to 170
the effective date of this amendment and was committed prior to 171
that effective date, the penalty, forfeiture, or punishment for 172
that violation has not been imposed as of the effective date of 173
this amendment. 174

(B) The municipal court has jurisdiction to hear felony 175
cases committed within its territory. In all felony cases, the 176
court may conduct preliminary hearings and other necessary 177
hearings prior to the indictment of the defendant or prior to 178
the court's finding that there is probable and reasonable cause 179
to hold or recognize the defendant to appear before a court of 180
common pleas and may discharge, recognize, or commit the 181
defendant. 182

(C) A municipal court has jurisdiction over an appeal from 183
a judgment or default judgment entered pursuant to Chapter 4521. 184
of the Revised Code, as authorized by division (D) of section 185
4521.08 of the Revised Code. The appeal shall be placed on the 186
regular docket of the court and shall be determined by a judge 187
of the court. 188

(D) As used in this section, "violation of a state traffic 189
law or a municipal traffic ordinance" includes, but is not 190
limited to, a traffic law violation recorded by a traffic law 191
photo-monitoring device, as defined in section 4511.092 of the 192
Revised Code. 193

Sec. 1907.02. (A) (1) In addition to other jurisdiction 194
granted a county court in the Revised Code, a county court has 195
jurisdiction of all misdemeanor cases, subject to division (A) 196
(3) of this section. A county court has jurisdiction to conduct 197
preliminary hearings in felony cases, to bind over alleged 198
felons to the court of common pleas, and to take other action in 199
felony cases as authorized by Criminal Rule 5. 200

(2) A judge of a county court does not have the authority 201
to dismiss a criminal complaint, charge, information, or 202
indictment solely at the request of the complaining witness and 203
over the objection of the prosecuting attorney, village 204
solicitor, city director of law, or other chief legal officer 205
who is responsible for the prosecution of the case. 206

(3) If a person commits a reclassified misdemeanor drug 207
possession offense within the territory of a county court and 208
the person is charged with the offense, the charges in the case 209
shall be filed in the court of common pleas of the county in 210
which the offense was committed. The court of common pleas has 211
exclusive jurisdiction over all actions or proceedings in the 212
case. 213

(4) As used in division (A) (3) of this section, 214
"reclassified misdemeanor drug possession offense" has the same 215
meaning as in section 1901.20 of the Revised Code. 216

(B) A county court has jurisdiction of the violation of a 217
vehicle parking or standing ordinance, resolution, or regulation 218
if a local authority, as defined in division (D) of section 219
4521.01 of the Revised Code, has specified that it is not to be 220
considered a criminal offense, if the violation is committed 221
within the limits of the court's territory, and if the violation 222
is not required to be handled by a parking violations bureau or 223

joint parking violations bureau pursuant to Chapter 4521. of the 224
Revised Code. A county court does not have jurisdiction over 225
violations of ordinances, resolutions, or regulations that are 226
required to be handled by a parking violations bureau or joint 227
parking violations bureau pursuant to that chapter. 228

A county court also has jurisdiction of an appeal from a 229
judgment or default judgment entered pursuant to Chapter 4521. 230
of the Revised Code, as authorized by division (D) of section 231
4521.08 of the Revised Code. Any such appeal shall be placed on 232
the regular docket of the court and shall be determined by a 233
judge of the court. 234

(C) A county court has exclusive jurisdiction over every 235
civil action concerning a violation of a state traffic law or a 236
municipal traffic ordinance, if the violation is committed 237
within the limits of the court's territory. 238

(D) As used in this section, "violation of a state traffic 239
law or a municipal traffic ordinance" has the same meaning as in 240
section 1901.20 of the Revised Code. 241

Sec. 2901.13. (A) (1) Except as provided in division (A) 242
(2), (3), or (4) of this section or as otherwise provided in 243
this section, a prosecution shall be barred unless it is 244
commenced within the following periods after an offense is 245
committed: 246

(a) For a felony, six years; 247

(b) For a misdemeanor other than a minor misdemeanor, two 248
years; 249

(c) For a minor misdemeanor, six months. 250

(2) There is no period of limitation for the prosecution 251

of a violation of section 2903.01 or 2903.02 of the Revised Code.	252 253
(3) Except as otherwise provided in divisions (B) to (J) of this section, a prosecution of any of the following offenses shall be barred unless it is commenced within twenty years after the offense is committed:	254 255 256 257
(a) A violation of section 2903.03, 2903.04, 2905.01, 2905.32, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, or 2917.02 of the Revised Code, a violation of section 2903.11 or 2903.12 of the Revised Code if the victim is a peace officer, a violation of section 2903.13 of the Revised Code that is a felony, or a violation of former section 2907.12 of the Revised Code;	258 259 260 261 262 263 264 265
(b) A conspiracy to commit, attempt to commit, or complicity in committing a violation set forth in division (A) (3) (a) of this section.	266 267 268
(4) Except as otherwise provided in divisions (D) to (L) of this section, a prosecution of a violation of section 2907.02 or 2907.03 of the Revised Code or a conspiracy to commit, attempt to commit, or complicity in committing a violation of either section shall be barred unless it is commenced within twenty-five years after the offense is committed.	269 270 271 272 273 274
(B) (1) Except as otherwise provided in division (B) (2) of this section, if the period of limitation provided in division (A) (1) or (3) of this section has expired, prosecution shall be commenced for an offense of which an element is fraud or breach of a fiduciary duty, within one year after discovery of the offense either by an aggrieved person, or by the aggrieved	275 276 277 278 279 280

person's legal representative who is not a party to the offense.	281
(2) If the period of limitation provided in division (A)	282
(1) or (3) of this section has expired, prosecution for a	283
violation of section 2913.49 of the Revised Code shall be	284
commenced within five years after discovery of the offense	285
either by an aggrieved person or the aggrieved person's legal	286
representative who is not a party to the offense.	287
(C) (1) If the period of limitation provided in division	288
(A) (1) or (3) of this section has expired, prosecution shall be	289
commenced for the following offenses during the following	290
specified periods of time:	291
(a) For an offense involving misconduct in office by a	292
public servant, at any time while the accused remains a public	293
servant, or within two years thereafter;	294
(b) For an offense by a person who is not a public servant	295
but whose offense is directly related to the misconduct in	296
office of a public servant, at any time while that public	297
servant remains a public servant, or within two years	298
thereafter.	299
(2) As used in this division:	300
(a) An "offense is directly related to the misconduct in	301
office of a public servant" includes, but is not limited to, a	302
violation of section 101.71, 101.91, 121.61 or 2921.13, division	303
(F) or (H) of section 102.03, division (A) of section 2921.02,	304
division (A) or (B) of section 2921.43, or division (F) or (G)	305
of section 3517.13 of the Revised Code, that is directly related	306
to an offense involving misconduct in office of a public	307
servant.	308
(b) "Public servant" has the same meaning as in section	309

2921.01 of the Revised Code. 310

(D) (1) If a DNA record made in connection with the 311
criminal investigation of the commission of a violation of 312
section 2907.02 or 2907.03 of the Revised Code is determined to 313
match another DNA record that is of an identifiable person and 314
if the time of the determination is later than twenty-five years 315
after the offense is committed, prosecution of that person for a 316
violation of the section may be commenced within five years 317
after the determination is complete. 318

(2) If a DNA record made in connection with the criminal 319
investigation of the commission of a violation of section 320
2907.02 or 2907.03 of the Revised Code is determined to match 321
another DNA record that is of an identifiable person and if the 322
time of the determination is within twenty-five years after the 323
offense is committed, prosecution of that person for a violation 324
of the section may be commenced within the longer of twenty-five 325
years after the offense is committed or five years after the 326
determination is complete. 327

(3) As used in this division, "DNA record" has the same 328
meaning as in section 109.573 of the Revised Code. 329

(E) An offense is committed when every element of the 330
offense occurs. In the case of an offense of which an element is 331
a continuing course of conduct, the period of limitation does 332
not begin to run until such course of conduct or the accused's 333
accountability for it terminates, whichever occurs first. 334

(F) A prosecution is commenced on the date an indictment 335
is returned or an information filed, or on the date a lawful 336
arrest without a warrant is made, or on the date a warrant, 337
summons, citation, or other process is issued, whichever occurs 338

first. A prosecution is not commenced by the return of an 339
indictment or the filing of an information unless reasonable 340
diligence is exercised to issue and execute process on the same. 341
A prosecution is not commenced upon issuance of a warrant, 342
summons, citation, or other process, unless reasonable diligence 343
is exercised to execute the same. 344

(G) The period of limitation shall not run during any time 345
when the corpus delicti remains undiscovered. 346

(H) The period of limitation shall not run during any time 347
when the accused purposely avoids prosecution. Proof that the 348
accused departed this state or concealed the accused's identity 349
or whereabouts is prima-facie evidence of the accused's purpose 350
to avoid prosecution. 351

(I) The period of limitation shall not run during any time 352
a prosecution against the accused based on the same conduct is 353
pending in this state, even though the indictment, information, 354
or process that commenced the prosecution is quashed or the 355
proceedings on the indictment, information, or process are set 356
aside or reversed on appeal. 357

(J) The period of limitation for a violation of any 358
provision of Title XXIX of the Revised Code that involves a 359
physical or mental wound, injury, disability, or condition of a 360
nature that reasonably indicates abuse or neglect of a child 361
under eighteen years of age or of a child with a developmental 362
disability or physical impairment under twenty-one years of age 363
shall not begin to run until either of the following occurs: 364

(1) The victim of the offense reaches the age of majority. 365

(2) A public children services agency, or a municipal or 366
county peace officer that is not the parent or guardian of the 367

child, in the county in which the child resides or in which the 368
abuse or neglect is occurring or has occurred has been notified 369
that abuse or neglect is known, suspected, or believed to have 370
occurred. 371

(K) As used in this section, "peace officer" has the same 372
meaning as in section 2935.01 of the Revised Code. 373

(L) The amendments to divisions (A) and (D) of this 374
section apply to a violation of section 2907.02 or 2907.03 of 375
the Revised Code committed on and after July 16, 2015, and apply 376
to a violation of either of those sections committed prior to 377
July 16, 2015, if prosecution for that violation was not barred 378
under this section as it existed on the day prior to July 16, 379
2015. 380

(M) If, prior to the effective date of this amendment, a 381
person committed a violation of the version of section 2925.11 382
of the Revised Code that was in effect prior to that effective 383
date, if the violation at the time it was committed was a 384
felony, if the violation is changed on that effective date to an 385
unclassified misdemeanor, and if the prosecution of the person 386
for that violation has not been commenced prior to that 387
effective date, notwithstanding the change of the classification 388
of the violation to an unclassified misdemeanor, on and after 389
that effective date, any prosecution of the person for the 390
violation shall be commenced within the times specified in 391
divisions (A) to (L) of this section that would apply to the 392
violation if it had remained as a felony. 393

Sec. 2923.02. (A) No person, purposely or knowingly, and 394
when purpose or knowledge is sufficient culpability for the 395
commission of an offense, shall engage in conduct that, if 396
successful, would constitute or result in the offense. 397

(B) It is no defense to a charge under this section that, 398
in retrospect, commission of the offense that was the object of 399
the attempt was either factually or legally impossible under the 400
attendant circumstances, if that offense could have been 401
committed had the attendant circumstances been as the actor 402
believed them to be. 403

(C) No person who is convicted of committing a specific 404
offense, of complicity in the commission of an offense, or of 405
conspiracy to commit an offense shall be convicted of an attempt 406
to commit the same offense in violation of this section. 407

(D) It is an affirmative defense to a charge under this 408
section that the actor abandoned the actor's effort to commit 409
the offense or otherwise prevented its commission, under 410
circumstances manifesting a complete and voluntary renunciation 411
of the actor's criminal purpose. 412

(E) (1) Whoever violates this section is guilty of an 413
attempt to commit an offense. An attempt to commit aggravated 414
murder, murder, or an offense for which the maximum penalty is 415
imprisonment for life is a felony of the first degree. An 416
attempt to commit a drug abuse offense for which the penalty is 417
determined by the amount or number of unit doses of the 418
controlled substance involved in the drug abuse offense is an 419
offense of the same degree as the drug abuse offense attempted 420
would be if that drug abuse offense had been committed and had 421
involved an amount or number of unit doses of the controlled 422
substance that is within the next lower range of controlled 423
substance amounts than was involved in the attempt. ~~An Except as~~ 424
otherwise provided in this division, an attempt to commit any 425
other offense is an offense of the next lesser degree than the 426
offense attempted. An attempt to commit a violation of any 427

provision of Chapter 2925. of the Revised Code that is an 428
unclassified misdemeanor shall be a misdemeanor of the first 429
degree, but, notwithstanding the provisions of Chapter 2929. of 430
the Revised Code that generally govern the sentencing of an 431
offender convicted of a misdemeanor of the first degree, the 432
court sentencing the offender shall have available any 433
sentencing alternative that would be available for the 434
unclassified misdemeanor if it had been committed. In the case 435
of an attempt to commit an offense other than a violation of 436
Chapter 3734. of the Revised Code that is not specifically 437
classified, an attempt is a misdemeanor of the first degree if 438
the offense attempted is a felony, and a misdemeanor of the 439
fourth degree if the offense attempted is a misdemeanor. In the 440
case of an attempt to commit a violation of any provision of 441
Chapter 3734. of the Revised Code, other than section 3734.18 of 442
the Revised Code, that relates to hazardous wastes, an attempt 443
is a felony punishable by a fine of not more than twenty-five 444
thousand dollars or imprisonment for not more than eighteen 445
months, or both. An attempt to commit a minor misdemeanor, or to 446
engage in conspiracy, is not an offense under this section. 447

(2) If a person is convicted of or pleads guilty to 448
attempted rape and also is convicted of or pleads guilty to a 449
specification of the type described in section 2941.1418, 450
2941.1419, or 2941.1420 of the Revised Code, the offender shall 451
be sentenced to a prison term or term of life imprisonment 452
pursuant to section 2971.03 of the Revised Code. 453

(3) In addition to any other sanctions imposed pursuant to 454
division (E)(1) of this section for an attempt to commit 455
aggravated murder or murder in violation of division (A) of this 456
section, if the offender used a motor vehicle as the means to 457
attempt to commit the offense, the court shall impose upon the 458

offender a class two suspension of the offender's driver's 459
license, commercial driver's license, temporary instruction 460
permit, probationary license, or nonresident operating privilege 461
as specified in division (A)(2) of section 4510.02 of the 462
Revised Code. 463

(4) If a person is convicted of or found guilty of an 464
attempt to commit aggravated murder of the type described in 465
division (E) or (F) of section 2903.01 of the Revised Code, the 466
court shall impose as a mandatory prison term one of the prison 467
terms prescribed for a felony of the first degree. 468

(F) As used in this section: 469

(1) "Drug abuse offense" has the same meaning as in 470
section 2925.01 of the Revised Code. 471

(2) "Motor vehicle" has the same meaning as in section 472
4501.01 of the Revised Code. 473

Sec. 2923.13. (A) Unless relieved from disability under 474
operation of law or legal process, no person shall knowingly 475
acquire, have, carry, or use any firearm or dangerous ordnance, 476
if any of the following apply: 477

(1) The person is a fugitive from justice. 478

(2) The person is under indictment for or has been 479
convicted of any felony offense of violence or has been 480
adjudicated a delinquent child for the commission of an offense 481
that, if committed by an adult, would have been a felony offense 482
of violence. 483

(3) The person is under indictment for or has been 484
convicted of any felony offense involving the illegal 485
possession, use, sale, administration, distribution, or 486

trafficking in any drug of abuse ~~or~~, is charged with or has been 487
convicted of any unclassified misdemeanor offense involving the 488
illegal possession of a controlled substance, has been 489
adjudicated a delinquent child for the commission of an offense 490
that, if committed by an adult, would have been a felony offense 491
involving the illegal possession, use, sale, administration, 492
distribution, or trafficking in any drug of abuse, or has been 493
adjudicated a delinquent child for the commission of an offense 494
that, if committed by an adult, would have been an unclassified 495
misdemeanor offense involving the illegal possession of a 496
controlled substance. 497

(4) The person is drug dependent, in danger of drug 498
dependence, or a chronic alcoholic. 499

(5) The person is under adjudication of mental 500
incompetence, has been adjudicated as a mental defective, has 501
been committed to a mental institution, has been found by a 502
court to be a mentally ill person subject to court order, or is 503
an involuntary patient other than one who is a patient only for 504
purposes of observation. As used in this division, "mentally ill 505
person subject to court order" and "patient" have the same 506
meanings as in section 5122.01 of the Revised Code. 507

(B) Whoever violates this section is guilty of having 508
weapons while under disability, a felony of the third degree. 509

(C) For the purposes of this section, "under operation of 510
law or legal process" shall not itself include mere completion, 511
termination, or expiration of a sentence imposed as a result of 512
a criminal conviction. 513

Sec. 2925.01. As used in this chapter: 514

(A) "Administer," "controlled substance," "controlled 515

substance analog," "dispense," "distribute," "hypodermic," 516
"manufacturer," "official written order," "person," 517
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 518
"schedule III," "schedule IV," "schedule V," and "wholesaler" 519
have the same meanings as in section 3719.01 of the Revised 520
Code. 521

(B) "Drug dependent person" and "drug of abuse" have the 522
same meanings as in section 3719.011 of the Revised Code. 523

(C) "Drug," "dangerous drug," "licensed health 524
professional authorized to prescribe drugs," and "prescription" 525
have the same meanings as in section 4729.01 of the Revised 526
Code. 527

(D) "Bulk amount" of a controlled substance means any of 528
the following: 529

(1) For any compound, mixture, preparation, or substance 530
included in schedule I, schedule II, or schedule III, with the 531
exception of any controlled substance analog, marihuana, 532
cocaine, L.S.D., heroin, any fentanyl-related compound, and 533
hashish and except as provided in division (D) (2), (5), or (6) 534
of this section, whichever of the following is applicable: 535

(a) An amount equal to or exceeding ten grams or twenty- 536
five unit doses of a compound, mixture, preparation, or 537
substance that is or contains any amount of a schedule I opiate 538
or opium derivative; 539

(b) An amount equal to or exceeding ten grams of a 540
compound, mixture, preparation, or substance that is or contains 541
any amount of raw or gum opium; 542

(c) An amount equal to or exceeding thirty grams or ten 543
unit doses of a compound, mixture, preparation, or substance 544

that is or contains any amount of a schedule I hallucinogen 545
other than tetrahydrocannabinol or lysergic acid amide, or a 546
schedule I stimulant or depressant; 547

(d) An amount equal to or exceeding twenty grams or five 548
times the maximum daily dose in the usual dose range specified 549
in a standard pharmaceutical reference manual of a compound, 550
mixture, preparation, or substance that is or contains any 551
amount of a schedule II opiate or opium derivative; 552

(e) An amount equal to or exceeding five grams or ten unit 553
doses of a compound, mixture, preparation, or substance that is 554
or contains any amount of phencyclidine; 555

(f) An amount equal to or exceeding one hundred twenty 556
grams or thirty times the maximum daily dose in the usual dose 557
range specified in a standard pharmaceutical reference manual of 558
a compound, mixture, preparation, or substance that is or 559
contains any amount of a schedule II stimulant that is in a 560
final dosage form manufactured by a person authorized by the 561
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 562
U.S.C.A. 301, as amended, and the federal drug abuse control 563
laws, as defined in section 3719.01 of the Revised Code, that is 564
or contains any amount of a schedule II depressant substance or 565
a schedule II hallucinogenic substance; 566

(g) An amount equal to or exceeding three grams of a 567
compound, mixture, preparation, or substance that is or contains 568
any amount of a schedule II stimulant, or any of its salts or 569
isomers, that is not in a final dosage form manufactured by a 570
person authorized by the Federal Food, Drug, and Cosmetic Act 571
and the federal drug abuse control laws. 572

(2) An amount equal to or exceeding one hundred twenty 573

grams or thirty times the maximum daily dose in the usual dose 574
range specified in a standard pharmaceutical reference manual of 575
a compound, mixture, preparation, or substance that is or 576
contains any amount of a schedule III or IV substance other than 577
an anabolic steroid or a schedule III opiate or opium 578
derivative; 579

(3) An amount equal to or exceeding twenty grams or five 580
times the maximum daily dose in the usual dose range specified 581
in a standard pharmaceutical reference manual of a compound, 582
mixture, preparation, or substance that is or contains any 583
amount of a schedule III opiate or opium derivative; 584

(4) An amount equal to or exceeding two hundred fifty 585
milliliters or two hundred fifty grams of a compound, mixture, 586
preparation, or substance that is or contains any amount of a 587
schedule V substance; 588

(5) An amount equal to or exceeding two hundred solid 589
dosage units, sixteen grams, or sixteen milliliters of a 590
compound, mixture, preparation, or substance that is or contains 591
any amount of a schedule III anabolic steroid; 592

(6) For any compound, mixture, preparation, or substance 593
that is a combination of a fentanyl-related compound and any 594
other compound, mixture, preparation, or substance included in 595
schedule III, schedule IV, or schedule V, if the defendant is 596
charged with a violation of section 2925.11 of the Revised Code 597
and the sentencing provisions set forth in divisions (C) ~~(10)~~ (5) 598
(b) and (C) ~~(11)~~ (6) of that section will not apply regarding the 599
defendant and the violation, the bulk amount of the controlled 600
substance for purposes of the violation is the amount specified 601
in division (D) (1), (2), (3), (4), or (5) of this section for 602
the other schedule III, IV, or V controlled substance that is 603

combined with the fentanyl-related compound. 604

(E) "Unit dose" means an amount or unit of a compound, 605
mixture, or preparation containing a controlled substance that 606
is separately identifiable and in a form that indicates that it 607
is the amount or unit by which the controlled substance is 608
separately administered to or taken by an individual. 609

(F) "Cultivate" includes planting, watering, fertilizing, 610
or tilling. 611

(G) "Drug abuse offense" means any of the following: 612

(1) A violation of division (A) of section 2913.02 that 613
constitutes theft of drugs, or a violation of section 2925.02, 614
2925.03, 2925.031, 2925.032, 2925.04, 2925.041, 2925.05, 615
2925.06, 2925.11, 2925.111, 2925.112, 2925.12, 2925.13, 2925.22, 616
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the 617
Revised Code; 618

(2) A violation of an existing or former law of this or 619
any other state or of the United States that is substantially 620
equivalent to any section listed in division (G)(1) of this 621
section; 622

(3) An offense under an existing or former law of this or 623
any other state, or of the United States, of which planting, 624
cultivating, harvesting, processing, making, manufacturing, 625
producing, shipping, transporting, delivering, acquiring, 626
possessing, storing, distributing, dispensing, selling, inducing 627
another to use, administering to another, using, or otherwise 628
dealing with a controlled substance is an element; 629

(4) A conspiracy to commit, attempt to commit, or 630
complicity in committing or attempting to commit any offense 631
under division (G)(1), (2), or (3) of this section. 632

(H) "Felony drug abuse offense" means any drug abuse 633
offense that would constitute, or that at the time it was 634
committed constituted, a felony under the laws of this state, 635
any other state, or the United States. 636

(I) "Harmful intoxicant" does not include beer or 637
intoxicating liquor but means any of the following: 638

(1) Any compound, mixture, preparation, or substance the 639
gas, fumes, or vapor of which when inhaled can induce 640
intoxication, excitement, giddiness, irrational behavior, 641
depression, stupefaction, paralysis, unconsciousness, 642
asphyxiation, or other harmful physiological effects, and 643
includes, but is not limited to, any of the following: 644

(a) Any volatile organic solvent, plastic cement, model 645
cement, fingernail polish remover, lacquer thinner, cleaning 646
fluid, gasoline, or other preparation containing a volatile 647
organic solvent; 648

(b) Any aerosol propellant; 649

(c) Any fluorocarbon refrigerant; 650

(d) Any anesthetic gas. 651

(2) Gamma Butyrolactone; 652

(3) 1,4 Butanediol. 653

(J) "Manufacture" means to plant, cultivate, harvest, 654
process, make, prepare, or otherwise engage in any part of the 655
production of a drug, by propagation, extraction, chemical 656
synthesis, or compounding, or any combination of the same, and 657
includes packaging, repackaging, labeling, and other activities 658
incident to production. 659

(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.

(N) "Juvenile" means a person under eighteen years of age.

(O) "Counterfeit controlled substance" means any of the following:

(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;

(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;

(4) Any substance other than a controlled substance that a

reasonable person would believe to be a controlled substance 688
because of its similarity in shape, size, and color, or its 689
markings, labeling, packaging, distribution, or the price for 690
which it is sold or offered for sale. 691

(P) An offense is "committed in the vicinity of a school" 692
if the offender commits the offense on school premises, in a 693
school building, or within one thousand feet of the boundaries 694
of any school premises, regardless of whether the offender knows 695
the offense is being committed on school premises, in a school 696
building, or within one thousand feet of the boundaries of any 697
school premises. 698

(Q) "School" means any school operated by a board of 699
education, any community school established under Chapter 3314. 700
of the Revised Code, or any nonpublic school for which the state 701
board of education prescribes minimum standards under section 702
3301.07 of the Revised Code, whether or not any instruction, 703
extracurricular activities, or training provided by the school 704
is being conducted at the time a criminal offense is committed. 705

(R) "School premises" means either of the following: 706

(1) The parcel of real property on which any school is 707
situated, whether or not any instruction, extracurricular 708
activities, or training provided by the school is being 709
conducted on the premises at the time a criminal offense is 710
committed; 711

(2) Any other parcel of real property that is owned or 712
leased by a board of education of a school, the governing 713
authority of a community school established under Chapter 3314. 714
of the Revised Code, or the governing body of a nonpublic school 715
for which the state board of education prescribes minimum 716

standards under section 3301.07 of the Revised Code and on which 717
some of the instruction, extracurricular activities, or training 718
of the school is conducted, whether or not any instruction, 719
extracurricular activities, or training provided by the school 720
is being conducted on the parcel of real property at the time a 721
criminal offense is committed. 722

(S) "School building" means any building in which any of 723
the instruction, extracurricular activities, or training 724
provided by a school is conducted, whether or not any 725
instruction, extracurricular activities, or training provided by 726
the school is being conducted in the school building at the time 727
a criminal offense is committed. 728

(T) "Disciplinary counsel" means the disciplinary counsel 729
appointed by the board of commissioners on grievances and 730
discipline of the supreme court under the Rules for the 731
Government of the Bar of Ohio. 732

(U) "Certified grievance committee" means a duly 733
constituted and organized committee of the Ohio state bar 734
association or of one or more local bar associations of the 735
state of Ohio that complies with the criteria set forth in Rule 736
V, section 6 of the Rules for the Government of the Bar of Ohio. 737

(V) "Professional license" means any license, permit, 738
certificate, registration, qualification, admission, temporary 739
license, temporary permit, temporary certificate, or temporary 740
registration that is described in divisions (W) (1) to (37) of 741
this section and that qualifies a person as a professionally 742
licensed person. 743

(W) "Professionally licensed person" means any of the 744
following: 745

(1) A person who has received a certificate or temporary	746
certificate as a certified public accountant or who has	747
registered as a public accountant under Chapter 4701. of the	748
Revised Code and who holds an Ohio permit issued under that	749
chapter;	750
(2) A person who holds a certificate of qualification to	751
practice architecture issued or renewed and registered under	752
Chapter 4703. of the Revised Code;	753
(3) A person who is registered as a landscape architect	754
under Chapter 4703. of the Revised Code or who holds a permit as	755
a landscape architect issued under that chapter;	756
(4) A person licensed under Chapter 4707. of the Revised	757
Code;	758
(5) A person who has been issued a certificate of	759
registration as a registered barber under Chapter 4709. of the	760
Revised Code;	761
(6) A person licensed and regulated to engage in the	762
business of a debt pooling company by a legislative authority,	763
under authority of Chapter 4710. of the Revised Code;	764
(7) A person who has been issued a cosmetologist's	765
license, hair designer's license, manicurist's license,	766
esthetician's license, natural hair stylist's license, advanced	767
cosmetologist's license, advanced hair designer's license,	768
advanced manicurist's license, advanced esthetician's license,	769
advanced natural hair stylist's license, cosmetology	770
instructor's license, hair design instructor's license,	771
manicurist instructor's license, esthetics instructor's license,	772
natural hair style instructor's license, independent	773
contractor's license, or tanning facility permit under Chapter	774

4713. of the Revised Code;	775
(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	776 777 778 779 780
(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	781 782 783 784 785
(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	786 787 788 789
(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	790 791 792
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	793 794
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	795 796
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	797 798 799 800
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility,	801 802

third-party logistics provider, repackager of dangerous drugs,	803
wholesale distributor of dangerous drugs, or terminal	804
distributor of dangerous drugs;	805
(16) A person who is authorized to practice as a physician	806
assistant under Chapter 4730. of the Revised Code;	807
(17) A person who has been issued a license to practice	808
medicine and surgery, osteopathic medicine and surgery, or	809
podiatric medicine and surgery under Chapter 4731. of the	810
Revised Code or has been issued a certificate to practice a	811
limited branch of medicine under that chapter;	812
(18) A person licensed as a psychologist or school	813
psychologist under Chapter 4732. of the Revised Code;	814
(19) A person registered to practice the profession of	815
engineering or surveying under Chapter 4733. of the Revised	816
Code;	817
(20) A person who has been issued a license to practice	818
chiropractic under Chapter 4734. of the Revised Code;	819
(21) A person licensed to act as a real estate broker or	820
real estate salesperson under Chapter 4735. of the Revised Code;	821
(22) A person registered as a registered sanitarian under	822
Chapter 4736. of the Revised Code;	823
(23) A person licensed to operate or maintain a junkyard	824
under Chapter 4737. of the Revised Code;	825
(24) A person who has been issued a motor vehicle salvage	826
dealer's license under Chapter 4738. of the Revised Code;	827
(25) A person who has been licensed to act as a steam	828
engineer under Chapter 4739. of the Revised Code;	829

(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	830 831 832 833
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	834 835 836
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	837 838 839
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	840 841 842
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	843 844 845
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	846 847 848
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	849 850 851 852 853 854
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	855 856
(34) A person who has been issued a license or limited	857

permit to practice respiratory therapy under Chapter 4761. of 858
the Revised Code; 859

(35) A person who has been issued a real estate appraiser 860
certificate under Chapter 4763. of the Revised Code; 861

(36) A person who has been issued a home inspector license 862
under Chapter 4764. of the Revised Code; 863

(37) A person who has been admitted to the bar by order of 864
the supreme court in compliance with its prescribed and 865
published rules. 866

(X) "Cocaine" means any of the following: 867

(1) A cocaine salt, isomer, or derivative, a salt of a 868
cocaine isomer or derivative, or the base form of cocaine; 869

(2) Coca leaves or a salt, compound, derivative, or 870
preparation of coca leaves, including ecgonine, a salt, isomer, 871
or derivative of ecgonine, or a salt of an isomer or derivative 872
of ecgonine; 873

(3) A salt, compound, derivative, or preparation of a 874
substance identified in division (X)(1) or (2) of this section 875
that is chemically equivalent to or identical with any of those 876
substances, except that the substances shall not include 877
decocainized coca leaves or extraction of coca leaves if the 878
extractions do not contain cocaine or ecgonine. 879

(Y) "L.S.D." means lysergic acid diethylamide. 880

(Z) "Hashish" means the resin or a preparation of the 881
resin contained in marihuana, whether in solid form or in a 882
liquid concentrate, liquid extract, or liquid distillate form. 883

(AA) "Marihuana" has the same meaning as in section 884

3719.01 of the Revised Code, except that it does not include 885
hashish. 886

(BB) An offense is "committed in the vicinity of a 887
juvenile" if the offender commits the offense within one hundred 888
feet of a juvenile or within the view of a juvenile, regardless 889
of whether the offender knows the age of the juvenile, whether 890
the offender knows the offense is being committed within one 891
hundred feet of or within view of the juvenile, or whether the 892
juvenile actually views the commission of the offense. 893

(CC) "Presumption for a prison term" or "presumption that 894
a prison term shall be imposed" means a presumption, as 895
described in division (D) of section 2929.13 of the Revised 896
Code, that a prison term is a necessary sanction for a felony in 897
order to comply with the purposes and principles of sentencing 898
under section 2929.11 of the Revised Code. 899

(DD) "Major drug offender" has the same meaning as in 900
section 2929.01 of the Revised Code. 901

(EE) "Minor drug possession offense" means ~~either any of~~ 902
the following: 903

(1) A violation of section 2925.11 of the Revised Code as 904
it existed prior to July 1, 1996; 905

(2) A violation of section 2925.11 of the Revised Code as 906
it ~~exists~~ existed on and after July 1, 1996, that ~~is~~ was a 907
misdemeanor or a felony of the fifth degree on or after that 908
date and prior to the effective date of this amendment and that 909
remains a misdemeanor or a felony of the fifth degree on and 910
after the effective date of this amendment; 911

(3) A violation of section 2925.11, 2925.111, or 2925.112 912
of the Revised Code as they exist on and after the effective 913

date of this amendment and that is a misdemeanor or a felony of 914
the fifth degree. 915

(FF) "Mandatory prison term" has the same meaning as in 916
section 2929.01 of the Revised Code. 917

(GG) "Adulterate" means to cause a drug to be adulterated 918
as described in section 3715.63 of the Revised Code. 919

(HH) "Public premises" means any hotel, restaurant, 920
tavern, store, arena, hall, or other place of public 921
accommodation, business, amusement, or resort. 922

(II) "Methamphetamine" means methamphetamine, any salt, 923
isomer, or salt of an isomer of methamphetamine, or any 924
compound, mixture, preparation, or substance containing 925
methamphetamine or any salt, isomer, or salt of an isomer of 926
methamphetamine. 927

(JJ) "Deception" has the same meaning as in section 928
2913.01 of the Revised Code. 929

(KK) "Fentanyl-related compound" means any of the 930
following: 931

(1) Fentanyl; 932

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 933
phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2- 934
phenylethyl)-4-(N-propanilido) piperidine); 935

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 936
thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide); 937

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 938
piperidinyl]-N-phenylpropanamide); 939

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 940

hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-	941
phenylpropanamide);	942
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-	943
piperidyl]-N- phenylpropanamide);	944
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-	945
(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	946
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-	947
phenethyl)-4-piperidinyl]propanamide;	948
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-	949
piperidinyl]-propanamide;	950
(10) Alfentanil;	951
(11) Carfentanil;	952
(12) Remifentanil;	953
(13) Sufentanil;	954
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-	955
phenethyl)-4-piperidinyl]-N-phenylacetamide); and	956
(15) Any compound that meets all of the following fentanyl	957
pharmacophore requirements to bind at the mu receptor, as	958
identified by a report from an established forensic laboratory,	959
including acetylfentanyl, furanylfentanyl, valerylfentanyl,	960
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl,	961
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-	962
fluorofentanyl:	963
(a) A chemical scaffold consisting of both of the	964
following:	965
(i) A five, six, or seven member ring structure containing	966
a nitrogen, whether or not further substituted;	967

(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.

(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;

(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and

(d) The compound has not been approved for medical use by the United States food and drug administration.

(LL) "First degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A) (1) (b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after the effective date of this amendment, it means one of the minimum prison terms prescribed in division (A) (1) (a) of that section for a felony of the first degree.

(MM) "Second degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A) (2) (b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed on or after the effective date of this amendment, it means one of the minimum prison terms prescribed in division (A) (2) (a) of that section for a felony of the second degree.

(NN) "Maximum first degree felony mandatory prison term" means the maximum definite prison term prescribed in division (A) (1) (b) of section 2929.14 of the Revised Code for a felony of

the first degree, except that if the violation for which 997
sentence is being imposed is committed on or after the effective 998
date of this amendment, it means the longest minimum prison term 999
prescribed in division (A) (1) (a) of that section for a felony of 1000
the first degree. 1001

(OO) "Maximum second degree felony mandatory prison term" 1002
means the maximum definite prison term prescribed in division 1003
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 1004
the second degree, except that if the violation for which 1005
sentence is being imposed is committed on or after the effective 1006
date of this amendment, it means the longest minimum prison term 1007
prescribed in division (A) (2) (a) of that section for a felony of 1008
the second degree. 1009

(PP) "Sexual assault-enabling drug" means any of the 1010
following: 1011

(1) Gamma hydroxybutyric acid; 1012

(2) Flunitrazepam; 1013

(3) Ketamine; 1014

(4) Any controlled substance not listed in division (PP) 1015
(1) to (3) of this section, if all of the following apply with 1016
respect to the controlled substance: 1017

(a) An offender convicted of a violation of section 1018
2925.03, 2925.031, 2925.032, or 2925.11 of the Revised Code 1019
possessed the controlled substance immediately prior to, or at 1020
the time of, the violation; 1021

(b) For the purpose of preventing another person's 1022
resistance to sexual activity, the offender knowingly 1023
substantially impaired the other person's judgment or control by 1024

administering the controlled substance to the other person 1025
surreptitiously or by force, threat of force, or deception; 1026

(c) After the administration of the controlled substance 1027
as described in division (PP) (4) (b) of this section, the 1028
offender engaged in sexual activity with the other person to 1029
whom the controlled substance was administered; 1030

(d) Either the offender's possession of the controlled 1031
substance at the time of the conduct described in division (PP) 1032
(4) (b) of this section was in violation of section 2925.11 of 1033
the Revised Code or the offender's possession of the controlled 1034
substance at that time was not in violation of that section but 1035
the offender's use of the controlled substance was not for the 1036
intended purpose for which the offender legally possessed the 1037
controlled substance. 1038

Sec. 2925.03. ~~(A) No~~ (1) (a) Except as otherwise provided 1039
in division (B) of this section, no person shall knowingly do 1040
any of the following: 1041

~~(1) Sell~~ obtain, possess, sell, or offer to sell a 1042
controlled substance or a controlled substance analog; 1043

~~(2) Prepare~~ in an amount listed in division (A) (2) of this 1044
section. 1045

(b) Except as otherwise provided in division (B) of this 1046
section, no person shall prepare for shipment, ship, transport, 1047
deliver, prepare for distribution, or distribute a controlled 1048
substance or a controlled substance analog in an amount listed 1049
in division (A) (2) of this section, when the offender person 1050
knows or has reasonable cause to believe that the controlled 1051
substance or a controlled substance analog is intended for sale 1052
or resale by the offender or another person. 1053

(2) Division (A)(1) of this section applies to conduct 1054
involving any of the following: 1055

(a) If the drug involved in the conduct described in 1056
division (A)(1) of this section is any compound, mixture, 1057
preparation, or substance included in schedule I or schedule II, 1058
other than marihuana, cocaine, L.S.D., heroin, a fentanyl- 1059
related compound, hashish, or a controlled substance analog, an 1060
amount of the drug so involved that equals or exceeds fifty 1061
times the bulk amount; 1062

(b) If the drug involved in the conduct described in 1063
division (A)(1) of this section is cocaine or a compound, 1064
mixture, preparation, or substance containing cocaine, an amount 1065
of the drug so involved that equals or exceeds fifty grams; 1066

(c) If the drug involved in the conduct described in 1067
division (A)(1) of this section is L.S.D. or a compound, 1068
mixture, preparation, or substance containing L.S.D., an amount 1069
of the drug so involved that equals or exceeds five hundred unit 1070
doses of L.S.D. in solid form or equals or exceeds fifty grams 1071
of L.S.D. in liquid concentrate, liquid extract, or liquid 1072
distillate form; 1073

(d) If the drug involved in the conduct described in 1074
division (A)(1) of this section is heroin or a compound, 1075
mixture, preparation, or substance containing heroin, an amount 1076
of the drug so involved that equals or exceeds three hundred 1077
unit doses or thirty grams; 1078

(e) If the drug involved in the conduct described in 1079
division (A)(1) of this section is a fentanyl-related compound 1080
or a compound, mixture, preparation, or substance containing a 1081
fentanyl-related compound, an amount of the drug so involved 1082

that equals or exceeds one hundred unit doses or ten grams; 1083

(f) If the drug involved in the conduct described in 1084
division (A) (1) of this section is marihuana other than hashish 1085
or a compound, mixture, preparation, or substance containing 1086
marihuana other than hashish, an amount of the drug so involved 1087
that equals or exceeds forty thousand grams; 1088

(g) If the drug involved in the conduct described in 1089
division (A) (1) of this section is hashish or a compound, 1090
mixture, preparation, or substance containing hashish, an amount 1091
of the drug so involved that equals or exceeds two thousand 1092
grams; 1093

(h) If the drug involved in the conduct described in 1094
division (A) (1) of this section is a controlled substance analog 1095
or a compound, mixture, preparation, or substance containing a 1096
controlled substance analog, an amount of the drug so involved 1097
that equals or exceeds thirty grams. 1098

(B) ~~This~~ All of the following are affirmative defenses to 1099
a charge under this section ~~does not apply to any of the~~ 1100
following: 1101

(1) ~~Manufacturers~~ If the person charged is a manufacturer, 1102
licensed health ~~professionals~~ professional authorized to 1103
prescribe drugs, ~~pharmacists~~ pharmacist, ~~owners~~ owner of 1104
~~pharmacies~~ a pharmacy, and ~~or other persons~~ whose person, the 1105
~~manufacturer's~~, licensed health professional's, pharmacist's, 1106
~~pharmacy owner's~~, or other person's ~~conduct is~~ was in accordance 1107
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1108
4741. of the Revised Code; 1109

(2) If the offense involves an anabolic steroid, ~~any the~~ 1110
person ~~who is~~ charged was conducting or participating in a 1111

research project involving the use of an anabolic steroid if the 1112
project has been approved by the United States food and drug 1113
administration; 1114

(3) ~~Any~~ The person who sells, offers, charged sold, offered 1115
for sale, ~~prescribes~~ prescribed, ~~dispenses~~ dispensed, or 1116
~~administers~~ administered for livestock or other nonhuman species 1117
an anabolic steroid that ~~is~~ was expressly intended for 1118
administration through implants to livestock or other nonhuman 1119
species and approved for that purpose under the "Federal Food, 1120
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1121
as amended, and ~~is~~ was sold, offered for sale, prescribed, 1122
dispensed, or administered for that purpose in accordance with 1123
that act. 1124

(C) ~~Whoever violates division (A) of this section is~~ 1125
~~guilty of one of the following:~~ 1126

~~(1) If the drug involved in the violation is any compound,~~ 1127
~~mixture, preparation, or substance included in schedule I or~~ 1128
~~schedule II, with the exception of marihuana, cocaine, L.S.D.,~~ 1129
~~heroin, any fentanyl-related compound, hashish, and any~~ 1130
~~controlled substance analog, whoever violates division (A) of~~ 1131
~~this section is guilty of aggravated trafficking in drugs. The~~ 1132
~~penalty for the offense shall be determined as follows:~~ 1133

~~(a) Except as otherwise provided in division (C) (1) (b),~~ 1134
~~(c), (d), (e), or (f) of this section, aggravated trafficking in~~ 1135
~~drugs is a felony of the fourth degree, and division (C) of~~ 1136
~~section 2929.13 of the Revised Code applies in determining~~ 1137
~~whether to impose a prison term on the offender.~~ 1138

~~(b) Except as otherwise provided in division (C) (1) (c),~~ 1139
~~(d), (e), or (f) of this section, if the offense was committed~~ 1140

~~in the vicinity of a school or in the vicinity of a juvenile, 1141
aggravated trafficking in drugs is a felony of the third degree, 1142
and division (C) of section 2929.13 of the Revised Code applies 1143
in determining whether to impose a prison term on the offender. 1144~~

~~(c) Except as otherwise provided in this division, if the 1145
amount of the drug involved equals or exceeds the bulk amount 1146
but is less than five times the bulk amount, aggravated 1147
trafficking in drugs is a felony of the third degree, and, 1148
except as otherwise provided in this division, there is a 1149
presumption for a prison term for the offense. If aggravated 1150
trafficking in drugs is a felony of the third degree under this 1151
division and if the offender two or more times previously has 1152
been convicted of or pleaded guilty to a felony drug abuse 1153
offense, the court shall impose as a mandatory prison term one 1154
of the prison terms prescribed for a felony of the third degree. 1155
If the amount of the drug involved is within that range and if 1156
the offense was committed in the vicinity of a school or in the 1157
vicinity of a juvenile, aggravated trafficking in drugs is a 1158
felony of the second degree, and the court shall impose as a 1159
mandatory prison term a second degree felony mandatory prison 1160
term. 1161~~

~~(d) Except as otherwise provided in this division, if the 1162
amount of the drug involved equals or exceeds five times the 1163
bulk amount but is less than fifty times the bulk amount, 1164
aggravated trafficking in drugs is a felony of the second 1165
degree, and the court shall impose as a mandatory prison term a 1166
second degree felony mandatory prison term. If the amount of the 1167
drug involved is within that range and if the offense was 1168
committed in the vicinity of a school or in the vicinity of a 1169
juvenile, aggravated trafficking in drugs is a felony of the 1170
first degree, and the court shall impose as a mandatory prison 1171~~

~~term a first degree felony mandatory prison term.~~ 1172

~~(e) If the amount of the drug involved equals or exceeds
fifty times the bulk amount but is less than one hundred times
the bulk amount and regardless of whether the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, aggravated trafficking in drugs is a felony of the
first degree, and the court shall impose as a mandatory prison
term a first degree felony mandatory prison term.~~ 1173
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~~(f) If the amount of the drug involved equals or exceeds
one hundred times the bulk amount and regardless of whether the
offense was committed in the vicinity of a school or in the
vicinity of a juvenile, aggravated trafficking in drugs is a
felony of the first degree, the offender is a major drug
offender, and the court shall impose as a mandatory prison term
a maximum first degree felony mandatory prison term.~~ 1180
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~~(2) If the drug involved in the violation is any compound,
mixture, preparation, or substance included in schedule III, IV,
or V, whoever violates division (A) of this section is guilty of
trafficking in drugs. The penalty for the offense shall be
determined as follows:~~ 1187
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~~(a) Except as otherwise provided in division (C) (2) (b),
(c), (d), or (e) of this section, trafficking in drugs is a
felony of the fifth degree, and division (B) of section 2929.13
of the Revised Code applies in determining whether to impose a
prison term on the offender.~~ 1192
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~~(b) Except as otherwise provided in division (C) (2) (c),
(d), or (e) of this section, if the offense was committed in the
vicinity of a school or in the vicinity of a juvenile,
trafficking in drugs is a felony of the fourth degree, and~~ 1197
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~~division (C) of section 2929.13 of the Revised Code applies in- 1201~~
~~determining whether to impose a prison term on the offender. 1202~~

~~(c) Except as otherwise provided in this division, if the 1203~~
~~amount of the drug involved equals or exceeds the bulk amount- 1204~~
~~but is less than five times the bulk amount, trafficking in- 1205~~
~~drugs is a felony of the fourth degree, and division (B) of 1206~~
~~section 2929.13 of the Revised Code applies in determining- 1207~~
~~whether to impose a prison term for the offense. If the amount- 1208~~
~~of the drug involved is within that range and if the offense was- 1209~~
~~committed in the vicinity of a school or in the vicinity of a- 1210~~
~~juvenile, trafficking in drugs is a felony of the third degree,- 1211~~
~~and there is a presumption for a prison term for the offense.- 1212~~

~~(d) Except as otherwise provided in this division, if the- 1213~~
~~amount of the drug involved equals or exceeds five times the- 1214~~
~~bulk amount but is less than fifty times the bulk amount,- 1215~~
~~trafficking in drugs is a felony of the third degree, and there- 1216~~
~~is a presumption for a prison term for the offense. If the- 1217~~
~~amount of the drug involved is within that range and if the- 1218~~
~~offense was committed in the vicinity of a school or in the- 1219~~
~~vicinity of a juvenile, trafficking in drugs is a felony of the- 1220~~
~~second degree, and there is a presumption for a prison term for- 1221~~
~~the offense.- 1222~~

~~(e) Except as otherwise provided in this division, if the 1223~~
~~amount of the drug involved equals or exceeds fifty times the- 1224~~
~~bulk amount, trafficking in drugs is a felony of the second- 1225~~
~~degree, and the court shall impose as a mandatory prison term a- 1226~~
~~second degree felony mandatory prison term. If the amount of the- 1227~~
~~drug involved equals or exceeds fifty times the bulk amount and- 1228~~
~~if the offense was committed in the vicinity of a school or in- 1229~~
~~the vicinity of a juvenile, trafficking in drugs is a felony of- 1230~~

~~the first degree, and the court shall impose as a mandatory
prison term a first degree felony mandatory prison term.~~ 1231
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~~(3) If the drug involved in the violation is marihuana or
a compound, mixture, preparation, or substance containing
marihuana other than hashish, whoever violates division (A) of
this section is guilty of trafficking in marihuana. The penalty
for the offense shall be determined as follows:~~ 1233
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~~(a) Except as otherwise provided in division (C) (3) (b),
(c), (d), (e), (f), (g), or (h) of this section, trafficking in
marihuana is a felony of the fifth degree, and division (B) of
section 2929.13 of the Revised Code applies in determining
whether to impose a prison term on the offender.~~ 1238
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~~(b) Except as otherwise provided in division (C) (3) (c),
(d), (e), (f), (g), or (h) of this section, if the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, trafficking in marihuana is a felony of the fourth
degree, and division (B) of section 2929.13 of the Revised Code
applies in determining whether to impose a prison term on the
offender.~~ 1243
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~~(c) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds two hundred grams
but is less than one thousand grams, trafficking in marihuana is
a felony of the fourth degree, and division (B) of section
2929.13 of the Revised Code applies in determining whether to
impose a prison term on the offender. If the amount of the drug
involved is within that range and if the offense was committed
in the vicinity of a school or in the vicinity of a juvenile,
trafficking in marihuana is a felony of the third degree, and
division (C) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.~~ 1250
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~~(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.~~

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

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

~~prison term a maximum first degree felony mandatory prison term.~~ 1292

~~(g) Except as otherwise provided in this division, if the 1293
amount of the drug involved equals or exceeds forty thousand 1294
grams, trafficking in marihuana is a felony of the second 1295
degree, and the court shall impose as a mandatory prison term a 1296
maximum second degree felony mandatory prison term. If the 1297
amount of the drug involved equals or exceeds forty thousand 1298
grams and if the offense was committed in the vicinity of a 1299
school or in the vicinity of a juvenile, trafficking in 1300
marihuana is a felony of the first degree, and the court shall 1301
impose as a mandatory prison term a maximum first degree felony 1302
mandatory prison term.~~ 1303

~~(h) Except as otherwise provided in this division, if the 1304
offense involves a gift of twenty grams or less of marihuana, 1305
trafficking in marihuana is a minor misdemeanor upon a first 1306
offense and a misdemeanor of the third degree upon a subsequent 1307
offense. If the offense involves a gift of twenty grams or less 1308
of marihuana and if the offense was committed in the vicinity of 1309
a school or in the vicinity of a juvenile, trafficking in 1310
marihuana is a misdemeanor of the third degree.~~ 1311

~~(4) If the drug involved in the violation is cocaine or a 1312
compound, mixture, preparation, or substance containing cocaine, 1313
whoever violates division (A) of this section is guilty of 1314
trafficking in cocaine. The penalty for the offense shall be 1315
determined as follows:~~ 1316

~~(a) Except as otherwise provided in division (C) (4) (b), 1317
(c), (d), (e), (f), or (g) of this section, trafficking in 1318
cocaine is a felony of the fifth degree, and division (B) of 1319
section 2929.13 of the Revised Code applies in determining 1320
whether to impose a prison term on the offender.~~ 1321

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

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

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

~~a mandatory prison term a second degree felony mandatory prison term.~~ 1353
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~~(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than twenty seven grams of cocaine, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 1355
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~~(f) If the amount of the drug involved equals or exceeds twenty seven grams but is less than one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 1366
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~~(g) If the amount of the drug involved equals or exceeds one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~ 1373
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~~(5) If the drug involved in the violation is L.S.D. or a compound, mixture, preparation, or substance containing L.S.D., whoever violates division (A) of this section is guilty of~~ 1380
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~~trafficking in L.S.D. The penalty for the offense shall be
determined as follows:~~ 1383
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~~(a) Except as otherwise provided in division (C) (5) (b),
(c), (d), (e), (f), or (g) of this section, trafficking in
L.S.D. is a felony of the fifth degree, and division (B) of
section 2929.13 of the Revised Code applies in determining
whether to impose a prison term on the offender.~~ 1385
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~~(b) Except as otherwise provided in division (C) (5) (c),
(d), (e), (f), or (g) of this section, if the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, trafficking in L.S.D. is a felony of the fourth
degree, and division (C) of section 2929.13 of the Revised Code
applies in determining whether to impose a prison term on the
offender.~~ 1390
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~~(c) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds ten unit doses but
is less than fifty unit doses of L.S.D. in a solid form or
equals or exceeds one gram but is less than five grams of L.S.D.
in a liquid concentrate, liquid extract, or liquid distillate
form, trafficking in L.S.D. is a felony of the fourth degree,
and division (B) of section 2929.13 of the Revised Code applies
in determining whether to impose a prison term for the offense.
If the amount of the drug involved is within that range and if
the offense was committed in the vicinity of a school or in the
vicinity of a juvenile, trafficking in L.S.D. is a felony of the
third degree, and there is a presumption for a prison term for
the offense.~~ 1397
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~~(d) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds fifty unit doses
but is less than two hundred fifty unit doses of L.S.D. in a~~ 1410
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~~solid form or equals or exceeds five grams but is less than 1413
twenty five grams of L.S.D. in a liquid concentrate, liquid 1414
extract, or liquid distillate form, trafficking in L.S.D. is a 1415
felony of the third degree, and, except as otherwise provided in 1416
this division, there is a presumption for a prison term for the 1417
offense. If trafficking in L.S.D. is a felony of the third 1418
degree under this division and if the offender two or more times 1419
previously has been convicted of or pleaded guilty to a felony 1420
drug abuse offense, the court shall impose as a mandatory prison 1421
term one of the prison terms prescribed for a felony of the 1422
third degree. If the amount of the drug involved is within that 1423
range and if the offense was committed in the vicinity of a 1424
school or in the vicinity of a juvenile, trafficking in L.S.D. 1425
is a felony of the second degree, and the court shall impose as 1426
a mandatory prison term a second degree felony mandatory prison 1427
term. 1428~~

~~(c) Except as otherwise provided in this division, if the 1429
amount of the drug involved equals or exceeds two hundred fifty 1430
unit doses but is less than one thousand unit doses of L.S.D. in 1431
a solid form or equals or exceeds twenty five grams but is less 1432
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1433
extract, or liquid distillate form, trafficking in L.S.D. is a 1434
felony of the second degree, and the court shall impose as a 1435
mandatory prison term a second degree felony mandatory prison 1436
term. If the amount of the drug involved is within that range 1437
and if the offense was committed in the vicinity of a school or 1438
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 1439
of the first degree, and the court shall impose as a mandatory 1440
prison term a first degree felony mandatory prison term. 1441~~

~~(f) If the amount of the drug involved equals or exceeds 1442
one thousand unit doses but is less than five thousand unit 1443~~

~~doses of L.S.D. in a solid form or equals or exceeds one hundred grams but is less than five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 1444
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~~(g) If the amount of the drug involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~ 1452
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~~(6) If the drug involved in the violation is heroin or a compound, mixture, preparation, or substance containing heroin, whoever violates division (A) of this section is guilty of trafficking in heroin. The penalty for the offense shall be determined as follows:~~ 1461
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~~(a) Except as otherwise provided in division (C) (6) (b), (c), (d), (e), (f), or (g) of this section, trafficking in heroin is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 1466
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~~(b) Except as otherwise provided in division (C) (6) (c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a~~ 1471
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~~juvenile, trafficking in heroin is a felony of the fourth- 1474
degree, and division (C) of section 2929.13 of the Revised Code- 1475
applies in determining whether to impose a prison term on the- 1476
offender. 1477~~

~~(c) Except as otherwise provided in this division, if the- 1478
amount of the drug involved equals or exceeds ten unit doses but- 1479
is less than fifty unit doses or equals or exceeds one gram but- 1480
is less than five grams, trafficking in heroin is a felony of- 1481
the fourth degree, and division (B) of section 2929.13 of the- 1482
Revised Code applies in determining whether to impose a prison- 1483
term for the offense. If the amount of the drug involved is- 1484
within that range and if the offense was committed in the- 1485
vicinity of a school or in the vicinity of a juvenile,- 1486
trafficking in heroin is a felony of the third degree, and there- 1487
is a presumption for a prison term for the offense.- 1488~~

~~(d) Except as otherwise provided in this division, if the- 1489
amount of the drug involved equals or exceeds fifty unit doses- 1490
but is less than one hundred unit doses or equals or exceeds- 1491
five grams but is less than ten grams, trafficking in heroin is- 1492
a felony of the third degree, and there is a presumption for a- 1493
prison term for the offense. If the amount of the drug involved- 1494
is within that range and if the offense was committed in the- 1495
vicinity of a school or in the vicinity of a juvenile,- 1496
trafficking in heroin is a felony of the second degree, and- 1497
there is a presumption for a prison term for the offense.- 1498~~

~~(e) Except as otherwise provided in this division, if the- 1499
amount of the drug involved equals or exceeds one hundred unit- 1500
doses but is less than five hundred unit doses or equals or- 1501
exceeds ten grams but is less than fifty grams, trafficking in- 1502
heroin is a felony of the second degree, and the court shall- 1503~~

~~impose as a mandatory prison term a second degree felony— 1504
mandatory prison term. If the amount of the drug involved is— 1505
within that range and if the offense was committed in the— 1506
vicinity of a school or in the vicinity of a juvenile,— 1507
trafficking in heroin is a felony of the first degree, and the— 1508
court shall impose as a mandatory prison term a first degree— 1509
felony mandatory prison term.— 1510~~

~~(f) If the amount of the drug involved equals or exceeds— 1511
five hundred unit doses but is less than one thousand unit doses— 1512
or equals or exceeds fifty grams but is less than one hundred— 1513
grams and regardless of whether the offense was committed in the— 1514
vicinity of a school or in the vicinity of a juvenile,— 1515
trafficking in heroin is a felony of the first degree, and the— 1516
court shall impose as a mandatory prison term a first degree— 1517
felony mandatory prison term.— 1518~~

~~(g) If the amount of the drug involved equals or exceeds— 1519
one thousand unit doses or equals or exceeds one hundred grams— 1520
and regardless of whether the offense was committed in the— 1521
vicinity of a school or in the vicinity of a juvenile,— 1522
trafficking in heroin is a felony of the first degree, the— 1523
offender is a major drug offender, and the court shall impose as— 1524
a mandatory prison term a maximum first degree felony mandatory— 1525
prison term.— 1526~~

~~(7) If the drug involved in the violation is hashish or a— 1527
compound, mixture, preparation, or substance containing hashish,— 1528
whoever violates division (A) of this section is guilty of— 1529
trafficking in hashish. The penalty for the offense shall be— 1530
determined as follows:— 1531~~

~~(a) Except as otherwise provided in division (C) (7) (b),— 1532
(c), (d), (e), (f), or (g) of this section, trafficking in— 1533~~

~~hashish is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 1534
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~~(b) Except as otherwise provided in division (C) (7) (e), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 1537
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~~(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 1544
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~~(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third~~ 1558
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~~degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.~~

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

~~(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term of five, six, seven, or eight years. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a~~

~~juvenile, trafficking in hashish is a felony of the first- 1595
degree, and the court shall impose as a mandatory prison term a- 1596
maximum first degree felony mandatory prison term. 1597~~

~~(g) Except as otherwise provided in this division, if the 1598
amount of the drug involved equals or exceeds two thousand grams- 1599
of hashish in a solid form or equals or exceeds four hundred 1600
grams of hashish in a liquid concentrate, liquid extract, or 1601
liquid distillate form, trafficking in hashish is a felony of 1602
the second degree, and the court shall impose as a mandatory 1603
prison term a maximum second degree felony mandatory prison 1604
term. If the amount of the drug involved equals or exceeds two 1605
thousand grams of hashish in a solid form or equals or exceeds 1606
four hundred grams of hashish in a liquid concentrate, liquid 1607
extract, or liquid distillate form and if the offense was 1608
committed in the vicinity of a school or in the vicinity of a 1609
juvenile, trafficking in hashish is a felony of the first- 1610
degree, and the court shall impose as a mandatory prison term a 1611
maximum first degree felony mandatory prison term.- 1612~~

~~(8) If the drug involved in the violation is a controlled 1613
substance analog or compound, mixture, preparation, or substance 1614
that contains a controlled substance analog, whoever violates 1615
division (A) of this section is guilty of trafficking in a 1616
controlled substance analog. The penalty for the offense shall 1617
be determined as follows: 1618~~

~~(a) Except as otherwise provided in division (C) (8) (b), 1619
(c), (d), (e), (f), or (g) of this section, trafficking in a 1620
controlled substance analog is a felony of the fifth degree, and 1621
division (C) of section 2929.13 of the Revised Code applies in 1622
determining whether to impose a prison term on the offender. 1623~~

~~(b) Except as otherwise provided in division (C) (8) (c), 1624~~

~~(d), (e), (f), or (g) of this section, if the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, trafficking in a controlled substance analog is a
felony of the fourth degree, and division (C) of section 2929.13
of the Revised Code applies in determining whether to impose a
prison term on the offender.~~ 1625
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~~(e) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds ten grams but is
less than twenty grams, trafficking in a controlled substance
analog is a felony of the fourth degree, and division (D) of
section 2929.13 of the Revised Code applies in determining
whether to impose a prison term for the offense. If the amount
of the drug involved is within that range and if the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, trafficking in a controlled substance analog is a
felony of the third degree, and there is a presumption for a
prison term for the offense.~~ 1631
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~~(d) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds twenty grams but
is less than thirty grams, trafficking in a controlled substance
analog is a felony of the third degree, and there is a
presumption for a prison term for the offense. If the amount of
the drug involved is within that range and if the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, trafficking in a controlled substance analog is a
felony of the second degree, and there is a presumption for a
prison term for the offense.~~ 1642
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~~(e) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds thirty grams but
is less than forty grams, trafficking in a controlled substance~~ 1652
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~~analog is a felony of the second degree, and the court shall
impose as a mandatory prison term a second degree felony
mandatory prison term. If the amount of the drug involved is
within that range and if the offense was committed in the
vicinity of a school or in the vicinity of a juvenile,
trafficking in a controlled substance analog is a felony of the
first degree, and the court shall impose as a mandatory prison a
first degree felony mandatory prison term.~~

~~(f) If the amount of the drug involved equals or exceeds
forty grams but is less than fifty grams and regardless of
whether the offense was committed in the vicinity of a school or
in the vicinity of a juvenile, trafficking in a controlled
substance analog is a felony of the first degree, and the court
shall impose as a mandatory prison term a first degree felony
mandatory prison term.~~

~~(g) If the amount of the drug involved equals or exceeds
fifty grams and regardless of whether the offense was committed
in the vicinity of a school or in the vicinity of a juvenile,
trafficking in a controlled substance analog is a felony of the
first degree, the offender is a major drug offender, and the
court shall impose as a mandatory prison term a maximum first
degree felony mandatory prison term.~~

~~(9) If the drug involved in the violation is a fentanyl-
related compound or a compound, mixture, preparation, or
substance containing a fentanyl related compound and division
(C)(10)(a) of this section does not apply to the drug involved,
whoever violates division (A) Whoever violates division (A)(1)
of this section based on an amount specified in division (A)(2)
(a) of this section is guilty of aggravated trafficking in
drugs. The penalty for the offense shall be determined as~~

follows: 1685

(1) Except as otherwise provided in division (C)(2) of 1686
this section, aggravated trafficking in drugs is one of the 1687
following: 1688

(a) If the amount of the drug involved equals or exceeds 1689
fifty times the bulk amount but is less than one hundred times 1690
the bulk amount, except as otherwise provided in this division, 1691
aggravated trafficking in drugs is a felony of the second 1692
degree, and the court shall impose as a mandatory prison term a 1693
second degree felony mandatory prison term. If the amount of the 1694
drug involved is within that range and the offense was committed 1695
in the vicinity of a school, aggravated trafficking in drugs is 1696
a felony of the first degree, and the court shall impose as a 1697
mandatory prison term a first degree felony mandatory prison 1698
term. 1699

(b) If the amount of the drug involved equals or exceeds 1700
one hundred times the bulk amount, aggravated trafficking in 1701
drugs is a felony of the first degree, and the court shall 1702
impose as a mandatory prison term a first degree felony 1703
mandatory prison term. 1704

(2) If the drug involved is a sexual assault-enabling drug 1705
or a compound, mixture, preparation, or substance containing a 1706
sexual assault-enabling drug, aggravated trafficking in drugs is 1707
one of the following: 1708

(a) If the amount of the drug involved equals or exceeds 1709
fifty times the bulk amount but is less than one hundred times 1710
the bulk amount, aggravated trafficking in drugs is a felony of 1711
the first degree, and the court shall impose as a mandatory 1712
prison term a first degree felony mandatory prison term. 1713

(b) If the amount of the drug involved equals or exceeds 1714
one hundred times the bulk amount, aggravated trafficking in 1715
drugs is a felony of the first degree, the offender is a major 1716
drug offender, and the court shall impose as a mandatory prison 1717
term a maximum first degree felony mandatory prison term. 1718

(D) Whoever violates division (A) (1) of this section based 1719
on an amount specified in division (A) (2) (b) of this section is 1720
guilty of aggravated trafficking in cocaine. The penalty for the 1721
offense shall be determined as follows: 1722

(1) If the amount of the drug involved equals or exceeds 1723
fifty grams but is less than one hundred grams, except as 1724
otherwise provided in this division, aggravated trafficking in 1725
cocaine is a felony of the second degree, and the court shall 1726
impose as a mandatory prison term a second degree mandatory 1727
prison term. If the amount of the drug involved is within that 1728
range and the offense was committed in the vicinity of a school, 1729
aggravated trafficking in cocaine is a felony of the first 1730
degree, and the court shall impose as a mandatory prison term a 1731
first degree felony mandatory prison term. 1732

(2) If the amount of the drug involved equals or exceeds 1733
one hundred grams but is less than two hundred fifty grams, 1734
aggravated trafficking in cocaine is a felony of the first 1735
degree, and the court shall impose as a mandatory prison term a 1736
first degree mandatory prison term. 1737

(3) If the amount of the drug involved equals or exceeds 1738
two hundred fifty grams, aggravated trafficking in cocaine is a 1739
felony of the first degree, the offender is a major drug 1740
offender, and the court shall impose as a mandatory prison term 1741
a first degree felony mandatory prison term of ten or eleven 1742
years. 1743

(E) Whoever violates division (A) (1) of this section based 1744
on an amount specified in division (A) (2) (c) of this section is 1745
guilty of aggravated trafficking in L.S.D. The penalty for the 1746
offense shall be determined as follows: 1747

(1) If the amount of the drug involved equals or exceeds 1748
five hundred unit doses but is less than five thousand unit 1749
doses in a solid form or equals or exceeds fifty grams but is 1750
less than five hundred grams in a liquid concentrate, liquid 1751
extract, or liquid distillate form, except as otherwise provided 1752
in this division, aggravated trafficking in L.S.D. is a felony 1753
of the second degree, and the court shall impose as a mandatory 1754
prison term a second degree felony mandatory prison term. If the 1755
amount of the drug involved is within that range and the offense 1756
was committed in the vicinity of a school, aggravated 1757
trafficking in L.S.D. is a felony of the first degree, and the 1758
court shall impose as a mandatory prison term a first degree 1759
felony mandatory prison term. 1760

(2) If the amount of the drug involved equals or exceeds 1761
five thousand unit doses in a solid form or equals or exceeds 1762
five hundred grams in a liquid concentrate, liquid extract, or 1763
liquid distillate form, aggravated trafficking in L.S.D. is a 1764
felony of the first degree, and the court shall impose as a 1765
mandatory prison term a first degree felony mandatory prison 1766
term. 1767

(F) Whoever violates division (A) (1) of this section based 1768
on an amount specified in division (A) (2) (d) of this section is 1769
guilty of aggravated trafficking in heroin. The penalty for the 1770
offense shall be determined as follows: 1771

(1) If the amount of the drug involved equals or exceeds 1772
three hundred unit doses or thirty grams but is less than five 1773

hundred unit doses or fifty grams, except as otherwise provided 1774
in this division, aggravated trafficking in heroin is a felony 1775
of the second degree, and the court shall impose as a mandatory 1776
prison term a second degree felony mandatory prison term. If the 1777
amount of the drug involved is within that range and the offense 1778
was committed in the vicinity of a school, aggravated 1779
trafficking in heroin is a felony of the first degree, and the 1780
court shall impose as a mandatory prison term a first degree 1781
felony mandatory prison term. 1782

(2) If the amount of the drug involved equals or exceeds 1783
five hundred unit doses or fifty grams but is less than one 1784
thousand unit doses or one hundred grams, aggravated trafficking 1785
in heroin is a felony of the first degree, and the court shall 1786
impose as a mandatory prison term a first degree felony 1787
mandatory prison term. 1788

(3) If the amount of the drug involved equals or exceeds 1789
one thousand unit doses or equals or exceeds one hundred grams, 1790
aggravated trafficking in heroin is a felony of the first 1791
degree, the offender is a major drug offender, and the court 1792
shall impose as a mandatory prison term a first degree felony 1793
mandatory prison term of ten or eleven years. 1794

(G) Whoever violates division (A) (1) of this section based 1795
on an amount specified in division (A) (2) (e) of this section, 1796
subject to division (H) of this section, is guilty of aggravated 1797
trafficking in a fentanyl-related compound. The penalty for the 1798
offense shall be determined as follows: 1799

~~(a) Except as otherwise provided in division (C) (9) (b),~~ 1800
~~(c), (d), (e), (f), (g), or (h) of this section, trafficking in~~ 1801
~~a fentanyl-related compound is a felony of the fifth degree, and~~ 1802
~~division (B) of section 2929.13 of the Revised Code applies in~~ 1803

~~determining whether to impose a prison term on the offender.~~ 1804

~~(b) Except as otherwise provided in division (C) (9) (e), (d), (e), (f), (g), or (h) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a fentanyl-related compound is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 1805
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~~(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in a fentanyl-related compound is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a fentanyl-related compound is a felony of the third degree, and there is a presumption for a prison term for the offense.~~ 1812
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~~(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in a fentanyl-related compound is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a fentanyl-related compound is a felony of the second degree, and there is a~~ 1824
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~~presumption for a prison term for the offense.~~ 1834

~~(c) Except as otherwise provided in this division, if (1)~~ 1835
If the amount of the drug involved equals or exceeds one hundred 1836
unit doses but is less than two hundred unit doses or equals or 1837
exceeds ten grams but is less than twenty grams, one of the 1838
following applies: 1839

(a) Except as otherwise provided in division (G)(1)(b) of 1840
this section, aggravated trafficking in a fentanyl-related 1841
compound is a felony of the second degree, and the court shall 1842
impose as a mandatory prison term ~~one of the prison terms~~ 1843
~~prescribed for a felony of the a~~ second degree felony mandatory 1844
prison term. 1845

~~(b) If the amount of the drug involved is within that~~ 1846
~~range and if the offense was committed in the vicinity of a~~ 1847
school or in the vicinity of a juvenile, aggravated trafficking 1848
in a fentanyl-related compound is a felony of the first degree, 1849
and the court shall impose as a mandatory prison term ~~one of the~~ 1850
~~prison terms prescribed for a felony of the a~~ first degree 1851
felony mandatory prison term. 1852

~~(f)(2)~~ (2) If the amount of the drug involved equals or 1853
exceeds two hundred unit doses but is less than five hundred 1854
unit doses or equals or exceeds twenty grams but is less than 1855
fifty grams ~~and regardless of whether the offense was committed~~ 1856
~~in the vicinity of a school or in the vicinity of a juvenile,~~ 1857
aggravated trafficking in a fentanyl-related compound is a 1858
felony of the first degree, and the court shall impose as a 1859
mandatory prison term ~~one of the prison terms prescribed for a~~ 1860
~~felony of the a~~ first degree felony mandatory prison term. 1861

~~(g)(3)~~ (3) If the amount of the drug involved equals or 1862

exceeds five hundred unit doses but is less than one thousand 1863
unit doses or equals or exceeds fifty grams but is less than one 1864
hundred grams ~~and regardless of whether the offense was~~ 1865
~~committed in the vicinity of a school or in the vicinity of a~~ 1866
~~juvenile, aggravated~~ trafficking in a fentanyl-related compound 1867
is a felony of the first degree, and the court shall impose as a 1868
mandatory prison term ~~the a maximum prison term prescribed for a~~ 1869
~~felony of the first degree~~ felony mandatory prison term. 1870

~~(h)(4)~~ If the amount of the drug involved equals or 1871
exceeds one thousand unit doses or equals or exceeds one hundred 1872
grams ~~and regardless of whether the offense was committed in the~~ 1873
~~vicinity of a school or in the vicinity of a juvenile,~~ 1874
aggravated trafficking in a fentanyl-related compound is a 1875
felony of the first degree, the offender is a major drug 1876
offender, and the court shall impose as a mandatory prison term 1877
~~the a maximum prison term prescribed for a felony of the first~~ 1878
degree felony mandatory prison term. 1879

~~(10)(H)~~ If the drug involved in the violation of division 1880
(A)(1) of this section is a compound, mixture, preparation, or 1881
substance that is a combination of a fentanyl-related compound 1882
and marihuana, one of the following applies: 1883

~~(a)(1)~~ Except as otherwise provided in division ~~(C)(10)(b)~~ 1884
(H)(2) of this section, the offender is guilty of aggravated 1885
trafficking in marihuana or major trafficking in drugs, 1886
involving marihuana and shall be punished under division ~~(C)(3)~~ 1887
(I) of this section, or under division (C)(1) of section 1888
2925.031 of the Revised Code, as appropriate by the amount of 1889
the drug involved. The offender is not guilty of aggravated 1890
trafficking in a fentanyl-related compound and shall not be 1891
charged with, convicted of, or punished under division ~~(C)(9)(G)~~ 1892

of this section for aggravated trafficking in a fentanyl-related 1893
compound. 1894

~~(b)~~ (2) If the offender knows or has reason to know that 1895
the compound, mixture, preparation, or substance that is the 1896
drug involved contains a fentanyl-related compound, the offender 1897
is guilty of aggravated trafficking in a fentanyl-related 1898
compound and shall be punished under division ~~(C)~~ ~~(9)~~ (G) of this 1899
section. 1900

~~(D)~~ (I) Whoever violates division (A) (1) of this section 1901
based on an amount specified in division (A) (2) (f) of this 1902
section is guilty of aggravated trafficking in marihuana. Except 1903
as otherwise provided in this division, aggravated trafficking 1904
in marihuana is a felony of the second degree, and the court 1905
shall impose as a mandatory prison term a second degree felony 1906
mandatory prison term. If the offense was committed in the 1907
vicinity of a school, aggravated trafficking in marihuana is a 1908
felony of the first degree, and the court shall impose as a 1909
mandatory prison term a maximum first degree felony mandatory 1910
prison term. 1911

(J) Whoever violates division (A) (1) of this section based 1912
on an amount specified in division (A) (2) (g) of this section is 1913
guilty of aggravated trafficking in hashish. Except as otherwise 1914
provided in this division, aggravated trafficking in hashish is 1915
a felony of the second degree, and the court shall impose as a 1916
mandatory prison term a second degree felony mandatory prison 1917
term. If the offense was committed in the vicinity of a school, 1918
aggravated trafficking in hashish is a felony of the first 1919
degree, and the court shall impose as a mandatory prison term 1920
one of the following: 1921

(1) Except as otherwise provided in division (J) (2) of 1922

this section, a first degree felony mandatory prison term; 1923

(2) If the amount of the drug involved equals or exceeds 1924
two thousand grams of hashish in a solid form or four hundred 1925
grams of hashish in a liquid concentrate, liquid extract, or 1926
liquid distillate form, a maximum first degree felony mandatory 1927
prison term. 1928

(K) Whoever violates division (A) (1) of this section based 1929
on an amount specified in division (A) (2) (h) of this section is 1930
guilty of aggravated trafficking in a controlled substance 1931
analog. The penalty for the offense shall be determined as 1932
follows: 1933

(1) If the amount of the drug involved equals or exceeds 1934
thirty grams but is less than forty grams, except as otherwise 1935
provided in this division, aggravated trafficking in a 1936
controlled substance analog is a felony of the second degree, 1937
and the court shall impose as a mandatory prison term a second 1938
degree felony mandatory prison term. If the amount of the drug 1939
involved is within that range and the offense was committed in 1940
the vicinity of a school, aggravated trafficking in a controlled 1941
substance analog is a felony of the first degree, and the court 1942
shall impose as a mandatory prison term a first degree felony 1943
mandatory prison term. 1944

(2) If the amount of the drug involved equals or exceeds 1945
forty grams but is less than fifty grams, aggravated trafficking 1946
in a controlled substance analog is a felony of the first 1947
degree, and the court shall impose as a mandatory prison term a 1948
first degree felony mandatory prison term. 1949

(3) If the amount of the drug involved equals or exceeds 1950
fifty grams, aggravated trafficking in a controlled substance 1951

analog is a felony of the first degree, the offender is a major 1952
drug offender, and the court shall impose as a mandatory prison 1953
term a first degree felony mandatory prison term of ten or 1954
eleven years. 1955

(L) In addition to any prison term authorized or required 1956
by ~~division~~ divisions (C) to (K) of this section and sections 1957
2929.13 and 2929.14 of the Revised Code, and in addition to any 1958
other sanction imposed for the offense under this section or 1959
sections 2929.11 to 2929.18 of the Revised Code, the court that 1960
sentences an offender who is convicted of or pleads guilty to a 1961
violation of division (A) (1) of this section may suspend the 1962
driver's or commercial driver's license or permit of the 1963
offender in accordance with division ~~(G)~~ (O) of this section. 1964
However, if the offender pleaded guilty to or was convicted of a 1965
violation of section 4511.19 of the Revised Code or a 1966
substantially similar municipal ordinance or the law of another 1967
state or the United States arising out of the same set of 1968
circumstances as the violation, the court shall suspend the 1969
offender's driver's or commercial driver's license or permit in 1970
accordance with division ~~(G)~~ (O) of this section. If applicable, 1971
the court also shall do the following: 1972

(1) If the violation of division (A) (1) of this section is 1973
a felony of the first, second, or third degree, the court shall 1974
impose upon the offender the mandatory fine specified for the 1975
offense under division (B) (1) of section 2929.18 of the Revised 1976
Code unless, as specified in that division, the court determines 1977
that the offender is indigent. Except as otherwise provided in 1978
division ~~(H)~~ (P) (1) of this section, a mandatory fine or any 1979
other fine imposed for a violation of this section is subject to 1980
division ~~(F)~~ (N) of this section. If a person is charged with a 1981
violation of this section that is a felony of the first, second, 1982

or third degree, posts bail, and forfeits the bail, the clerk of 1983
the court shall pay the forfeited bail pursuant to divisions ~~(D)~~ 1984
(L) (1) and ~~(F)~~ (N) of this section, as if the forfeited bail was 1985
a fine imposed for a violation of this section. If any amount of 1986
the forfeited bail remains after that payment and if a fine is 1987
imposed under division ~~(H)~~ (P) (1) of this section, the clerk of 1988
the court shall pay the remaining amount of the forfeited bail 1989
pursuant to divisions ~~(H)~~ (P) (2) and (3) of this section, as if 1990
that remaining amount was a fine imposed under division ~~(H)~~ (P) 1991
(1) of this section. 1992

(2) If the offender is a professionally licensed person, 1993
the court immediately shall comply with section 2925.38 of the 1994
Revised Code. 1995

~~(E)~~ (M) When a person is charged with the sale of or offer 1996
to sell a bulk amount or a multiple of a bulk amount of a 1997
controlled substance, the jury, or the court trying the accused, 1998
shall determine the amount of the controlled substance involved 1999
at the time of the offense and, if a guilty verdict is returned, 2000
shall return the findings as part of the verdict. In any such 2001
case, it is unnecessary to find and return the exact amount of 2002
the controlled substance involved, and it is sufficient if the 2003
finding and return is to the effect that the amount of the 2004
controlled substance involved is the requisite amount, or that 2005
the amount of the controlled substance involved is less than the 2006
requisite amount. 2007

~~(F)~~ (N) (1) Notwithstanding any contrary provision of 2008
section 3719.21 of the Revised Code and except as provided in 2009
division ~~(H)~~ (P) of this section, the clerk of the court shall 2010
pay any mandatory fine imposed pursuant to division ~~(D)~~ (L) (1) of 2011
this section and any fine other than a mandatory fine that is 2012

imposed for a violation of this section pursuant to division (A) 2013
or (B) (5) of section 2929.18 of the Revised Code to the county, 2014
township, municipal corporation, park district, as created 2015
pursuant to section 511.18 or 1545.04 of the Revised Code, or 2016
state law enforcement agencies in this state that primarily were 2017
responsible for or involved in making the arrest of, and in 2018
prosecuting, the offender. However, the clerk shall not pay a 2019
mandatory fine so imposed to a law enforcement agency unless the 2020
agency has adopted a written internal control policy under 2021
division ~~(F)~~ (N) (2) of this section that addresses the use of the 2022
fine moneys that it receives. Each agency shall use the 2023
mandatory fines so paid to subsidize the agency's law 2024
enforcement efforts that pertain to drug offenses, in accordance 2025
with the written internal control policy adopted by the 2026
recipient agency under division ~~(F)~~ (N) (2) of this section. 2027

(2) Prior to receiving any fine moneys under division ~~(F)~~ 2028
(N) (1) of this section or division (B) of section 2925.42 of the 2029
Revised Code, a law enforcement agency shall adopt a written 2030
internal control policy that addresses the agency's use and 2031
disposition of all fine moneys so received and that provides for 2032
the keeping of detailed financial records of the receipts of 2033
those fine moneys, the general types of expenditures made out of 2034
those fine moneys, and the specific amount of each general type 2035
of expenditure. The policy shall not provide for or permit the 2036
identification of any specific expenditure that is made in an 2037
ongoing investigation. All financial records of the receipts of 2038
those fine moneys, the general types of expenditures made out of 2039
those fine moneys, and the specific amount of each general type 2040
of expenditure by an agency are public records open for 2041
inspection under section 149.43 of the Revised Code. 2042
Additionally, a written internal control policy adopted under 2043

this division is such a public record, and the agency that 2044
adopted it shall comply with it. 2045

(3) As used in division ~~(F)~~(N) of this section: 2046

(a) "Law enforcement agencies" includes, but is not 2047
limited to, the state board of pharmacy and the office of a 2048
prosecutor. 2049

(b) "Prosecutor" has the same meaning as in section 2050
2935.01 of the Revised Code. 2051

~~(G)~~(O) (1) If the sentencing court suspends the offender's 2052
driver's or commercial driver's license or permit under division 2053
~~(D)~~(L) of this section or any other provision of this chapter, 2054
the court shall suspend the license, by order, for not more than 2055
five years. If an offender's driver's or commercial driver's 2056
license or permit is suspended pursuant to this division, the 2057
offender, at any time after the expiration of two years from the 2058
day on which the offender's sentence was imposed or from the day 2059
on which the offender finally was released from a prison term 2060
under the sentence, whichever is later, may file a motion with 2061
the sentencing court requesting termination of the suspension; 2062
upon the filing of such a motion and the court's finding of good 2063
cause for the termination, the court may terminate the 2064
suspension. 2065

(2) Any offender who received a mandatory suspension of 2066
the offender's driver's or commercial driver's license or permit 2067
under this section prior to September 13, 2016, may file a 2068
motion with the sentencing court requesting the termination of 2069
the suspension. However, an offender who pleaded guilty to or 2070
was convicted of a violation of section 4511.19 of the Revised 2071
Code or a substantially similar municipal ordinance or law of 2072

another state or the United States that arose out of the same 2073
set of circumstances as the violation for which the offender's 2074
license or permit was suspended under this section shall not 2075
file such a motion. 2076

Upon the filing of a motion under division ~~(G)~~(O) (2) of 2077
this section, the sentencing court, in its discretion, may 2078
terminate the suspension. 2079

~~(H)~~(P) (1) In addition to any prison term authorized or 2080
required by ~~division~~divisions (C) to (K) of this section and 2081
sections 2929.13 and 2929.14 of the Revised Code, in addition to 2082
any other penalty or sanction imposed for the offense under this 2083
section or sections 2929.11 to 2929.18 of the Revised Code, and 2084
in addition to the forfeiture of property in connection with the 2085
offense as prescribed in Chapter 2981. of the Revised Code, the 2086
court that sentences an offender who is convicted of or pleads 2087
guilty to a violation of division (A) (1) of this section may 2088
impose upon the offender an additional fine specified for the 2089
offense in division (B) (4) of section 2929.18 of the Revised 2090
Code. A fine imposed under division ~~(H)~~(P) (1) of this section is 2091
not subject to division ~~(F)~~(N) of this section and shall be used 2092
solely for the support of one or more eligible community 2093
addiction services providers in accordance with divisions ~~(H)~~(P) 2094
(2) and (3) of this section. 2095

(2) The court that imposes a fine under division ~~(H)~~(P) (1) 2096
of this section shall specify in the judgment that imposes the 2097
fine one or more eligible community addiction services providers 2098
for the support of which the fine money is to be used. No 2099
community addiction services provider shall receive or use money 2100
paid or collected in satisfaction of a fine imposed under 2101
division ~~(H)~~(P) (1) of this section unless the services provider 2102

is specified in the judgment that imposes the fine. No community 2103
addiction services provider shall be specified in the judgment 2104
unless the services provider is an eligible community addiction 2105
services provider and, except as otherwise provided in division 2106
~~(H)~~(P)(2) of this section, unless the services provider is 2107
located in the county in which the court that imposes the fine 2108
is located or in a county that is immediately contiguous to the 2109
county in which that court is located. If no eligible community 2110
addiction services provider is located in any of those counties, 2111
the judgment may specify an eligible community addiction 2112
services provider that is located anywhere within this state. 2113

(3) Notwithstanding any contrary provision of section 2114
3719.21 of the Revised Code, the clerk of the court shall pay 2115
any fine imposed under division ~~(H)~~(P)(1) of this section to the 2116
eligible community addiction services provider specified 2117
pursuant to division ~~(H)~~(P)(2) of this section in the judgment. 2118
The eligible community addiction services provider that receives 2119
the fine moneys shall use the moneys only for the alcohol and 2120
drug addiction services identified in the application for 2121
certification of services under section 5119.36 of the Revised 2122
Code or in the application for a license under section 5119.37 2123
of the Revised Code filed with the department of mental health 2124
and addiction services by the community addiction services 2125
provider specified in the judgment. 2126

(4) Each community addiction services provider that 2127
receives in a calendar year any fine moneys under division ~~(H)~~ 2128
(P)(3) of this section shall file an annual report covering that 2129
calendar year with the court of common pleas and the board of 2130
county commissioners of the county in which the services 2131
provider is located, with the court of common pleas and the 2132
board of county commissioners of each county from which the 2133

services provider received the moneys if that county is 2134
different from the county in which the services provider is 2135
located, and with the attorney general. The community addiction 2136
services provider shall file the report no later than the first 2137
day of March in the calendar year following the calendar year in 2138
which the services provider received the fine moneys. The report 2139
shall include statistics on the number of persons served by the 2140
community addiction services provider, identify the types of 2141
alcohol and drug addiction services provided to those persons, 2142
and include a specific accounting of the purposes for which the 2143
fine moneys received were used. No information contained in the 2144
report shall identify, or enable a person to determine the 2145
identity of, any person served by the community addiction 2146
services provider. Each report received by a court of common 2147
pleas, a board of county commissioners, or the attorney general 2148
is a public record open for inspection under section 149.43 of 2149
the Revised Code. 2150

(5) As used in divisions ~~(H)~~(P)(1) to (5) of this section: 2151

(a) "Community addiction services provider" and "alcohol 2152
and drug addiction services" have the same meanings as in 2153
section 5119.01 of the Revised Code. 2154

(b) "Eligible community addiction services provider" means 2155
a community addiction services provider, including a community 2156
addiction services provider that operates an opioid treatment 2157
program licensed under section 5119.37 of the Revised Code. 2158

~~(I)~~(Q) As used in this section, "drug" includes any 2159
substance that is represented to be a drug. 2160

~~(J)~~(R) It is an affirmative defense to a charge of 2161
aggravated trafficking in a controlled substance analog under 2162

division ~~(C)~~ ~~(8)~~ (A) (1) of this section that the person charged 2163
with violating that offense sold or offered to sell, or prepared 2164
for shipment, shipped, transported, delivered, prepared for 2165
distribution, or distributed one of the following items that are 2166
excluded from the meaning of "controlled substance analog" under 2167
section 3719.01 of the Revised Code: 2168

(1) A controlled substance; 2169

(2) Any substance for which there is an approved new drug 2170
application; 2171

(3) With respect to a particular person, any substance if 2172
an exemption is in effect for investigational use for that 2173
person pursuant to federal law to the extent that conduct with 2174
respect to that substance is pursuant to that exemption. 2175

(S) (1) As used in division (S) (2) of this section, "former 2176
section 2925.03 of the Revised Code" means the version of 2177
section 2925.03 of the Revised Code in effect prior to the 2178
effective date of this amendment. 2179

(2) If a person has been charged with a violation of 2180
former section 2925.03 of the Revised Code allegedly committed 2181
prior to the effective date of this amendment, all of the 2182
following apply: 2183

(a) The conduct constituting the violation shall be 2184
considered for purposes of divisions (S) (2) (b) and (c) of this 2185
section to be a violation of section 2925.03, 2925.031, or 2186
2925.032 of the Revised Code, whichever would apply to that 2187
conduct if it were committed on or after the effective date of 2188
this amendment. 2189

(b) If the charges are pending on the effective date of 2190
this amendment, the provisions of section 2925.03, 2925.031, or 2191

2925.032 of the Revised Code, whichever would apply to the 2192
conduct constituting the violation, including the sentencing 2193
provisions under those sections, apply with respect to the 2194
charges. 2195

(c) If the person has been convicted of or pleaded guilty 2196
to the violation and the penalty, forfeiture, or punishment for 2197
the violation that includes the conduct has not been imposed as 2198
of the effective date of this amendment, both of the following 2199
apply: 2200

(i) If the penalty, forfeiture, or punishment for the 2201
violation, as set forth in section 2925.03, 2925.031, or 2202
2925.032 of the Revised Code, is a reduction of the penalty, 2203
forfeiture, or punishment for the violation that applied under 2204
former section 2925.03 of the Revised Code, the penalty, 2205
forfeiture, or punishment for the violation shall be imposed 2206
according to section 2925.03, 2925.031, or 2925.032 of the 2207
Revised Code, whichever is applicable regarding the conduct. 2208

(ii) If division (S) (2) (c) (i) of this section does not 2209
apply, the penalty, forfeiture, or punishment for the violation 2210
shall be imposed according to former section 2925.03 of the 2211
Revised Code. 2212

Sec. 2925.031. (A) (1) (a) Except as provided in division 2213
(B) of this section, no person shall knowingly obtain, possess, 2214
sell, or offer to sell a controlled substance or controlled 2215
substance analog in an amount listed in division (A) (2) of this 2216
section. 2217

(b) Except as otherwise provided in division (B) of this 2218
section, no person shall prepare for shipment, ship, transport, 2219
deliver, prepare for distribution, or distribute a controlled 2220

substance or controlled substance analog in an amount listed in 2221
division (A) (2) of this section when the person knows or has 2222
reasonable cause to believe that the controlled substance or 2223
controlled substance analog is intended for sale or resale. 2224

(2) Division (A) (1) of this section applies to conduct 2225
involving any of the following: 2226

(a) If the drug involved in the conduct described in 2227
division (A) (1) of this section is any compound, mixture, 2228
preparation, or substance included in schedule I or schedule II, 2229
other than marihuana, cocaine, L.S.D., heroin, a fentanyl- 2230
related compound, hashish, or a controlled substance analog, an 2231
amount of the drug so involved that equals or exceeds the bulk 2232
amount but is less than fifty times the bulk amount; 2233

(b) If the drug involved in the conduct described in 2234
division (A) (1) of this section is any compound, mixture, 2235
preparation, or substance included in schedule III, schedule IV, 2236
or schedule V, an amount of the drug so involved that equals or 2237
exceeds five times the bulk amount; 2238

(c) If the drug involved in the conduct described in 2239
division (A) (1) of this section is cocaine or a compound, 2240
mixture, preparation, or substance containing cocaine, an amount 2241
of the drug so involved that equals or exceeds ten grams but is 2242
less than fifty grams; 2243

(d) If the drug involved in the conduct described in 2244
division (A) (1) of this section is L.S.D. or a compound, 2245
mixture, preparation, or substance containing L.S.D., an amount 2246
of the drug so involved that equals or exceeds fifty unit doses 2247
but is less than five hundred unit doses of L.S.D. in solid form 2248
or equals or exceeds five grams but is less than fifty grams of 2249

L.S.D. in liquid concentrate, liquid extract, or liquid 2250
distillate form; 2251

(e) If the drug involved in the conduct described in 2252
division (A) (1) of this section is heroin or a compound, 2253
mixture, preparation, or substance containing heroin, an amount 2254
of the drug so involved that equals or exceeds fifty unit doses 2255
or five grams but is less than three hundred unit doses or 2256
thirty grams; 2257

(f) If the drug involved in the conduct described in 2258
division (A) (1) of this section is a fentanyl-related compound 2259
or a compound, mixture, preparation, or substance containing a 2260
fentanyl-related compound, an amount of the drug so involved 2261
that equals or exceeds fifty unit doses or five grams but is 2262
less than one hundred unit doses or ten grams; 2263

(g) If the drug involved in the conduct described in 2264
division (A) (1) of this section is marihuana other than hashish 2265
or a compound, mixture, preparation, or substance containing 2266
marihuana other than hashish, an amount of the drug so involved 2267
that equals or exceeds one thousand grams but is less than forty 2268
thousand grams; 2269

(h) If the drug involved in the conduct described in 2270
division (A) (1) of this section is hashish or a compound, 2271
mixture, preparation, or substance containing hashish, an amount 2272
of the drug so involved that equals or exceeds fifty grams but 2273
is less than two thousand grams; 2274

(i) If the drug involved in the conduct described in 2275
division (A) (1) of this section is a controlled substance analog 2276
or a compound, mixture, preparation, or substance containing a 2277
controlled substance analog, an amount of the drug so involved 2278

that equals or exceeds twenty grams but is less than thirty 2279
grams. 2280

(B) All of the following are affirmative defenses to a 2281
charge under this section: 2282

(1) If the person charged is a manufacturer, licensed 2283
health professional authorized to prescribe drugs, pharmacist, 2284
owner of a pharmacy, or other person, the manufacturer's, 2285
licensed health professional's, pharmacist's, pharmacy owner's, 2286
or other person's conduct was in accordance with Chapters 3719., 2287
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised 2288
Code; 2289

(2) If the offense involves an anabolic steroid, the 2290
person charged was conducting or participating in a research 2291
project involving the use of an anabolic steroid if the project 2292
has been approved by the United States food and drug 2293
administration; 2294

(3) The person charged sold, offered for sale, prescribed, 2295
dispensed, or administered for livestock or other nonhuman 2296
species an anabolic steroid that was expressly intended for 2297
administration through implants to livestock or other nonhuman 2298
species and approved for that purpose under the "Federal Food, 2299
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, as 2300
amended, and was sold, offered for sale, prescribed, dispensed, 2301
or administered for that purpose in accordance with that act. 2302

(4) The person charged obtained the controlled substance 2303
under a lawful prescription issued by a licensed health 2304
professional authorized to prescribe drugs. 2305

(C) Whoever violates division (A) (1) of this section is 2306
guilty of major trafficking in drugs and shall be punished as 2307

follows: 2308

(1) Except as otherwise provided in division (C) (2), (3), (4), or (5) of this section, major trafficking in drugs is one of the following: 2309
2310
2311

(a) Except as otherwise provided in division (C) (1) (b) or (c) of this section, major trafficking in drugs is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies. 2312
2313
2314
2315

(b) If the drug involved is a drug specified in division (A) (2) (a), (c), (d), (e), (g), (h), or (i) of this section and the offense was committed in the vicinity of a school, major trafficking in drugs is a felony of the second degree and one of the following applies: 2316
2317
2318
2319
2320

(i) If the drug involved in the offense was a drug specified in division (A) (2) (e), (g), (h), or (i) of this section, there is a presumption that a prison term shall be imposed for the offense. 2321
2322
2323
2324

(ii) If the drug involved in the offense was a drug specified in division (A) (2) (a), (c), or (d) of this section, the court shall impose as a mandatory prison term a second degree felony mandatory prison term. 2325
2326
2327
2328

(c) If the drug involved is a drug specified in division (A) (2) (b) of this section and the offense was committed in the vicinity of a school, except as otherwise provided in this division, major trafficking in drugs is a felony of the second degree and there is a presumption that a prison term shall be imposed for the offense. If the offense was committed in the vicinity of a school, and the amount of the drug involved equals or exceeds fifty times the bulk amount, major trafficking in 2329
2330
2331
2332
2333
2334
2335
2336

drugs is a felony of the first degree and the court shall impose 2337
as a mandatory prison term a mandatory first degree felony 2338
prison term. 2339

(2) If the drug involved is a compound, mixture, 2340
preparation, or substance included in schedule I or schedule II 2341
that is a sexual assault-enabling drug, one of the following 2342
applies: 2343

(a) Except as otherwise provided in division (C) (2) (b), 2344
(c), or (d) of this section, major trafficking in drugs 2345
committed in those circumstances is a felony of the third degree 2346
and one of the following applies: 2347

(i) Except as otherwise provided in division (C) (2) (a) (ii) 2348
of this section, there is a presumption for a prison term for 2349
the offense. 2350

(ii) If the offender two or more times previously has been 2351
convicted of or pleaded guilty to a felony drug abuse offense, 2352
the court shall impose as a mandatory prison term a third degree 2353
felony mandatory prison term. 2354

(b) If the offense was committed in the vicinity of a 2355
school or in the vicinity of a juvenile, except as otherwise 2356
provided in divisions (C) (2) (c) or (d) of this section, major 2357
trafficking in drugs committed in those circumstances is a 2358
felony of the second degree, and the court shall impose as a 2359
mandatory prison term a second degree felony mandatory prison 2360
term. 2361

(c) If the amount of the drug involved equals or exceeds 2362
five times the bulk amount but is less than fifty times the bulk 2363
amount, except as otherwise provided in division (C) (2) (d) of 2364
this section, major trafficking in drugs committed in those 2365

circumstances is a felony of the second degree, and the court 2366
shall impose as a mandatory prison term a second degree felony 2367
mandatory prison term. 2368

(d) If the amount of the drug involved is within the range 2369
specified in division (C) (2) (c) of this section and the offense 2370
was committed in the vicinity of a school or in the vicinity of 2371
a juvenile, major trafficking in drugs committed in those 2372
circumstances is a felony of the first degree, and the court 2373
shall impose as a mandatory prison term a first degree felony 2374
mandatory prison term. 2375

(3) If the drug involved is a compound, mixture, 2376
preparation, or substance included in schedule III, schedule IV, 2377
or schedule V that is a sexual assault-enabling drug, one of the 2378
following applies: 2379

(a) Except as otherwise provided in divisions (C) (3) (b), 2380
(c), or (d) of this section, major trafficking in drugs 2381
committed in those circumstances is a felony of the third 2382
degree, and there is a presumption for a prison term for the 2383
offense; 2384

(b) If the offense was committed in the vicinity of a 2385
school or in the vicinity of a juvenile, except as otherwise 2386
provided in division (C) (3) (c) or (d) of this section, major 2387
trafficking in drugs committed in those circumstances is a 2388
felony of the second degree and there is a presumption for a 2389
prison term for the offense; 2390

(c) If the amount of the drug involved equals or exceeds 2391
fifty times the bulk amount, except as otherwise provided in 2392
division (C) (3) (d) of this section, major trafficking in drugs 2393
committed in those circumstances is a felony of the second 2394

degree, and the court shall impose as a mandatory prison term a 2395
second degree felony mandatory prison term. 2396

(d) If the amount of the drug involved is within the range 2397
specified in division (C)(3)(c) of this section and the offense 2398
was committed in the vicinity of a school or in the vicinity of 2399
a juvenile, major trafficking in drugs committed in those 2400
circumstances is a felony of the first degree, and the court 2401
shall impose as a mandatory prison term a first degree felony 2402
mandatory prison term. 2403

(4) If the drug involved is a fentanyl-related compound or 2404
a compound, mixture, preparation, or substance containing a 2405
fentanyl-related compound, one of the following applies: 2406

(a) Except as otherwise provided in division (C)(4)(b) of 2407
this section, major trafficking in drugs committed in those 2408
circumstances is a felony of the third degree, and there is a 2409
presumption for a prison term for the offense. 2410

(b) If the offense was committed in the vicinity of a 2411
school or in the vicinity of a juvenile, major trafficking in 2412
drugs committed in those circumstances is a felony of the second 2413
degree, and there is a presumption for a prison term for the 2414
offense. 2415

(5) If the drug involved in the violation is a compound, 2416
mixture, preparation, or substance that is a combination of a 2417
fentanyl-related compound and marihuana, one of the following 2418
applies: 2419

(a) Except as otherwise provided in division (C)(5)(b) of 2420
this section, the offender is guilty of major trafficking in 2421
drugs, involving marihuana, and shall be punished under division 2422
(C)(1) of this section. The offender is not guilty of major 2423

trafficking in drugs, involving a fentanyl-related compound, and 2424
shall not be punished as described in division (C) (5) (b) of this 2425
section for major trafficking in drugs, involving a fentanyl- 2426
related compound. 2427

(b) If the offender knows or has reason to know that the 2428
compound, mixture, preparation, or substance that is the drug 2429
involved contains a fentanyl-related compound, the offender is 2430
guilty of major trafficking in drugs, involving a fentanyl- 2431
related compound, and shall be punished under division (C) (4) of 2432
this section. 2433

(D) If the offender is a professionally licensed person, 2434
in addition to any other sanction imposed for a violation of 2435
this section, the court immediately shall comply with section 2436
2925.38 of the Revised Code. 2437

(E) Divisions (L) to (Q) of section 2925.03 of the Revised 2438
Code apply with respect to a charge or conviction of, or guilty 2439
plea to, a violation of division (A) of this section or a 2440
sentence imposed for such a violation, except to the extent that 2441
by their terms they clearly are inapplicable. Any reference in 2442
divisions (L) to (Q) of section 2925.03 of the Revised Code to a 2443
charge or conviction of, or guilty plea to, a violation of that 2444
section or to a sentence imposed for a violation of that section 2445
shall be construed for purposes of this section as a reference 2446
to a charge or conviction of, or guilty plea to, a violation of 2447
this section or to a sentence imposed for such a violation. 2448

(F) It is an affirmative defense to a charge of major 2449
trafficking in drugs, involving a controlled substance analog, 2450
under this section that the person charged with committing that 2451
offense sold or offered to sell, or prepared for shipment, 2452
shipped, transported, delivered, prepared for distribution, or 2453

distributed an item described in division (HH) (2) (a), (b), or 2454
(c) of section 3719.01 of the Revised Code. 2455

Sec. 2925.032. (A) (1) (a) Except as otherwise provided in 2456
division (C) of this section, no person shall knowingly sell or 2457
offer to sell a controlled substance or controlled substance 2458
analog in an amount listed in division (A) (2) of this section. 2459

(b) Except as otherwise provided in division (C) of this 2460
section, no person shall obtain or possess, with purpose to 2461
distribute or sell, a controlled substance or controlled 2462
substance analog in an amount listed in division (A) (2) of this 2463
section. 2464

(c) Except as otherwise provided in division (C) of this 2465
section, no person shall prepare for shipment, ship, transport, 2466
deliver, prepare for distribution, or distribute a controlled 2467
substance or controlled substance analog in an amount listed in 2468
division (A) (2) of this section when the person knows or has 2469
reasonable cause to believe that the controlled substance or 2470
controlled substance analog is intended for sale or resale. 2471

(2) Division (A) (1) of this section applies to conduct 2472
involving all of the following: 2473

(a) If the drug involved in the conduct described in 2474
division (A) (1) of this section is any compound, mixture, 2475
preparation, or substance included in schedule I or schedule II, 2476
other than marihuana, cocaine, L.S.D., heroin, a fentanyl- 2477
related compound, hashish, or a controlled substance analog, an 2478
amount of the drug so involved that equals or exceeds twenty- 2479
five one-thousandths of one gram but is less than the bulk 2480
amount; 2481

(b) If the drug involved in the conduct described in 2482

division (A) (1) of this section is any compound, mixture, 2483
preparation, or substance included in schedule III, schedule IV, 2484
or schedule V, an amount of the drug so involved that equals or 2485
exceeds twenty-five one-thousandths of one gram but is less than 2486
five times the bulk amount; 2487

(c) If the drug involved in the conduct described in 2488
division (A) (1) of this section is cocaine or a compound, 2489
mixture, preparation, or substance containing cocaine, an amount 2490
of the drug so involved that equals or exceeds twenty-five one- 2491
thousandths of one gram but is less than ten grams; 2492

(d) If the drug involved in the conduct described in 2493
division (A) (1) of this section is L.S.D. or a compound, 2494
mixture, preparation, or substance containing L.S.D., an amount 2495
of the drug so involved that equals or exceeds one-fourth of one 2496
unit dose but is less than fifty unit doses, of L.S.D. in solid 2497
form, or equals or exceeds twenty-five one-thousandths of one 2498
gram but is less than five grams, of L.S.D. in liquid 2499
concentrate, liquid extract, or liquid distillate form; 2500

(e) If the drug involved in the conduct described in 2501
division (A) (1) of this section is heroin or a compound, 2502
mixture, preparation, or substance containing heroin, an amount 2503
of the drug so involved that equals or exceeds twenty-five one- 2504
thousandths of one gram, or one-fourth of one unit dose but is 2505
less than five grams or fifty unit doses; 2506

(f) If the drug involved in the conduct described in 2507
division (A) (1) of this section is a fentanyl-related compound 2508
or a compound, mixture, preparation, or substance containing a 2509
fentanyl-related compound, an amount of the drug so involved 2510
that equals or exceeds twenty-five one-thousandths of one gram, 2511
or one-fourth of one unit dose but is less than five grams or 2512

fifty unit doses; 2513

(g) If the drug involved in the conduct described in 2514
division (A) (1) of this section is marihuana other than hashish 2515
or a compound, mixture, preparation, or substance containing 2516
marihuana other than hashish, an amount of the drug so involved 2517
that equals or exceeds twenty-five one-thousandths of one gram 2518
but is less than one thousand grams; 2519

(h) If the drug involved in the conduct described in 2520
division (A) (1) of this section is hashish or a compound, 2521
mixture, preparation, or substance containing hashish, an amount 2522
of the drug so involved that equals or exceeds twenty-five one- 2523
thousandths of one gram but is less than fifty grams; 2524

(i) If the drug involved in the conduct described in 2525
division (A) (1) of this section is a controlled substance analog 2526
or a compound, mixture, preparation, or substance containing a 2527
controlled substance analog, an amount of the drug so involved 2528
that equals or exceeds twenty-five one-thousandths of one gram 2529
but is less than twenty grams. 2530

(B) (1) Whoever violates division (A) (1) of this section 2531
based on an amount specified in division (A) (2) (a) of this 2532
section is guilty of trafficking in schedule I or schedule II 2533
drugs. The penalty for the offense shall be determined as 2534
follows: 2535

(a) Except as otherwise provided in division (B) (1) (b) of 2536
this section, trafficking in schedule I or schedule II drugs is 2537
one of the following: 2538

(i) Except as otherwise provided in division (B) (1) (a) (ii) 2539
of this section, trafficking in schedule I or schedule II drugs 2540
is a felony of the fifth degree, and division (B) of section 2541

2929.13 of the Revised Code applies in determining whether to 2542
impose a prison term on the offender. 2543

(ii) If the offense was committed in the vicinity of a 2544
school, trafficking in schedule I or schedule II drugs is a 2545
felony of the third degree, and division (C) of section 2929.13 2546
of the Revised Code applies in determining whether to impose a 2547
prison term on the offender. 2548

(b) If the drug involved is a sexual assault-enabling drug 2549
or a compound, mixture, preparation, or substance containing a 2550
sexual assault-enabling drug, trafficking in schedule I or 2551
schedule II drugs is one of the following: 2552

(i) Except as otherwise provided in division (B) (1) (b) (ii) 2553
of this section, trafficking in schedule I or schedule II drugs 2554
is a felony of the fourth degree, and division (C) of section 2555
2929.13 of the Revised Code applies in determining whether to 2556
impose a prison term on the offender. 2557

(ii) If the offense was committed in the vicinity of a 2558
school or in the vicinity of a juvenile, trafficking in schedule 2559
I or schedule II drugs is a felony of the third degree, and 2560
division (C) of section 2929.13 of the Revised Code applies in 2561
determining whether to impose a prison term on the offender. 2562

(2) Whoever violates division (A) (1) of this section based 2563
on an amount specified in division (A) (2) (b) of this section is 2564
guilty of trafficking in drugs. The penalty for the offense 2565
shall be determined as follows: 2566

(a) Except as otherwise provided in division (B) (2) (b) of 2567
this section, trafficking in drugs is one of the following: 2568

(i) If the amount of the drug involved equals or exceeds 2569
the bulk amount but is less than five times the bulk amount, 2570

except as otherwise provided in this division, trafficking in 2571
drugs is a felony of the fourth degree, and division (C) of 2572
section 2929.13 of the Revised Code applies in determining 2573
whether to impose a prison term on the offender. If the amount 2574
of the drug involved is within that range and the offense was 2575
committed in the vicinity of a school, trafficking in drugs is a 2576
felony of the third degree, and there is a presumption that a 2577
prison term shall be imposed for the offense. 2578

(ii) If the amount of the drug involved equals or exceeds 2579
twenty-five one-thousandths of one gram but is less than the 2580
bulk amount, except as otherwise provided in this division, 2581
trafficking in drugs is a felony of the fifth degree, and 2582
division (B) of section 2929.13 of the Revised Code applies in 2583
determining whether to impose a prison term on the offender. If 2584
the amount of the drug involved is within that range and the 2585
offense was committed in the vicinity of a school, trafficking 2586
in drugs is a felony of the fourth degree, and division (C) of 2587
section 2929.13 of the Revised Code applies in determining 2588
whether to impose a prison term on the offender. 2589

(b) If the drug involved is a sexual assault-enabling drug 2590
or a compound, mixture, preparation, or substance containing a 2591
sexual assault-enabling drug, trafficking in drugs is one of the 2592
following: 2593

(i) If the amount of the drug involved equals or exceeds 2594
the bulk amount but is less than five times the bulk amount, 2595
except as otherwise provided in division (B) (2) (b) (ii) of this 2596
section, trafficking in drugs is a felony of the fourth degree, 2597
and division (B) of section 2929.13 of the Revised Code applies 2598
in determining whether to impose a prison term on the offender. 2599

(ii) If the amount of the drug involved is within the 2600

range specified in division (B) (2) (b) (i) of this section and the 2601
offense was committed in the vicinity of a school or in the 2602
vicinity of a juvenile, trafficking in drugs is a felony of the 2603
third degree, and there is a presumption for a prison term for 2604
the offense. 2605

(iii) If the amount of the drug involved equals or exceeds 2606
twenty-five one-thousandths of one gram but is less than the 2607
bulk amount, except as otherwise provided in division (B) (2) (b) 2608
(iv) of this section, trafficking in drugs is a felony of the 2609
fifth degree, and division (B) of section 2929.13 of the Revised 2610
Code applies in determining whether to impose a prison term on 2611
the offender. 2612

(iv) If the amount of the drug involved is within the 2613
range specified in division (B) (2) (b) (iii) of this section and 2614
the offense was committed in the vicinity of a school or in the 2615
vicinity of a juvenile, trafficking in drugs is a felony of the 2616
fourth degree, and division (C) of section 2929.13 of the 2617
Revised Code applies in determining whether to impose a prison 2618
term on the offender. 2619

(3) Whoever violates division (A) (1) of this section based 2620
on an amount specified in division (A) (2) (c) of this section is 2621
guilty of trafficking in cocaine. Except as otherwise provided 2622
in this division, trafficking in cocaine is a felony of the 2623
fifth degree, and division (B) of section 2929.13 of the Revised 2624
Code applies in determining whether to impose a prison term on 2625
the offender. If the offense was committed in the vicinity of a 2626
school, trafficking in cocaine is one of the following: 2627

(a) Except as otherwise provided in division (B) (3) (b) of 2628
this section, trafficking in cocaine is a felony of the fourth 2629
degree, and division (C) of section 2929.13 of the Revised Code 2630

applies in determining whether to impose a prison term on the 2631
offender. 2632

(b) If the amount of the drug involved equals or exceeds 2633
five grams and is less than ten grams, trafficking in cocaine is 2634
a felony of the third degree, and there is a presumption that a 2635
prison term shall be imposed for the offense. 2636

(4) Whoever violates division (A) (1) of this section based 2637
on an amount specified in division (A) (2) (d) of this section is 2638
guilty of trafficking in L.S.D. Except as otherwise provided in 2639
this division, trafficking in L.S.D. is a felony of the fifth 2640
degree, and division (B) of section 2929.13 of the Revised Code 2641
applies in determining whether to impose a prison term on the 2642
offender. If the offense was committed in the vicinity of a 2643
school, trafficking in L.S.D. is one of the following: 2644

(a) Except as otherwise provided in division (B) (4) (b) of 2645
this section, trafficking in L.S.D. is a felony of the fourth 2646
degree, and division (C) of section 2929.13 of the Revised Code 2647
applies in determining whether to impose a prison term on the 2648
offender. 2649

(b) If the amount of the drug involved equals or exceeds 2650
one gram and is less than five grams or equals or exceeds ten 2651
unit doses and is less than fifty unit doses, trafficking in 2652
L.S.D. is a felony of the third degree, and there is a 2653
presumption that a prison term shall be imposed for the offense. 2654

(5) Whoever violates division (A) (1) of this section based 2655
on an amount specified in division (A) (2) (e) of this section is 2656
guilty of trafficking in heroin. The penalty for the offense 2657
shall be determined as follows: 2658

(a) If the amount of the drug involved equals or exceeds 2659

one gram or ten unit doses but is less than five grams or fifty 2660
unit doses, except as otherwise provided in this division, 2661
trafficking in heroin is a felony of the fourth degree, and 2662
division (C) of section 2929.13 of the Revised Code applies in 2663
determining whether to impose a prison term on the offender. If 2664
the amount of the drug involved in the offense is within that 2665
range and the offense was committed in the vicinity of a school, 2666
trafficking in heroin is a felony of the third degree and there 2667
is a presumption that a prison term shall be imposed for the 2668
offense. 2669

(b) If the amount of the drug involved equals or exceeds 2670
twenty-five one-thousandths of one gram or one-fourth of one 2671
unit dose but is less than one gram or ten unit doses, except as 2672
otherwise provided in this division, trafficking in heroin is a 2673
felony of the fifth degree, and division (B) of section 2929.13 2674
of the Revised Code applies in determining whether to impose a 2675
prison term on the offender. If the amount of the drug involved 2676
in the offense is within that range and the offense was 2677
committed in the vicinity of a school, trafficking in heroin is 2678
a felony of the fourth degree and division (C) of section 2679
2929.13 of the Revised Code applies in determining whether to 2680
impose a prison term on the offender. 2681

(6) Whoever violates division (A) (1) of this section based 2682
on an amount specified in division (A) (2) (f) of this section, 2683
subject to division (B) (7) of this section, is guilty of 2684
trafficking in a fentanyl-related compound. The penalty for the 2685
offense shall be determined as follows: 2686

(a) Except as otherwise provided in division (B) (6) (b), 2687
(c), or (d) of this section, trafficking in a fentanyl-related 2688
compound is a felony of the fifth degree, and division (B) of 2689

section 2929.13 of the Revised Code applies in determining 2690
whether to impose a prison term on the offender. 2691

(b) If the offense was committed in the vicinity of a 2692
school or in the vicinity of a juvenile, except as otherwise 2693
provided in division (B)(6)(c) or (d) of this section, 2694
trafficking in a fentanyl-related compound is a felony of the 2695
fourth degree, and division (C) of section 2929.13 of the 2696
Revised Code applies in determining whether to impose a prison 2697
term on the offender. 2698

(c) If the amount of the drug involved equals or exceeds 2699
ten unit doses but is less than fifty unit doses or equals or 2700
exceeds one gram but is less than five grams, except as 2701
otherwise provided in division (B)(6)(d) of this section, 2702
trafficking in a fentanyl-related compound is a felony of the 2703
fourth degree, and division (B) of section 2929.13 of the 2704
Revised Code applies in determining whether to impose a prison 2705
term for the offense. 2706

(d) If the amount of the drug involved is within the range 2707
specified in division (B)(6)(c) of this section and the offense 2708
was committed in the vicinity of a school or in the vicinity of 2709
a juvenile, trafficking in a fentanyl-related compound is a 2710
felony of the third degree, and there is a presumption for a 2711
prison term for the offense. 2712

(7) If the drug involved in the violation of division (A) 2713
(1) of this section is a compound, mixture, preparation, or 2714
substance that is a combination of a fentanyl-related compound 2715
and marihuana, one of the following applies: 2716

(a) Except as otherwise provided in division (B)(7)(b) of 2717
this section, the offender is guilty of trafficking in marihuana 2718

and shall be punished under division (B) (8) of this section. The 2719
offender is not guilty of trafficking in a fentanyl-related 2720
compound and shall not be charged with, convicted of, or 2721
punished under division (B) (6) of this section for trafficking 2722
in a fentanyl-related compound. 2723

(b) If the offender knows or has reason to know that the 2724
compound, mixture, preparation, or substance that is the drug 2725
involved contains a fentanyl-related compound, the offender is 2726
guilty of trafficking in a fentanyl-related compound and shall 2727
be punished under division (B) (6) of this section. 2728

(8) Whoever violates division (A) (1) of this section based 2729
on an amount specified in division (A) (2) (g) of this section, 2730
subject to division (D) of this section, is guilty of 2731
trafficking in marihuana. The penalty for the offense shall be 2732
determined as follows: 2733

(a) Except as otherwise provided in division (B) (8) (b) of 2734
this section, trafficking in marihuana is one of the following: 2735

(i) Except as otherwise provided in division (B) (8) (a) (ii) 2736
of this section, trafficking in marihuana is a felony of the 2737
fifth degree, and division (B) of section 2929.13 of the Revised 2738
Code applies in determining whether to impose a prison term on 2739
the offender. 2740

(ii) If the offense was committed in the vicinity of a 2741
school, except as otherwise provided in division (B) (8) (a) (iii) 2742
of this section, trafficking in marihuana is a felony of the 2743
fourth degree, and division (B) of section 2929.13 of the 2744
Revised Code applies in determining whether to impose a prison 2745
term on the offender. 2746

(iii) If the offense was committed in the vicinity of a 2747

school and the amount of the drug involved equals or exceeds two 2748
hundred grams and is less than one thousand grams, trafficking 2749
in marihuana is a felony of the third degree, and division (C) 2750
of section 2929.13 of the Revised Code applies in determining 2751
whether to impose a prison term on the offender. 2752

(b) If the amount of the drug involved is a gift of less 2753
than twenty grams, trafficking in marihuana is one of the 2754
following: 2755

(i) Except as otherwise provided in division (B) (8) (b) (ii) 2756
of this section, trafficking in marihuana is a minor misdemeanor 2757
on a first offense and a misdemeanor of the third degree on a 2758
subsequent offense. 2759

(ii) If the offense was committed in the vicinity of a 2760
school, trafficking in marihuana is a misdemeanor of the third 2761
degree. 2762

(9) Whoever violates division (A) (1) of this section based 2763
on an amount specified in division (A) (2) (h) of this section is 2764
guilty of trafficking in hashish. Except as otherwise provided 2765
in this division, trafficking in hashish is a felony of the 2766
fifth degree, and division (B) of section 2929.13 of the Revised 2767
Code applies in determining whether to impose a prison term on 2768
the offender. If the offense was committed in the vicinity of a 2769
school, trafficking in hashish is one of the following: 2770

(a) Except as otherwise provided in division (B) (9) (b) of 2771
this section, trafficking in hashish is a felony of the fourth 2772
degree, and division (B) of section 2929.13 of the Revised Code 2773
applies in determining whether to impose a prison term on the 2774
offender. 2775

(b) If the amount of the drug involved equals or exceeds 2776

ten grams in solid form or two grams in liquid form and is less 2777
than fifty grams in solid form or ten grams in liquid form, 2778
trafficking in hashish is a felony of the third degree, and 2779
division (C) of section 2929.13 of the Revised Code applies in 2780
determining whether to impose a prison term on the offender. 2781

(10) Whoever violates division (A) (1) of this section 2782
based on an amount specified in division (A) (2) (i) of this 2783
section is guilty of trafficking in a controlled substance 2784
analog. The penalty for the offense shall be determined as 2785
follows: 2786

(a) If the amount of the drug involved equals or exceeds 2787
ten grams but is less than twenty grams, trafficking in a 2788
controlled substance analog is one of the following: 2789

(i) Except as otherwise provided in division (B) (10) (a) 2790
(ii) of this section, trafficking in a controlled substance 2791
analog is a felony of the fourth degree, and division (C) of 2792
section 2929.13 of the Revised Code applies in determining 2793
whether to impose a prison term on the offender. 2794

(ii) If the offense was committed in the vicinity of a 2795
school, trafficking in a controlled substance analog is a felony 2796
of the third degree and there is a presumption that a prison 2797
term shall be imposed for the offense. 2798

(b) If the amount of the drug involved equals or exceeds 2799
twenty-five one-thousandths of one gram but is less than ten 2800
grams, trafficking in a controlled substance analog is one of 2801
the following: 2802

(i) Except as otherwise provided in division (B) (10) (b) 2803
(ii) of this section, trafficking in a controlled substance 2804
analog is a felony of the fifth degree, and division (B) of 2805

section 2929.13 of the Revised Code applies in determining 2806
whether to impose a prison term on the offender. 2807

(ii) If the offense was committed in the vicinity of a 2808
school, trafficking in a controlled substance analog is a felony 2809
of the fourth degree and division (C) of section 2929.13 of the 2810
Revised Code applies in determining whether to impose a prison 2811
term on the offender. 2812

(C) All of the following are affirmative defenses to a 2813
charge under this section: 2814

(1) If the person charged is a manufacturer, licensed 2815
health professional authorized to prescribe drugs, pharmacist, 2816
owner of a pharmacy, or other person, the manufacturer's, 2817
licensed health professional's, pharmacist's, pharmacy owner's, 2818
or other person's conduct was in accordance with Chapters 3719., 2819
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised 2820
Code; 2821

(2) If the offense involves an anabolic steroid, the 2822
person charged was conducting or participating in a research 2823
project involving the use of an anabolic steroid if the project 2824
has been approved by the United States food and drug 2825
administration; 2826

(3) The person charged sold, offered for sale, prescribed, 2827
dispensed, or administered for livestock or other nonhuman 2828
species an anabolic steroid that was expressly intended for 2829
administration through implants to livestock or other nonhuman 2830
species and approved for that purpose under the "Federal Food, 2831
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, 2832
and was sold, offered for sale, prescribed, dispensed, or 2833
administered for that purpose in accordance with that act. 2834

(D) Notwithstanding division (B) of this section, a person 2835
who violates division (A) (1) of this section by gifting twenty 2836
grams or less of marihuana to another person shall be guilty 2837
only of a minor misdemeanor. 2838

(E) If the offender is a professionally licensed person, 2839
in addition to any other sanction imposed for a violation of 2840
this section, the court immediately shall comply with section 2841
2925.38 of the Revised Code. 2842

(F) Divisions (L) to (Q) of section 2925.03 of the Revised 2843
Code apply with respect to a charge or conviction of, or guilty 2844
plea to, a violation of division (A) of this section or a 2845
sentence imposed for such a violation, except to the extent that 2846
by their terms they clearly are inapplicable. Any reference in 2847
divisions (L) to (Q) of section 2925.03 of the Revised Code to a 2848
charge or conviction of, or guilty plea to, a violation of that 2849
section or to a sentence imposed for a violation of that section 2850
shall be construed for purposes of this section as a reference 2851
to a charge or conviction of, or guilty plea to, a violation of 2852
this section or to a sentence imposed for such a violation. 2853

(G) It is an affirmative defense to a charge of 2854
trafficking in a controlled substance analog under this section 2855
that the person charged with violating that offense sold or 2856
offered to sell, or prepared for shipment, shipped, transported, 2857
delivered, prepared for distribution, or distributed an item 2858
described in division (HH) (2) (a), (b), or (c) of section 3719.01 2859
of the Revised Code. 2860

Sec. 2925.11. (A) ~~No~~ (1) Except as provided in division 2861
(B) of this section, no person shall knowingly obtain, possess, 2862
or use a controlled substance or a controlled substance analog 2863
in an amount listed in division (A) (2) of this section. 2864

(2) Division (A) (1) of this section applies to conduct 2865
involving all of the following: 2866

(a) If the drug involved in the conduct described in 2867
division (A) (1) of this section is any compound, mixture, 2868
preparation, or substance included in schedule I or schedule II, 2869
other than marihuana, cocaine, L.S.D., heroin, a fentanyl- 2870
related compound, hashish, a controlled substance analog, or a 2871
sexual assault-enhancing drug, subject to division (A) (2) (g) of 2872
this section, an amount of the drug so involved that equals or 2873
exceeds twenty-five one-thousandths of one gram but is less than 2874
the bulk amount; 2875

(b) If the drug involved in the conduct described in 2876
division (A) (1) of this section is any compound, mixture, 2877
preparation, or substance included in schedule III, schedule IV, 2878
or schedule V, subject to division (A) (2) (g) of this section, an 2879
amount of the drug so involved that equals or exceeds twenty- 2880
five one-thousandths of one gram but is less than five times the 2881
bulk amount; 2882

(c) If the drug involved in the conduct described in 2883
division (A) (1) of this section is cocaine or a compound, 2884
mixture, preparation, or substance containing cocaine, an amount 2885
of the drug so involved that equals or exceeds twenty-five one- 2886
thousandths of one gram but is less than ten grams; 2887

(d) If the drug involved in the conduct described in 2888
division (A) (1) of this section is L.S.D. or a compound, 2889
mixture, preparation, or substance containing L.S.D., an amount 2890
of the drug so involved that equals or exceeds one-fourth of one 2891
unit dose but is less than fifty unit doses, of L.S.D. in solid 2892
form or equals or exceeds twenty-five one-thousandths of one 2893
gram but is less than five grams, of L.S.D. in liquid 2894

concentrate, liquid extract, or liquid distillate form; 2895

(e) If the drug involved in the conduct described in 2896
division (A)(1) of this section is heroin or a compound, 2897
mixture, preparation, or substance containing heroin, an amount 2898
of the drug so involved that equals or exceeds twenty-five one- 2899
thousandths of one gram or one-fourth of one unit dose but is 2900
less than five grams or fifty unit doses; 2901

(f) If the drug involved in the conduct described in 2902
division (A)(1) of this section is a controlled substance analog 2903
or a compound, mixture, preparation, or substance containing a 2904
controlled substance analog, an amount of the drug so involved 2905
that equals or exceeds twenty-five one-thousandths of one gram 2906
but is less than twenty grams; 2907

(g) If the drug involved in the conduct described in 2908
division (A)(1) of this section is a sexual assault-enabling 2909
drug or a compound, mixture, preparation, or substance 2910
containing a sexual assault-enabling drug, an amount of the drug 2911
so involved that is one of the following: 2912

(i) If the sexual assault-enabling drug is a schedule I or 2913
schedule II controlled substance, an amount of the drug so 2914
involved that is less than the bulk amount; 2915

(ii) If the sexual assault-enabling drug is a schedule 2916
III, schedule IV, or schedule V controlled substance, an amount 2917
of the drug that is less than five times the bulk amount. 2918

(h) If the drug involved in the conduct described in 2919
division (A)(1) of this section is a fentanyl-related compound 2920
or a compound, mixture, preparation, or substance containing a 2921
fentanyl-related compound, an amount of the drug so involved 2922
that is less than fifty unit doses or five grams. 2923

(B) (1) ~~This~~ All of the following are affirmative defenses 2924
to a charge under this section does not apply to any of the 2925
following: 2926

(a) ~~Manufacturers~~ If the person charged is a manufacturer, 2927
licensed health ~~professionals~~ professional authorized to 2928
prescribe drugs, ~~pharmacists~~ pharmacist, ~~owners~~ owner of 2929
~~pharmacies~~ a pharmacy, and ~~or other persons whose person, the~~ 2930
manufacturer's, licensed health professional's, pharmacist's, 2931
pharmacy owner's, or other person's conduct was in accordance 2932
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 2933
4741. of the Revised Code; 2934

(b) If the offense involves an anabolic steroid, ~~any the~~ 2935
~~person who is~~ charged was conducting or participating in a 2936
research project involving the use of an anabolic steroid if the 2937
project has been approved by the United States food and drug 2938
administration; 2939

(c) ~~Any~~ The person who sells, offers ~~charged sold, offered~~ 2940
for sale, prescribes ~~prescribed, dispenses~~ dispensed, or 2941
~~administers~~ administered for livestock or other nonhuman species 2942
an anabolic steroid that ~~is~~ was expressly intended for 2943
administration through implants to livestock or other nonhuman 2944
species and approved for that purpose under the "Federal Food, 2945
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 2946
as amended, and ~~is~~ was sold, offered for sale, prescribed, 2947
dispensed, or administered for that purpose in accordance with 2948
that act; 2949

(d) ~~Any~~ The person who ~~charged~~ obtained the controlled 2950
substance pursuant to a prescription issued by a licensed health 2951
professional authorized to prescribe drugs if the prescription 2952
was issued for a legitimate medical purpose and not altered, 2953

forged, or obtained through deception or commission of a theft offense. 2954
2955

As used in division (B) (1) (d) of this section, "deception" and "theft offense" have the same meanings as in section 2913.01 of the Revised Code. 2956
2957
2958

(2) (a) As used in division (B) (2) of this section: 2959

(i) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 2960
2961

(ii) "Community control sanction" and "drug treatment program" have the same meanings as in section 2929.01 of the Revised Code. 2962
2963
2964

(iii) "Health care facility" has the same meaning as in section 2919.16 of the Revised Code. 2965
2966

(iv) "Minor drug possession offense" ~~means a violation of this section that is a misdemeanor or a felony of the fifth degree~~ has the same meaning as in section 2925.01 of the Revised Code. 2967
2968
2969
2970

(v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code. 2971
2972

(vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 2973
2974

(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code. 2975
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(viii) "Qualified individual" means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who 2977
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experiences a drug overdose and who seeks medical assistance for 2981
that overdose, or a person who is the subject of another person 2982
seeking or obtaining medical assistance for that overdose as 2983
described in division (B) (2) (b) of this section. 2984

(ix) "Seek or obtain medical assistance" includes, but is 2985
not limited to making a 9-1-1 call, contacting in person or by 2986
telephone call an on-duty peace officer, or transporting or 2987
presenting a person to a health care facility. 2988

(b) Subject to division (B) (2) (f) of this section, a 2989
qualified individual shall not be arrested, charged, prosecuted, 2990
convicted, or penalized pursuant to this chapter for a minor 2991
drug possession offense if all of the following apply: 2992

(i) The evidence of the obtaining, possession, or use of 2993
the controlled substance or controlled substance analog that 2994
would be the basis of the offense was obtained as a result of 2995
the qualified individual seeking the medical assistance or 2996
experiencing an overdose and needing medical assistance. 2997

(ii) Subject to division (B) (2) (g) of this section, within 2998
thirty days after seeking or obtaining the medical assistance, 2999
the qualified individual seeks and obtains a screening and 3000
receives a referral for treatment from a community addiction 3001
services provider or a properly credentialed addiction treatment 3002
professional. 3003

(iii) Subject to division (B) (2) (g) of this section, the 3004
qualified individual who obtains a screening and receives a 3005
referral for treatment under division (B) (2) (b) (ii) of this 3006
section, upon the request of any prosecuting attorney, submits 3007
documentation to the prosecuting attorney that verifies that the 3008
qualified individual satisfied the requirements of that 3009

division. The documentation shall be limited to the date and 3010
time of the screening obtained and referral received. 3011

(c) If a person is found to be in violation of any 3012
community control sanction and if the violation is a result of 3013
either of the following, the court shall first consider ordering 3014
the person's participation or continued participation in a drug 3015
treatment program or mitigating the penalty specified in section 3016
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 3017
applicable, after which the court has the discretion either to 3018
order the person's participation or continued participation in a 3019
drug treatment program or to impose the penalty with the 3020
mitigating factor specified in any of those applicable sections: 3021

(i) Seeking or obtaining medical assistance in good faith 3022
for another person who is experiencing a drug overdose; 3023

(ii) Experiencing a drug overdose and seeking medical 3024
assistance for that overdose or being the subject of another 3025
person seeking or obtaining medical assistance for that overdose 3026
as described in division (B) (2) (b) of this section. 3027

(d) If a person is found to be in violation of any post- 3028
release control sanction and if the violation is a result of 3029
either of the following, the court or the parole board shall 3030
first consider ordering the person's participation or continued 3031
participation in a drug treatment program or mitigating the 3032
penalty specified in section 2929.141 or 2967.28 of the Revised 3033
Code, whichever is applicable, after which the court or the 3034
parole board has the discretion either to order the person's 3035
participation or continued participation in a drug treatment 3036
program or to impose the penalty with the mitigating factor 3037
specified in either of those applicable sections: 3038

(i) Seeking or obtaining medical assistance in good faith 3039
for another person who is experiencing a drug overdose; 3040

(ii) Experiencing a drug overdose and seeking medical 3041
assistance for that emergency or being the subject of another 3042
person seeking or obtaining medical assistance for that overdose 3043
as described in division (B) (2) (b) of this section. 3044

(e) Nothing in division (B) (2) (b) of this section shall be 3045
construed to do any of the following: 3046

(i) Limit the admissibility of any evidence in connection 3047
with the investigation or prosecution of a crime with regards to 3048
a defendant who does not qualify for the protections of division 3049
(B) (2) (b) of this section or with regards to any crime other 3050
than a minor drug possession offense committed by a person who 3051
qualifies for protection pursuant to division (B) (2) (b) of this 3052
section for a minor drug possession offense; 3053

(ii) Limit any seizure of evidence or contraband otherwise 3054
permitted by law; 3055

(iii) Limit or abridge the authority of a peace officer to 3056
detain or take into custody a person in the course of an 3057
investigation or to effectuate an arrest for any offense except 3058
as provided in that division; 3059

(iv) Limit, modify, or remove any immunity from liability 3060
available pursuant to law in effect prior to September 13, 2016, 3061
to any public agency or to an employee of any public agency. 3062

(f) Division (B) (2) (b) of this section does not apply to 3063
any person who twice previously has been granted an immunity 3064
under division (B) (2) (b) of this section. No person shall be 3065
granted an immunity under division (B) (2) (b) of this section 3066
more than two times. 3067

(g) Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States department of health and human services to implement the act or the requirements of 42 C.F.R. Part 2.

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

~~(1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, cocaine, L.S.D., heroin, any fentanyl related compound, hashish, and any controlled substance analog, whoever violates division (A) of this section is guilty of aggravated possession of drugs. The penalty for the offense shall be determined as follows:~~

~~(a) Except as otherwise provided in division (C) (1) (b), (c), (d), or (e) of this section, aggravated possession of drugs is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~

~~(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, aggravated possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.~~

~~(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, aggravated possession of drugs is a felony of the second~~

~~degree, and the court shall impose as a mandatory prison term a
second degree felony mandatory prison term.~~ 3097
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~~(d) If the amount of the drug involved equals or exceeds
fifty times the bulk amount but is less than one hundred times
the bulk amount, aggravated possession of drugs is a felony of
the first degree, and the court shall impose as a mandatory
prison term a first degree felony mandatory prison term.~~ 3099
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~~(e) If the amount of the drug involved equals or exceeds
one hundred times the bulk amount, aggravated possession of
drugs is a felony of the first degree, the offender is a major
drug offender, and the court shall impose as a mandatory prison
term a maximum first degree felony mandatory prison term.~~ 3104
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~~(2) If the drug involved in the violation is a compound,
mixture, preparation, or substance included in schedule III, IV,
or V, whoever violates division (A) of this section is guilty of
possession of drugs. The penalty for the offense shall be
determined as follows:~~ 3109
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~~(a) Except as otherwise provided in division (C) (2) (b),
(c), or (d) of this section, possession of drugs is a
misdemeanor of the first degree or, if the offender previously
has been convicted of a drug abuse offense, a felony of the
fifth degree.~~ 3114
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~~(b) If the amount of the drug involved equals or exceeds
the bulk amount but is less than five times the bulk amount,
possession of drugs is a felony of the fourth degree, and
division (C) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.~~ 3119
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~~(c) If the amount of the drug involved equals or exceeds
five times the bulk amount but is less than fifty times the bulk~~ 3124
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~~amount, possession of drugs is a felony of the third degree, and
there is a presumption for a prison term for the offense.~~ 3126
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~~(d) If the amount of the drug involved equals or exceeds
fifty times the bulk amount, possession of drugs is a felony of
the second degree, and the court shall impose upon the offender
as a mandatory prison term a second degree felony mandatory
prison term.~~ 3128
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~~(3) If the drug involved in the violation is marihuana or
a compound, mixture, preparation, or substance containing
marihuana other than hashish, whoever violates division (A) of
this section is guilty of possession of marihuana. The penalty
for the offense shall be determined as follows:~~ 3133
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~~(a) Except as otherwise provided in division (C) (3) (b),
(c), (d), (e), (f), or (g) of this section, possession of
marihuana is a minor misdemeanor.~~ 3138
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~~(b) If the amount of the drug involved equals or exceeds
one hundred grams but is less than two hundred grams, possession
of marihuana is a misdemeanor of the fourth degree.~~ 3141
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~~(c) If the amount of the drug involved equals or exceeds
two hundred grams but is less than one thousand grams,
possession of marihuana is a felony of the fifth degree, and
division (B) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.~~ 3144
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~~(d) If the amount of the drug involved equals or exceeds
one thousand grams but is less than five thousand grams,
possession of marihuana is a felony of the third degree, and
division (C) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.~~ 3149
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~~(e) If the amount of the drug involved equals or exceeds~~ 3154

~~five thousand grams but is less than twenty thousand grams, 3155
possession of marihuana is a felony of the third degree, and 3156
there is a presumption that a prison term shall be imposed for 3157
the offense. 3158~~

~~(f) If the amount of the drug involved equals or exceeds 3159
twenty thousand grams but is less than forty thousand grams, 3160
possession of marihuana is a felony of the second degree, and 3161
the court shall impose as a mandatory prison term a second 3162
degree felony mandatory prison term of five, six, seven, or 3163
eight years. 3164~~

~~(g) If the amount of the drug involved equals or exceeds 3165
forty thousand grams, possession of marihuana is a felony of the 3166
second degree, and the court shall impose as a mandatory prison 3167
term a maximum second degree felony mandatory prison term. 3168~~

~~(4) If the drug involved in the violation is cocaine or a 3169
compound, mixture, preparation, or substance containing cocaine, 3170
whoever violates division (A) of this section is guilty of 3171
possession of cocaine. The penalty for the offense shall be 3172
determined as follows: 3173~~

~~(a) Except as otherwise provided in division (C) (4) (b), 3174
(c), (d), (e), or (f) of this section, possession of cocaine is 3175
a felony of the fifth degree, and division (B) of section 3176
2929.13 of the Revised Code applies in determining whether to 3177
impose a prison term on the offender. 3178~~

~~(b) If the amount of the drug involved equals or exceeds 3179
five grams but is less than ten grams of cocaine, possession of 3180
cocaine is a felony of the fourth degree, and division (B) of 3181
section 2929.13 of the Revised Code applies in determining 3182
whether to impose a prison term on the offender. 3183~~

~~(c) If the amount of the drug involved equals or exceeds ten grams but is less than twenty grams of cocaine, possession of cocaine is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If possession of cocaine is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree.~~ 3184
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~~(d) If the amount of the drug involved equals or exceeds twenty grams but is less than twenty seven grams of cocaine, possession of cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.~~ 3194
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~~(e) If the amount of the drug involved equals or exceeds twenty seven grams but is less than one hundred grams of cocaine, possession of cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 3199
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~~(f) If the amount of the drug involved equals or exceeds one hundred grams of cocaine, possession of cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~ 3204
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~~(5) If the drug involved in the violation is L.S.D., whoever violates division (A) of this section is guilty of possession of L.S.D. The penalty for the offense shall be determined as follows:~~ 3209
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~~(a) Except as otherwise provided in division (C) (5) (b), (c), (d), (e), or (f) of this section, possession of L.S.D. is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3213
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~~(b) If the amount of L.S.D. involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3218
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~~(c) If the amount of L.S.D. involved equals or exceeds fifty unit doses, but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the third degree, and there is a presumption for a prison term for the offense.~~ 3226
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~~(d) If the amount of L.S.D. involved equals or exceeds two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.~~ 3233
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~~(e) If the amount of L.S.D. involved equals or exceeds one thousand unit doses but is less than five thousand unit doses of~~ 3241
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~~L.S.D. in a solid form or equals or exceeds one hundred grams— 3243
but is less than five hundred grams of L.S.D. in a liquid— 3244
concentrate, liquid extract, or liquid distillate form,— 3245
possession of L.S.D. is a felony of the first degree, and the— 3246
court shall impose as a mandatory prison term a first degree— 3247
felony mandatory prison term. 3248~~

~~(f) If the amount of L.S.D. involved equals or exceeds— 3249
five thousand unit doses of L.S.D. in a solid form or equals or— 3250
exceeds five hundred grams of L.S.D. in a liquid concentrate,— 3251
liquid extract, or liquid distillate form, possession of L.S.D.— 3252
is a felony of the first degree, the offender is a major drug— 3253
offender, and the court shall impose as a mandatory prison term— 3254
a maximum first degree felony mandatory prison term. 3255~~

~~(6) If the drug involved in the violation is heroin or a— 3256
compound, mixture, preparation, or substance containing heroin,— 3257
whoever violates division (A) of this section is guilty of— 3258
possession of heroin. The penalty for the offense shall be— 3259
determined as follows: 3260~~

~~(a) Except as otherwise provided in division (C) (6) (b),— 3261
(c), (d), (e), or (f) of this section, possession of heroin is a— 3262
felony of the fifth degree, and division (B) of section 2929.13— 3263
of the Revised Code applies in determining whether to impose a— 3264
prison term on the offender. 3265~~

~~(b) If the amount of the drug involved equals or exceeds— 3266
ten unit doses but is less than fifty unit doses or equals or— 3267
exceeds one gram but is less than five grams, possession of— 3268
heroin is a felony of the fourth degree, and division (C) of— 3269
section 2929.13 of the Revised Code applies in determining— 3270
whether to impose a prison term on the offender. 3271~~

~~(c) If the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, possession of heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.~~ 3272
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~~(d) If the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, possession of heroin is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.~~ 3277
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~~(e) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams, possession of heroin is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 3283
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~~(f) If the amount of the drug involved equals or exceeds one thousand unit doses or equals or exceeds one hundred grams, possession of heroin is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~ 3289
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~~(7) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates division (A) of this section is guilty of possession of hashish. The penalty for the offense shall be determined as follows:~~ 3295
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~~(a) Except as otherwise provided in division (C) (7) (b),~~ 3300

~~(c), (d), (e), (f), or (g) of this section, possession of hashish is a minor misdemeanor.~~ 3301
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~~(b) If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.~~ 3303
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~~(c) If the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3309
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~~(d) If the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3317
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~~(e) If the amount of the drug involved equals or exceeds two hundred fifty grams but is less than one thousand grams of hashish in a solid form or equals or exceeds fifty grams but is less than two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the third degree, and there is a presumption that~~ 3325
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~~a prison term shall be imposed for the offense.~~ 3331

~~(f) If the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term of five, six, seven, or eight years.~~ 3332
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~~(g) If the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the second degree, and the court shall impose as a mandatory prison term a maximum second degree felony mandatory prison term.~~ 3341
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~~(8) If the drug involved is a controlled substance analog or compound, mixture, preparation, or substance that contains a controlled substance analog, whoever violates division (A) of this section is guilty of possession of a controlled substance analog. The penalty for the offense shall be determined as follows:~~ 3348
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~~(a) Except as otherwise provided in division (C) (8) (b), (c), (d), (e), or (f) of this section, possession of a controlled substance analog is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3354
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~~(b) If the amount of the drug involved equals or exceeds~~ 3359

~~ten grams but is less than twenty grams, possession of a
controlled substance analog is a felony of the fourth degree,
and there is a presumption for a prison term for the offense.~~

~~(c) If the amount of the drug involved equals or exceeds
twenty grams but is less than thirty grams, possession of a
controlled substance analog is a felony of the third degree, and
there is a presumption for a prison term for the offense.~~

~~(d) If the amount of the drug involved equals or exceeds
thirty grams but is less than forty grams, possession of a
controlled substance analog is a felony of the second degree,
and the court shall impose as a mandatory prison term a second-
degree felony mandatory prison term.~~

~~(e) If the amount of the drug involved equals or exceeds
forty grams but is less than fifty grams, possession of a
controlled substance analog is a felony of the first degree, and
the court shall impose as a mandatory prison term a first degree
felony mandatory prison term.~~

~~(f) If the amount of the drug involved equals or exceeds
fifty grams, possession of a controlled substance analog is a
felony of the first degree, the offender is a major drug
offender, and the court shall impose as a mandatory prison term
a maximum first degree felony mandatory prison term.~~

~~(9) Whoever violates division (A) (1) of this section is
guilty of possession of a controlled substance and shall be
penalized as follows:~~

~~(1) (a) If the violation is based on an amount specified in
division (A) (2) (a), (b), (c), (d), or (f) of this section,
except as otherwise provided in this division, possession of a
controlled substance is an unclassified misdemeanor and division~~

(C) (7) of this section applies. If the offender twice previously 3389
has been convicted of or pleaded guilty to a violation of this 3390
section or a substantially equivalent law of this state or 3391
municipal ordinance in the three years immediately preceding the 3392
offense date, possession of a controlled substance is a felony 3393
of the fifth degree and division (B) of section 2929.13 of the 3394
Revised Code applies in determining whether to impose a prison 3395
term on the offender. 3396

(b) If the violation is based on an amount specified in 3397
division (A) (2) (e) of this section, possession of a controlled 3398
substance is one of the following: 3399

(i) If the amount of the heroin or the compound, mixture, 3400
preparation, or substance containing heroin involved equals or 3401
exceeds twenty-five one-thousandths of one gram or one-fourth of 3402
one unit dose but is less than three grams or thirty unit doses, 3403
except as otherwise provided in this division, possession of a 3404
controlled substance is an unclassified misdemeanor and division 3405
(C) (7) of this section applies. If the offender twice previously 3406
has been convicted of or pleaded guilty to a violation of this 3407
section or a substantially equivalent law of this state or 3408
municipal ordinance in the three years immediately preceding the 3409
offense date, possession of a controlled substance is a felony 3410
of the fifth degree and division (B) of section 2929.13 of the 3411
Revised Code applies in determining whether to impose a prison 3412
term on the offender. 3413

(ii) If the amount of the heroin or the compound, mixture, 3414
preparation, or substance containing heroin involved equals or 3415
exceeds three grams or thirty unit doses but is less than five 3416
grams or fifty unit doses, possession of a controlled substance 3417
is a felony of the fifth degree and division (B) of section 3418

2929.13 of the Revised Code applies in determining whether to 3419
impose a prison term on the offender. 3420

(2) If the violation is based on an amount specified in 3421
division (A) (2) (g) (i) of this section, possession of a 3422
controlled substance committed in those circumstances is a 3423
felony of the fifth degree, and division (B) of section 2929.13 3424
of the Revised Code applies in determining whether to impose a 3425
prison term on the offender. 3426

(3) If the violation is based on an amount specified in 3427
division (A) (2) (g) (ii) of this section, the penalty for the 3428
offense shall be determined as follows: 3429

(a) Except as otherwise provided in division (C) (3) (b) or 3430
(c) of this section, possession of a controlled substance 3431
committed in those circumstances is a misdemeanor of the first 3432
degree. 3433

(b) If the offender previously has been convicted of or 3434
pleaded guilty to a drug abuse offense, except as provided in 3435
division (C) (3) (c) of this section, possession of a controlled 3436
substance committed in those circumstances is a felony of the 3437
fifth degree, and division (B) of section 2929.13 of the Revised 3438
Code applies in determining whether to impose a prison term on 3439
the offender; 3440

(c) If the amount of the drug involved equals or exceeds 3441
the bulk amount but is less than five times the bulk amount, 3442
possession of a controlled substance committed in those 3443
circumstances is a felony of the fourth degree, and division (C) 3444
of section 2929.13 of the Revised Code applies in determining 3445
whether to impose a prison term on the offender. 3446

(4) If the drug involved in the violation is a compound, 3447

mixture, preparation, or substance that is a combination of a 3448
fentanyl-related compound and marihuana, one of the following 3449
applies: 3450

(a) Except as otherwise provided in division (C) ~~(9)~~ (4) (b) 3451
of this section, the offender is guilty of possession of 3452
marihuana and shall be punished as provided in ~~division (C) (3)~~ 3453
~~of this section 2925.111 or 2925.112 of the Revised Code.~~ Except 3454
as otherwise provided in division (C) ~~(9)~~ (4) (b) of this section, 3455
the offender is not guilty of possession of a controlled 3456
substance requiring sentencing for a fentanyl-related compound 3457
under division (C) ~~(11)~~ (6) of this section and shall not be 3458
~~charged with, convicted of, or punished under division (C) (11)~~ 3459
(6) of this section for possession of a fentanyl-related 3460
compound. 3461

(b) If the offender knows or has reason to know that the 3462
compound, mixture, preparation, or substance that is the drug 3463
involved contains a fentanyl-related compound, the offender is 3464
guilty of possession of a controlled substance requiring 3465
sentencing for a fentanyl-related compound and shall be punished 3466
under division (C) ~~(11)~~ (6) of this section. 3467

~~(10)~~ (5) If the drug involved in the violation is a 3468
compound, mixture, preparation, or substance that is a 3469
combination of a fentanyl-related compound and any schedule III, 3470
schedule IV, or schedule V controlled substance that is not a 3471
fentanyl-related compound, one of the following applies: 3472

(a) Except as otherwise provided in division (C) ~~(10)~~ (5) (b) 3473
of this section, the offender is guilty of possession of ~~drugs~~ 3474
~~and shall be punished as provided in a controlled substance~~ 3475
requiring sentencing under division (C) ~~(2)~~ (1) of this section. 3476
Except as otherwise provided in division (C) ~~(10)~~ (5) (b) of this 3477

section, the offender is not guilty of possession of a 3478
controlled substance requiring sentencing for a fentanyl-related 3479
compound under division (C) ~~(11)(6)~~ of this section and shall not 3480
be ~~charged with, convicted of, or punished~~ under division (C) 3481
~~(11)(6)~~ of this section ~~for possession of a fentanyl-related~~ 3482
~~compound.~~ 3483

(b) If the offender knows or has reason to know that the 3484
compound, mixture, preparation, or substance that is the drug 3485
involved contains a fentanyl-related compound, the offender is 3486
guilty of possession of a controlled substance requiring 3487
sentencing for a fentanyl-related compound and shall be punished 3488
under division (C) ~~(11)(6)~~ of this section. 3489

~~(11)(6)~~ If the drug involved in the violation is a 3490
fentanyl-related compound and neither division (C) ~~(9)(4)~~ (a) nor 3491
division (C) ~~(10)(5)~~ (a) of this section applies to the drug 3492
involved, or is a compound, mixture, preparation, or substance 3493
that contains a fentanyl-related compound or is a combination of 3494
a fentanyl-related compound and any other controlled substance 3495
and neither division (C) ~~(9)(4)~~ (a) nor division (C) ~~(10)(5)~~ (a) of 3496
this section applies to the drug involved, ~~whoever violates~~ 3497
~~division (A) of this section is guilty of possession of a~~ 3498
~~fentanyl-related compound. The~~ the penalty for the offense shall 3499
be determined as follows: 3500

(a) Except as otherwise provided in division (C) ~~(11)(6)~~ 3501
~~(b), (c), (d), (e), (f), or (g)~~ of this section, possession of a 3502
~~fentanyl-related compound~~ controlled substance in those 3503
circumstances is a felony of the fifth degree, and division (B) 3504
of section 2929.13 of the Revised Code applies in determining 3505
whether to impose a prison term on the offender. 3506

(b) If the amount of the drug involved equals or exceeds 3507

ten unit doses but is less than fifty unit doses or equals or 3508
exceeds one gram but is less than five grams, possession of a 3509
~~fantanyl-related compound controlled substance in those~~ 3510
circumstances is a felony of the fourth degree, and division (C) 3511
of section 2929.13 of the Revised Code applies in determining 3512
whether to impose a prison term on the offender. 3513

~~(e) If the amount of the drug involved equals or exceeds~~ 3514
~~fifty unit doses but is less than one hundred unit doses or~~ 3515
~~equals or exceeds five grams but is less than ten grams,~~ 3516
~~possession of a fantanyl-related compound is a felony of the~~ 3517
~~third degree, and there is a presumption for a prison term for~~ 3518
~~the offense.~~ 3519

~~(d) If the amount of the drug involved equals or exceeds~~ 3520
~~one hundred unit doses but is less than two hundred unit doses~~ 3521
~~or equals or exceeds ten grams but is less than twenty grams,~~ 3522
~~possession of a fantanyl-related compound is a felony of the~~ 3523
~~second degree, and the court shall impose as a mandatory prison~~ 3524
~~term one of the prison terms prescribed for a felony of the~~ 3525
~~second degree.~~ 3526

~~(e) If the amount of the drug involved equals or exceeds~~ 3527
~~two hundred unit doses but is less than five hundred unit doses~~ 3528
~~or equals or exceeds twenty grams but is less than fifty grams,~~ 3529
~~possession of a fantanyl-related compound is a felony of the~~ 3530
~~first degree, and the court shall impose as a mandatory prison~~ 3531
~~term one of the prison terms prescribed for a felony of the~~ 3532
~~first degree.~~ 3533

~~(f) If the amount of the drug involved equals or exceeds~~ 3534
~~five hundred unit doses but is less than one thousand unit doses~~ 3535
~~or equals or exceeds fifty grams but is less than one hundred~~ 3536
~~grams, possession of a fantanyl-related compound is a felony of~~ 3537

~~the first degree, and the court shall impose as a mandatory
prison term the maximum prison term prescribed for a felony of
the first degree.~~ 3538
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~~(g) If the amount of the drug involved equals or exceeds
one thousand unit doses or equals or exceeds one hundred grams,
possession of a fentanyl-related compound is a felony of the
first degree, the offender is a major drug offender, and the
court shall impose as a mandatory prison term the maximum prison
term prescribed for a felony of the first degree.~~ 3541
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(7) When possession of a controlled substance is an
unclassified misdemeanor under division (C) (1) of this section
or under division (C) (1) of section 2925.112 of the Revised
Code, it shall be presumed that the offender shall be sentenced
to treatment under section 2929.26 or 2929.27 of the Revised
Code. If the court determines that the offender, in committing
the offense or related in any way to the offense, has made
threats of violence to any person, the presumption does not
apply and the court may sentence the offender pursuant to any
sanction or combination of sanctions under sections 2929.21 to
2929.28 of the Revised Code, except that: 3547
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(a) Notwithstanding section 2929.24 of the Revised Code,
the court may impose on the offender a jail term of not more
than three hundred sixty-four days; 3558
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(b) Notwithstanding division (A) (2) (a) of section 2929.28
of the Revised Code, the court may fine the offender not more
than one thousand dollars; 3561
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(c) Notwithstanding sections 2929.26 and 2929.27 of the
Revised Code, the court may impose on the offender a term of not
more than six months in a community-based correctional facility. 3564
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~~(D) Arrest or conviction for a minor misdemeanor violation~~ 3567
~~of this section does not constitute a criminal record and need~~ 3568
~~not be reported by the person so arrested or convicted in~~ 3569
~~response to any inquiries about the person's criminal record,~~ 3570
~~including any inquiries contained in any application for~~ 3571
~~employment, license, or other right or privilege, or made in~~ 3572
~~connection with the person's appearance as a witness. (1) If a~~ 3573
person is charged with a misdemeanor violation of division (A) 3574
(1) of this section or a misdemeanor violation of section 3575
2925.111 or 2925.112 of the Revised Code, the court may hold the 3576
prosecution in abeyance and stay all criminal proceedings with 3577
respect to the violation if all of the following apply: 3578

(a) The person has not previously been convicted of or 3579
pleaded guilty to any of the following: 3580

(i) A violation of division (A)(1) of this section 3581
committed on or after the effective date of this section or of 3582
section 2925.03, 2925.031, or 2925.032 of the Revised Code; 3583

(ii) A violation of the version of section 2925.11 of the 3584
Revised Code that was in effect prior to the effective date of 3585
this section if the drug that was the basis of the violation was 3586
other than marihuana or hashish. 3587

(b) The person agrees to a drug treatment program 3588
determined by the court to be appropriate, to comply with all 3589
terms and conditions of treatment imposed by the court, and to 3590
complete the program. 3591

(c) The person waives the person's right to a speedy trial 3592
and any other rights with respect to the time of proceedings 3593
related to the violation that otherwise would apply. 3594

(2) If the court, under division (D)(1) of this section, 3595

holds a prosecution in abeyance and stays all criminal 3596
proceedings against a person with respect to a violation, all of 3597
the following apply: 3598

(a) The court shall issue an order that establishes terms 3599
and conditions of the drug treatment program and requires the 3600
person to complete the program, and shall place the offender 3601
under the general control and supervision of the county 3602
probation department, the adult parole authority, or another 3603
appropriate local probation or court services agency, if one 3604
exists, as if the offender was subject to a community control 3605
sanction imposed under section 2929.25 of the Revised Code. 3606

(b) If the court finds that the person has successfully 3607
completed the drug treatment program, the court shall dismiss 3608
the proceedings against the person. Successful completion of the 3609
program shall be without adjudication of guilt and is not a 3610
criminal conviction for purposes of any disqualification or 3611
disability imposed by law upon conviction of a crime, the court 3612
may order the sealing of records related to the offense in 3613
question in the manner provided in sections 2953.51 to 2953.56 3614
of the Revised Code, and the court shall inform the person that 3615
the person may apply for the sealing of the records under those 3616
sections and of the procedure for making such an application. 3617

(c) If the person fails to comply with any term or 3618
condition imposed as part of the treatment program for the 3619
person, the supervising authority for the person promptly shall 3620
advise the court of this failure, and the court shall hold a 3621
hearing to determine whether the person failed to comply with 3622
any such term or condition. If the court determines that the 3623
person has failed to comply with any of those terms and 3624
conditions, it shall do one of the following: 3625

(i) Issue an order that continues the person under the same drug treatment program, with the same terms and conditions of the program; 3626
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(ii) Issue an order that continues the person under the same drug treatment program, with different terms and conditions of the program; 3629
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(iii) Issue an order that subjects the person to a different treatment program and establishes terms and conditions of the program; 3632
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(iv) Continue with the prosecution of the violation that was held in abeyance. 3635
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(3) If a court issues an order under division (D) (2) (c) (i), (ii), or (iii) of this section, the court shall place the offender under the general control and supervision of an entity as specified in division (D) (2) (a) of this section, and divisions (D) (2) (b) and (c) of this section apply with respect to the order so issued. 3637
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(4) A person shall not be required to enter a guilty plea to a misdemeanor violation of division (A) (1) of this section or a misdemeanor violation of section 2925.111 or 2925.112 of the Revised Code in order for a court to hold the prosecution in abeyance and stay all criminal proceedings with respect to the violation under division (D) of this section. 3643
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(E) In addition to any prison term or jail term authorized or required by division (C) of this section and sections 2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in addition to any other sanction that is imposed for the offense under this section, sections 2929.11 to 2929.18, or sections 2929.21 to 2929.28 of the Revised Code, the court that 3649
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sentences an offender who is convicted of or pleads guilty to a 3655
violation of division (A) (1) of this section may suspend the 3656
offender's driver's or commercial driver's license or permit for 3657
not more than five years. However, if the offender pleaded 3658
guilty to or was convicted of a violation of section 4511.19 of 3659
the Revised Code or a substantially similar municipal ordinance 3660
or the law of another state or the United States arising out of 3661
the same set of circumstances as the violation, the court shall 3662
suspend the offender's driver's or commercial driver's license 3663
or permit for not more than five years. If applicable, the court 3664
also shall do the following: 3665

(1) (a) If the violation is a felony of the first, second, 3666
or third degree, the court shall impose upon the offender the 3667
mandatory fine specified for the offense under division (B) (1) 3668
of section 2929.18 of the Revised Code unless, as specified in 3669
that division, the court determines that the offender is 3670
indigent. 3671

(b) Notwithstanding any contrary provision of section 3672
3719.21 of the Revised Code, the clerk of the court shall pay a 3673
mandatory fine or other fine imposed for a violation of this 3674
section pursuant to division (A) of section 2929.18 of the 3675
Revised Code in accordance with and subject to the requirements 3676
of division ~~(F)~~ (N) of section 2925.03 of the Revised Code. The 3677
agency that receives the fine shall use the fine as specified in 3678
division ~~(F)~~ (N) of section 2925.03 of the Revised Code. 3679

(c) If a person is charged with a violation of this 3680
section that is a felony of the first, second, or third degree, 3681
posts bail, and forfeits the bail, the clerk shall pay the 3682
forfeited bail pursuant to division (E) (1) (b) of this section as 3683
if it were a mandatory fine imposed under division (E) (1) (a) of 3684

this section. 3685

(2) If the offender is a professionally licensed person, 3686
in addition to any other sanction imposed for a violation of 3687
this section, the court immediately shall comply with section 3688
2925.38 of the Revised Code. 3689

(F) It is an affirmative defense, as provided in section 3690
2901.05 of the Revised Code, to a charge of a fourth degree 3691
felony violation under this section that the controlled 3692
substance that gave rise to the charge is in an amount, is in a 3693
form, is prepared, compounded, or mixed with substances that are 3694
not controlled substances in a manner, or is possessed under any 3695
other circumstances, that indicate that the substance was 3696
possessed solely for personal use. Notwithstanding any contrary 3697
provision of this section, if, in accordance with section 3698
2901.05 of the Revised Code, an accused who is charged with a 3699
fourth degree felony violation ~~of division (C) (2), (4), (5), or~~ 3700
~~(6) of under~~ this section sustains the burden of going forward 3701
with evidence of and establishes by a preponderance of the 3702
evidence the affirmative defense described in this division, the 3703
accused may be prosecuted for and may plead guilty to or be 3704
convicted of a misdemeanor violation ~~of division (C) (2) of this~~ 3705
~~section~~ or a fifth degree felony violation ~~of division (C) (4),~~ 3706
~~(5), or (6) of under~~ this section ~~respectively.~~ 3707

(G) When a person is charged with possessing a bulk amount 3708
or multiple of a bulk amount, division ~~(E)~~ (M) of section 2925.03 3709
of the Revised Code applies regarding the determination of the 3710
amount of the controlled substance involved at the time of the 3711
offense. 3712

(H) It is an affirmative defense to a charge of possession 3713
of a controlled substance involving a controlled substance 3714

analog under ~~division (C) (8) of~~ this section that the person 3715
charged with ~~violating~~ that offense obtained, possessed, or used 3716
one of the following items that are excluded from the meaning of 3717
"controlled substance analog" under section 3719.01 of the 3718
Revised Code: 3719

(1) A controlled substance; 3720

(2) Any substance for which there is an approved new drug 3721
application; 3722

(3) With respect to a particular person, any substance if 3723
an exemption is in effect for investigational use for that 3724
person pursuant to federal law to the extent that conduct with 3725
respect to that substance is pursuant to that exemption. 3726

(I) Any offender who received a mandatory suspension of 3727
the offender's driver's or commercial driver's license or permit 3728
under this section prior to September 13, 2016, may file a 3729
motion with the sentencing court requesting the termination of 3730
the suspension. However, an offender who pleaded guilty to or 3731
was convicted of a violation of section 4511.19 of the Revised 3732
Code or a substantially similar municipal ordinance or law of 3733
another state or the United States that arose out of the same 3734
set of circumstances as the violation for which the offender's 3735
license or permit was suspended under this section shall not 3736
file such a motion. 3737

Upon the filing of a motion under division (I) of this 3738
section, the sentencing court, in its discretion, may terminate 3739
the suspension. 3740

(J) (1) As used in division (J) (2) of this section, "former 3741
section 2925.11 of the Revised Code" means the version of 3742
section 2925.11 of the Revised Code in effect prior to the 3743

effective date of this amendment. 3744

(2) If a person has been charged with a violation of 3745
former section 2925.11 of the Revised Code allegedly committed 3746
prior to the effective date of this amendment, all of the 3747
following apply: 3748

(a) The conduct constituting the violation shall be 3749
considered for purposes of divisions (J) (2) (b) and (c) of this 3750
section to be a violation of section 2925.11, 2925.111, or 3751
2925.112 of the Revised Code, whichever would apply to that 3752
conduct if it were committed on or after the effective date of 3753
this amendment. 3754

(b) If the charges are pending on the effective date of 3755
this amendment, the provisions of section 2925.11, 2925.111, or 3756
2925.112 of the Revised Code, whichever would apply to the 3757
conduct constituting the violation, including the sentencing 3758
provisions under those sections, apply with respect to the 3759
charges. 3760

(c) If the person has been convicted of or pleaded guilty 3761
to the violation and the penalty, forfeiture, or punishment for 3762
the violation that includes the conduct has not been imposed as 3763
of the effective date of this amendment, both of the following 3764
apply: 3765

(i) If the penalty, forfeiture, or punishment for the 3766
violation, as set forth in section 2925.11, 2925.111, or 3767
2925.112 of the Revised Code, is a reduction of the penalty, 3768
forfeiture, or punishment for the violation that applied under 3769
former section 2925.11 of the Revised Code, the penalty, 3770
forfeiture, or punishment for the violation shall be imposed 3771
according to section 2925.11, 2925.111, or 2925.112 of the 3772

Revised Code, whichever is applicable regarding the conduct. 3773

(ii) If division (J) (2) (c) (i) of this section does not 3774
apply, the penalty, forfeiture, or punishment for the violation 3775
shall be imposed according to former section 2925.11 of the 3776
Revised Code. 3777

Sec. 2925.111. (A) No person shall knowingly obtain, 3778
possess, or use marihuana other than hashish or a compound, 3779
mixture, preparation, or substance containing marihuana other 3780
than hashish, when the amount of the drug involved equals or 3781
exceeds twenty-five one-thousandths of a gram but is less than 3782
one thousand grams. 3783

(B) No person shall knowingly obtain, possess, or use 3784
hashish or a compound, mixture, preparation, or substance 3785
containing hashish, when the amount of the drug involved equals 3786
or exceeds twenty-five one-thousandths of a gram but is less 3787
than fifty grams. 3788

(C) Whoever violates division (A) of this section is 3789
guilty of possession of marihuana. The penalty for the offense 3790
shall be determined as follows: 3791

(1) If the amount of the drug involved equals or exceeds 3792
twenty-five one-thousandths of one gram but is less than two 3793
hundred grams, possession of marihuana is a minor misdemeanor; 3794

(2) If the amount of the drug involved is at least two 3795
hundred grams but is less than four hundred grams, possession of 3796
marihuana is a misdemeanor of the fourth degree; 3797

(3) If the amount of the drug involved is at least four 3798
hundred grams but is less than one thousand grams, possession of 3799
marihuana is a misdemeanor of the first degree. 3800

(D) Whoever violates division (B) of this section is 3801
guilty of possession of hashish. The penalty for the offense 3802
shall be determined as follows: 3803

(1) If the amount of the drug involved is equal or exceeds 3804
twenty-five one-thousandths of one gram, but is less than ten 3805
grams, possession of hashish is a minor misdemeanor; 3806

(2) If the amount of the drug involved is at least ten 3807
grams but is less than twenty grams, possession of hashish is a 3808
misdemeanor of the fourth degree; 3809

(3) If the amount of the drug involved is at least twenty 3810
grams but is less than fifty grams, possession of hashish is a 3811
misdemeanor of the first degree. 3812

(E) If the offender is a professionally licensed person, 3813
in addition to any other sanction imposed for a violation of 3814
this section, the court immediately shall comply with section 3815
2925.38 of the Revised Code. 3816

(F) An arrest or a conviction for a minor misdemeanor 3817
violation of division (A) or (B) of this section does not 3818
constitute a criminal record and need not be reported by the 3819
person so arrested or found guilty in response to any inquiries 3820
about the person's criminal record, including any inquiries 3821
contained in any application for employment, license, or other 3822
right or privilege, or made in connection with the person's 3823
appearance as a witness. 3824

(G) Division (B)(2) of section 2925.11 of the Revised Code 3825
applies with respect to a violation of division (A) or (B) of 3826
this section that is a minor drug possession offense. 3827

Divisions (E), (F), and (I) of section 2925.11 of the 3828
Revised Code apply with respect to a charge or conviction of, or 3829

guilty plea to, a violation of division (A) or (B) of this 3830
section or a sentence imposed for such a violation, except to 3831
the extent that by their terms they clearly are inapplicable. 3832
Any reference in divisions (E), (F), and (I) of section 2925.11 3833
of the Revised Code to a charge or conviction of, or guilty plea 3834
to, a violation of that section or to a sentence imposed for a 3835
violation of that section shall be construed for purposes of 3836
this section as a reference to a charge or conviction of, or 3837
guilty plea to, a violation of this section or to a sentence 3838
imposed for such a violation. 3839

(H) If a person is charged with a violation of division 3840
(A) or (B) of this section, the court may hold the prosecution 3841
in abeyance and stay all criminal proceedings with respect to 3842
the violation if the person has not previously been convicted of 3843
or pleaded guilty to any violation specified in division (D)(1) 3844
(a) of section 2925.11 of the Revised Code and if divisions (D) 3845
(1)(b) and (c) of section 2925.11 of the Revised Code apply. If 3846
the court, under this division, holds a prosecution in abeyance 3847
and stays all criminal proceedings against a person with respect 3848
to a violation, divisions (D)(2)(a) to (c) of section 2925.11 of 3849
the Revised Code apply. 3850

Sec. 2925.112. (A)(1) Except as provided in division (B) 3851
of this section, no person shall knowingly obtain, possess, or 3852
use a controlled substance or a controlled substance analog in 3853
an amount listed in division (A)(2) of this section. 3854

(2) Division (A)(1) of this section applies to conduct 3855
involving all of the following: 3856

(a) If the drug involved in the conduct described in 3857
division (A)(1) of this section is any compound, mixture, 3858
preparation, or substance included in schedule I or schedule II, 3859

other than marihuana, cocaine, L.S.D., heroin, a fentanyl- 3860
related compound, hashish, a controlled substance analog, or a 3861
sexual assault-enabling drug, an amount of the drug so involved 3862
that is less than twenty-five one-thousandths of one gram; 3863

(b) If the drug involved in the conduct described in 3864
division (A) (1) of this section is any compound, mixture, 3865
preparation, or substance included in schedule III, schedule IV, 3866
or schedule V, an amount of the drug so involved that is less 3867
than twenty-five one-thousandths of one gram; 3868

(c) If the drug involved in the conduct described in 3869
division (A) (1) of this section is marihuana or a compound, 3870
mixture, preparation, or substance containing marihuana other 3871
than hashish, an amount of the drug so involved that is less 3872
than twenty-five one-thousandths of one gram; 3873

(d) If the drug involved in the conduct described in 3874
division (A) (1) of this section is cocaine or a compound, 3875
mixture, preparation, or substance containing cocaine, an amount 3876
of the drug so involved that is less than twenty-five one- 3877
thousandths of one gram; 3878

(e) If the drug involved in the conduct described in 3879
division (A) (1) of this section is L.S.D. or a compound, 3880
mixture, preparation, or substance containing L.S.D., an amount 3881
of the drug so involved that is less than one-fourth of one unit 3882
dose of L.S.D. in solid form or is less than twenty-five one- 3883
thousandths of one gram of L.S.D. in liquid concentrate, liquid 3884
extract, or liquid distillate form; 3885

(f) If the drug involved in the conduct described in 3886
division (A) (1) of this section is heroin or a compound, 3887
mixture, preparation, or substance containing heroin, an amount 3888

of the drug so involved that is less than twenty-five one- 3889
thousandths of one gram or one-fourth of one unit dose; 3890

(g) If the drug involved in the conduct described in 3891
division (A) (1) of this section is hashish or a compound, 3892
mixture, preparation, or substance containing hashish, an amount 3893
of the drug so involved that is less than twenty-five one- 3894
thousandths of one gram; 3895

(h) If the drug involved in the conduct described in 3896
division (A) (1) of this section is a controlled substance analog 3897
or a compound, mixture, preparation, or substance containing a 3898
controlled substance analog, an amount of the drug so involved 3899
that is less than twenty-five one-thousandths of one gram. 3900

(B) All of the following are affirmative defenses to a 3901
charge under this section, with respect to conduct involving a 3902
controlled substance or controlled substance analog of a type 3903
described in division (A) (2) (a), (b), (d), (e), (f), or (h) of 3904
this section: 3905

(1) If the person charged is a manufacturer, licensed 3906
health professional authorized to prescribe drugs, pharmacist, 3907
owner of a pharmacy, or other person, the manufacturer's, 3908
licensed health professional's, pharmacist's, pharmacy owner's, 3909
or other person's conduct was in accordance with Chapters 3719., 3910
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised 3911
Code; 3912

(2) If the offense involves an anabolic steroid and the 3913
person charged was conducting or participating in a research 3914
project involving the use of an anabolic steroid, the project 3915
has been approved by the United States food and drug 3916
administration; 3917

(3) The person charged sold, offered for sale, prescribed, 3918
dispensed or administered for livestock or other nonhuman 3919
species an anabolic steroid that was expressly intended for 3920
administration through implants to livestock or other nonhuman 3921
species and approved for that purpose under the "Federal Food, 3922
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 3923
as amended, and was sold, offered for sale, prescribed, 3924
dispensed, or administered for that purpose in accordance with 3925
that act; 3926

(4) The person charged obtained the controlled substance 3927
pursuant to a prescription issued by a licensed health 3928
professional authorized to prescribe drugs if the prescription 3929
was issued for a legitimate medical purpose and not altered, 3930
forged, or obtained through deception or commission of a theft 3931
offense. 3932

As used in division (B) (4) of this section, "deception" 3933
and "theft offense" have the same meanings as in section 2913.01 3934
of the Revised Code. 3935

(C) (1) Whoever violates division (A) of this section based 3936
on an amount specified in division (A) (2) (a), (b), (d), (e), 3937
(f), or (h) of this section is guilty of possession of a 3938
controlled substance trace amount, an unclassified misdemeanor, 3939
and shall be sentenced as specified in division (C) (7) of 3940
section 2925.11 of the Revised Code. 3941

(2) Whoever violates division (A) of this section based on 3942
an amount specified in division (A) (2) (c) or (g) of this section 3943
is guilty of possession of a trace amount of marihuana or 3944
hashish, a minor misdemeanor. 3945

(D) If the offender is a professionally licensed person, 3946

in addition to any other sanction imposed for a violation of 3947
this section, the court immediately shall comply with section 3948
2925.38 of the Revised Code. 3949

(E) An arrest or a conviction for a violation of division 3950
(A) of this section does not constitute a criminal record and 3951
need not be reported by the person so arrested or found guilty 3952
in response to any inquiries about the person's criminal record, 3953
including any inquiries contained in any application for 3954
employment, license, or other right or privilege, or made in 3955
connection with the person's appearance as a witness. 3956

(F) Division (B)(2) of section 2925.11 of the Revised Code 3957
applies with respect to a violation of division (A) or (B) of 3958
this section that is a minor drug possession offense. 3959

Divisions (E), (F), and (I) of section 2925.11 of the 3960
Revised Code apply with respect to a charge or conviction of, or 3961
guilty plea to, a violation of division (A) of this section or a 3962
sentence imposed for such a violation, except to the extent that 3963
by their terms they clearly are inapplicable. Any reference in 3964
divisions (E), (F), and (I) of section 2925.11 of the Revised 3965
Code to a charge or conviction of, or guilty plea to, a 3966
violation of that section or to a sentence imposed for a 3967
violation of that section shall be construed for purposes of 3968
this section as a reference to a charge or conviction of, or 3969
guilty plea to, a violation of this section or to a sentence 3970
imposed for such a violation. 3971

(G) If a person is charged with a violation of division 3972
(A) of this section, the court may hold the prosecution in 3973
abeyance and stay all criminal proceedings with respect to the 3974
violation if the person has not previously been convicted of or 3975
pleaded guilty to any violation specified in division (D)(1)(a) 3976

of section 2925.11 of the Revised Code and if divisions (D) (1) 3977
(b) and (c) of section 2925.11 of the Revised Code apply. If the 3978
court, under this division, holds a prosecution in abeyance and 3979
stays all criminal proceedings against a person with respect to 3980
a violation, divisions (D) (2) (a) to (c) of section 2925.11 of 3981
the Revised Code apply. 3982

Sec. 2929.01. As used in this chapter: 3983

(A) (1) "Alternative residential facility" means, subject 3984
to division (A) (2) of this section, any facility other than an 3985
offender's home or residence in which an offender is assigned to 3986
live and that satisfies all of the following criteria: 3987

(a) It provides programs through which the offender may 3988
seek or maintain employment or may receive education, training, 3989
treatment, or habilitation. 3990

(b) It has received the appropriate license or certificate 3991
for any specialized education, training, treatment, 3992
habilitation, or other service that it provides from the 3993
government agency that is responsible for licensing or 3994
certifying that type of education, training, treatment, 3995
habilitation, or service. 3996

(2) "Alternative residential facility" does not include a 3997
community-based correctional facility, jail, halfway house, or 3998
prison. 3999

(B) "Basic probation supervision" means a requirement that 4000
the offender maintain contact with a person appointed to 4001
supervise the offender in accordance with sanctions imposed by 4002
the court or imposed by the parole board pursuant to section 4003
2967.28 of the Revised Code. "Basic probation supervision" 4004
includes basic parole supervision and basic post-release control 4005

supervision. 4006

(C) "Cocaine," "fentanyl-related compound," "hashish," 4007
"L.S.D.," and "unit dose" have the same meanings as in section 4008
2925.01 of the Revised Code. 4009

(D) "Community-based correctional facility" means a 4010
community-based correctional facility and program or district 4011
community-based correctional facility and program developed 4012
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 4013

(E) "Community control sanction" means a sanction that is 4014
not a prison term and that is described in section 2929.15, 4015
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 4016
that is not a jail term and that is described in section 4017
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 4018
control sanction" includes probation if the sentence involved 4019
was imposed for a felony that was committed prior to July 1, 4020
1996, or if the sentence involved was imposed for a misdemeanor 4021
that was committed prior to January 1, 2004. 4022

(F) "Controlled substance," "marihuana," "schedule I," and 4023
"schedule II" have the same meanings as in section 3719.01 of 4024
the Revised Code. 4025

(G) "Curfew" means a requirement that an offender during a 4026
specified period of time be at a designated place. 4027

(H) "Day reporting" means a sanction pursuant to which an 4028
offender is required each day to report to and leave a center or 4029
other approved reporting location at specified times in order to 4030
participate in work, education or training, treatment, and other 4031
approved programs at the center or outside the center. 4032

(I) "Deadly weapon" has the same meaning as in section 4033
2923.11 of the Revised Code. 4034

(J) "Drug and alcohol use monitoring" means a program 4035
under which an offender agrees to submit to random chemical 4036
analysis of the offender's blood, breath, or urine to determine 4037
whether the offender has ingested any alcohol or other drugs. 4038

(K) "Drug treatment program" means any program under which 4039
a person undergoes assessment and treatment designed to reduce 4040
or completely eliminate the person's physical or emotional 4041
reliance upon alcohol, another drug, or alcohol and another drug 4042
and under which the person may be required to receive assessment 4043
and treatment on an outpatient basis or may be required to 4044
reside at a facility other than the person's home or residence 4045
while undergoing assessment and treatment. 4046

(L) "Economic loss" means any economic detriment suffered 4047
by a victim as a direct and proximate result of the commission 4048
of an offense and includes any loss of income due to lost time 4049
at work because of any injury caused to the victim, and any 4050
property loss, medical cost, or funeral expense incurred as a 4051
result of the commission of the offense. "Economic loss" does 4052
not include non-economic loss or any punitive or exemplary 4053
damages. 4054

(M) "Education or training" includes study at, or in 4055
conjunction with a program offered by, a university, college, or 4056
technical college or vocational study and also includes the 4057
completion of primary school, secondary school, and literacy 4058
curricula or their equivalent. 4059

(N) "Firearm" has the same meaning as in section 2923.11 4060
of the Revised Code. 4061

(O) "Halfway house" means a facility licensed by the 4062
division of parole and community services of the department of 4063

rehabilitation and correction pursuant to section 2967.14 of the Revised Code as a suitable facility for the care and treatment of adult offenders.

(P) "House arrest" means a period of confinement of an offender that is in the offender's home or in other premises specified by the sentencing court or by the parole board pursuant to section 2967.28 of the Revised Code and during which all of the following apply:

(1) The offender is required to remain in the offender's home or other specified premises for the specified period of confinement, except for periods of time during which the offender is at the offender's place of employment or at other premises as authorized by the sentencing court or by the parole board.

(2) The offender is required to report periodically to a person designated by the court or parole board.

(3) The offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board.

(Q) "Intensive probation supervision" means a requirement that an offender maintain frequent contact with a person appointed by the court, or by the parole board pursuant to section 2967.28 of the Revised Code, to supervise the offender while the offender is seeking or maintaining necessary employment and participating in training, education, and treatment programs as required in the court's or parole board's order. "Intensive probation supervision" includes intensive parole supervision and intensive post-release control supervision.

(R) "Jail" means a jail, workhouse, minimum security jail, 4093
or other residential facility used for the confinement of 4094
alleged or convicted offenders that is operated by a political 4095
subdivision or a combination of political subdivisions of this 4096
state. 4097

(S) "Jail term" means the term in a jail that a sentencing 4098
court imposes or is authorized to impose pursuant to section 4099
2929.24 or 2929.25 of the Revised Code or pursuant to any other 4100
provision of the Revised Code that authorizes a term in a jail 4101
for a misdemeanor conviction. 4102

(T) "Mandatory jail term" means the term in a jail that a 4103
sentencing court is required to impose pursuant to division (G) 4104
of section 1547.99 of the Revised Code, division (E) of section 4105
2903.06 or division (D) of section 2903.08 of the Revised Code, 4106
division (E) or (G) of section 2929.24 of the Revised Code, 4107
division (B) of section 4510.14 of the Revised Code, or division 4108
(G) of section 4511.19 of the Revised Code or pursuant to any 4109
other provision of the Revised Code that requires a term in a 4110
jail for a misdemeanor conviction. 4111

(U) "Delinquent child" has the same meaning as in section 4112
2152.02 of the Revised Code. 4113

(V) "License violation report" means a report that is made 4114
by a sentencing court, or by the parole board pursuant to 4115
section 2967.28 of the Revised Code, to the regulatory or 4116
licensing board or agency that issued an offender a professional 4117
license or a license or permit to do business in this state and 4118
that specifies that the offender has been convicted of or 4119
pleaded guilty to an offense that may violate the conditions 4120
under which the offender's professional license or license or 4121
permit to do business in this state was granted or an offense 4122

for which the offender's professional license or license or 4123
permit to do business in this state may be revoked or suspended. 4124

(W) "Major drug offender" means ~~an~~ any of the following: 4125

(1) An offender who is convicted of or pleads guilty to a 4126
violation of section 2925.03 or 2925.11 of the Revised Code, or 4127
a violation of any prohibition in any section in Chapter 3719. 4128
or 4729. of the Revised Code who the section, or the section 4129
containing the penalty for the violation, classifies as a major 4130
drug offender; 4131

(2) An offender who is convicted of or pleads guilty, 4132
other than as described in division (W) (1) of this section, to 4133
the possession of, sale of, or offer to sell any drug, compound, 4134
mixture, preparation, or substance that consists of or contains 4135
at least one thousand grams of hashish; at least one hundred 4136
grams of cocaine; at least one thousand unit doses or one 4137
hundred grams of heroin; at least five thousand unit doses of 4138
L.S.D. or five hundred grams of L.S.D. in a liquid concentrate, 4139
liquid extract, or liquid distillate form; at least fifty grams 4140
of a controlled substance analog; at least one thousand unit 4141
doses or one hundred grams of a fentanyl-related compound; or at 4142
least one hundred times the amount of any other schedule I or II 4143
controlled substance other than marihuana that is necessary to 4144
commit a felony of the third degree pursuant to section ~~2925.03,~~ 4145
~~2925.04, or 2925.05, or 2925.11~~ of the Revised Code that is based 4146
on the possession of, sale of, or offer to sell the controlled 4147
substance. 4148

(X) "Mandatory prison term" means any of the following: 4149

(1) Subject to division (X) (2) of this section, the term 4150
in prison that must be imposed for the offenses or circumstances 4151

set forth in divisions (F) (1) to (8) or (F) (12) to (21) of 4152
section 2929.13 and division (B) of section 2929.14 of the 4153
Revised Code. Except as provided in sections 2925.02, 2925.03, 4154
2925.031, 2925.032, 2925.04, 2925.05, and 2925.11 of the Revised 4155
Code, unless the maximum or another specific term is required 4156
under section 2929.14 or 2929.142 of the Revised Code, a 4157
mandatory prison term described in this division may be any 4158
prison term authorized for the level of offense except that if 4159
the offense is a felony of the first or second degree committed 4160
on or after the effective date of this amendment, a mandatory 4161
prison term described in this division may be one of the terms 4162
prescribed in division (A) (1) (a) or (2) (a) of section 2929.14 of 4163
the Revised Code, whichever is applicable, that is authorized as 4164
the minimum term for the offense. 4165

(2) The term of sixty or one hundred twenty days in prison 4166
that a sentencing court is required to impose for a third or 4167
fourth degree felony OVI offense pursuant to division (G) (2) of 4168
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 4169
of the Revised Code or the term of one, two, three, four, or 4170
five years in prison that a sentencing court is required to 4171
impose pursuant to division (G) (2) of section 2929.13 of the 4172
Revised Code. 4173

(3) The term in prison imposed pursuant to division (A) of 4174
section 2971.03 of the Revised Code for the offenses and in the 4175
circumstances described in division (F) (11) of section 2929.13 4176
of the Revised Code or pursuant to division (B) (1) (a), (b), or 4177
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 4178
section 2971.03 of the Revised Code and that term as modified or 4179
terminated pursuant to section 2971.05 of the Revised Code. 4180

(Y) "Monitored time" means a period of time during which 4181

an offender continues to be under the control of the sentencing 4182
court or parole board, subject to no conditions other than 4183
leading a law-abiding life. 4184

(Z) "Offender" means a person who, in this state, is 4185
convicted of or pleads guilty to a felony or a misdemeanor. 4186

(AA) "Prison" means a residential facility used for the 4187
confinement of convicted felony offenders that is under the 4188
control of the department of rehabilitation and correction and 4189
includes a violation sanction center operated under authority of 4190
section 2967.141 of the Revised Code. 4191

(BB) (1) "Prison term" includes either of the following 4192
sanctions for an offender: 4193

(a) A stated prison term; 4194

(b) A term in a prison shortened by, or with the approval 4195
of, the sentencing court pursuant to section 2929.143, 2929.20, 4196
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 4197

(2) With respect to a non-life felony indefinite prison 4198
term, references in any provision of law to a reduction of, or 4199
deduction from, the prison term mean a reduction in, or 4200
deduction from, the minimum term imposed as part of the 4201
indefinite term. 4202

(CC) "Repeat violent offender" means a person about whom 4203
both of the following apply: 4204

(1) The person is being sentenced for committing or for 4205
complicity in committing any of the following: 4206

(a) Aggravated murder, murder, any felony of the first or 4207
second degree that is an offense of violence, or an attempt to 4208
commit any of these offenses if the attempt is a felony of the 4209

first or second degree; 4210

(b) An offense under an existing or former law of this 4211
state, another state, or the United States that is or was 4212
substantially equivalent to an offense described in division 4213
(CC) (1) (a) of this section. 4214

(2) The person previously was convicted of or pleaded 4215
guilty to an offense described in division (CC) (1) (a) or (b) of 4216
this section. 4217

(DD) "Sanction" means any penalty imposed upon an offender 4218
who is convicted of or pleads guilty to an offense, as 4219
punishment for the offense. "Sanction" includes any sanction 4220
imposed pursuant to any provision of sections 2929.14 to 2929.18 4221
or 2929.24 to 2929.28 of the Revised Code. 4222

(EE) "Sentence" means the sanction or combination of 4223
sanctions imposed by the sentencing court on an offender who is 4224
convicted of or pleads guilty to an offense. 4225

(FF) (1) "Stated prison term" means the prison term, 4226
mandatory prison term, or combination of all prison terms and 4227
mandatory prison terms imposed by the sentencing court pursuant 4228
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 4229
under section 2919.25 of the Revised Code. "Stated prison term" 4230
includes any credit received by the offender for time spent in 4231
jail awaiting trial, sentencing, or transfer to prison for the 4232
offense and any time spent under house arrest or house arrest 4233
with electronic monitoring imposed after earning credits 4234
pursuant to section 2967.193 of the Revised Code. If an offender 4235
is serving a prison term as a risk reduction sentence under 4236
sections 2929.143 and 5120.036 of the Revised Code, "stated 4237
prison term" includes any period of time by which the prison 4238

term imposed upon the offender is shortened by the offender's 4239
successful completion of all assessment and treatment or 4240
programming pursuant to those sections. 4241

(2) As used in the definition of "stated prison term" set 4242
forth in division (FF)(1) of this section, a prison term is a 4243
definite prison term imposed under section 2929.14 of the 4244
Revised Code or any other provision of law, is the minimum and 4245
maximum prison terms under a non-life felony indefinite prison 4246
term, or is a term of life imprisonment except to the extent 4247
that the use of that definition in a section of the Revised Code 4248
clearly is not intended to include a term of life imprisonment. 4249
With respect to an offender sentenced to a non-life felony 4250
indefinite prison term, references in section 2967.191 or 4251
2967.193 of the Revised Code or any other provision of law to a 4252
reduction of, or deduction from, the offender's stated prison 4253
term or to release of the offender before the expiration of the 4254
offender's stated prison term mean a reduction in, or deduction 4255
from, the minimum term imposed as part of the indefinite term or 4256
a release of the offender before the expiration of that minimum 4257
term, references in section 2929.19 or 2967.28 of the Revised 4258
Code to a stated prison term with respect to a prison term 4259
imposed for a violation of a post-release control sanction mean 4260
the minimum term so imposed, and references in any provision of 4261
law to an offender's service of the offender's stated prison 4262
term or the expiration of the offender's stated prison term mean 4263
service or expiration of the minimum term so imposed plus any 4264
additional period of incarceration under the sentence that is 4265
required under section 2967.271 of the Revised Code. 4266

(GG) "Victim-offender mediation" means a reconciliation or 4267
mediation program that involves an offender and the victim of 4268
the offense committed by the offender and that includes a 4269

meeting in which the offender and the victim may discuss the 4270
offense, discuss restitution, and consider other sanctions for 4271
the offense. 4272

(HH) "Fourth degree felony OVI offense" means a violation 4273
of division (A) of section 4511.19 of the Revised Code that, 4274
under division (G) of that section, is a felony of the fourth 4275
degree. 4276

(II) "Mandatory term of local incarceration" means the 4277
term of sixty or one hundred twenty days in a jail, a community- 4278
based correctional facility, a halfway house, or an alternative 4279
residential facility that a sentencing court may impose upon a 4280
person who is convicted of or pleads guilty to a fourth degree 4281
felony OVI offense pursuant to division (G) (1) of section 4282
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 4283
section 4511.19 of the Revised Code. 4284

(JJ) "Designated homicide, assault, or kidnapping 4285
offense," "violent sex offense," "sexual motivation 4286
specification," "sexually violent offense," "sexually violent 4287
predator," and "sexually violent predator specification" have 4288
the same meanings as in section 2971.01 of the Revised Code. 4289

(KK) "Sexually oriented offense," "child-victim oriented 4290
offense," and "tier III sex offender/child-victim offender" have 4291
the same meanings as in section 2950.01 of the Revised Code. 4292

(LL) An offense is "committed in the vicinity of a child" 4293
if the offender commits the offense within thirty feet of or 4294
within the same residential unit as a child who is under 4295
eighteen years of age, regardless of whether the offender knows 4296
the age of the child or whether the offender knows the offense 4297
is being committed within thirty feet of or within the same 4298

residential unit as the child and regardless of whether the 4299
child actually views the commission of the offense. 4300

(MM) "Family or household member" has the same meaning as 4301
in section 2919.25 of the Revised Code. 4302

(NN) "Motor vehicle" and "manufactured home" have the same 4303
meanings as in section 4501.01 of the Revised Code. 4304

(OO) "Detention" and "detention facility" have the same 4305
meanings as in section 2921.01 of the Revised Code. 4306

(PP) "Third degree felony OVI offense" means a violation 4307
of division (A) of section 4511.19 of the Revised Code that, 4308
under division (G) of that section, is a felony of the third 4309
degree. 4310

(QQ) "Random drug testing" has the same meaning as in 4311
section 5120.63 of the Revised Code. 4312

(RR) "Felony sex offense" has the same meaning as in 4313
section 2967.28 of the Revised Code. 4314

(SS) "Body armor" has the same meaning as in section 4315
2941.1411 of the Revised Code. 4316

(TT) "Electronic monitoring" means monitoring through the 4317
use of an electronic monitoring device. 4318

(UU) "Electronic monitoring device" means any of the 4319
following: 4320

(1) Any device that can be operated by electrical or 4321
battery power and that conforms with all of the following: 4322

(a) The device has a transmitter that can be attached to a 4323
person, that will transmit a specified signal to a receiver of 4324
the type described in division (UU) (1) (b) of this section if the 4325

transmitter is removed from the person, turned off, or altered 4326
in any manner without prior court approval in relation to 4327
electronic monitoring or without prior approval of the 4328
department of rehabilitation and correction in relation to the 4329
use of an electronic monitoring device for an inmate on 4330
transitional control or otherwise is tampered with, that can 4331
transmit continuously and periodically a signal to that receiver 4332
when the person is within a specified distance from the 4333
receiver, and that can transmit an appropriate signal to that 4334
receiver if the person to whom it is attached travels a 4335
specified distance from that receiver. 4336

(b) The device has a receiver that can receive 4337
continuously the signals transmitted by a transmitter of the 4338
type described in division (UU) (1) (a) of this section, can 4339
transmit continuously those signals by a wireless or landline 4340
telephone connection to a central monitoring computer of the 4341
type described in division (UU) (1) (c) of this section, and can 4342
transmit continuously an appropriate signal to that central 4343
monitoring computer if the device has been turned off or altered 4344
without prior court approval or otherwise tampered with. The 4345
device is designed specifically for use in electronic 4346
monitoring, is not a converted wireless phone or another 4347
tracking device that is clearly not designed for electronic 4348
monitoring, and provides a means of text-based or voice 4349
communication with the person. 4350

(c) The device has a central monitoring computer that can 4351
receive continuously the signals transmitted by a wireless or 4352
landline telephone connection by a receiver of the type 4353
described in division (UU) (1) (b) of this section and can monitor 4354
continuously the person to whom an electronic monitoring device 4355
of the type described in division (UU) (1) (a) of this section is 4356

attached. 4357

(2) Any device that is not a device of the type described 4358
in division (UU) (1) of this section and that conforms with all 4359
of the following: 4360

(a) The device includes a transmitter and receiver that 4361
can monitor and determine the location of a subject person at 4362
any time, or at a designated point in time, through the use of a 4363
central monitoring computer or through other electronic means. 4364

(b) The device includes a transmitter and receiver that 4365
can determine at any time, or at a designated point in time, 4366
through the use of a central monitoring computer or other 4367
electronic means the fact that the transmitter is turned off or 4368
altered in any manner without prior approval of the court in 4369
relation to the electronic monitoring or without prior approval 4370
of the department of rehabilitation and correction in relation 4371
to the use of an electronic monitoring device for an inmate on 4372
transitional control or otherwise is tampered with. 4373

(3) Any type of technology that can adequately track or 4374
determine the location of a subject person at any time and that 4375
is approved by the director of rehabilitation and correction, 4376
including, but not limited to, any satellite technology, voice 4377
tracking system, or retinal scanning system that is so approved. 4378

(VV) "Non-economic loss" means nonpecuniary harm suffered 4379
by a victim of an offense as a result of or related to the 4380
commission of the offense, including, but not limited to, pain 4381
and suffering; loss of society, consortium, companionship, care, 4382
assistance, attention, protection, advice, guidance, counsel, 4383
instruction, training, or education; mental anguish; and any 4384
other intangible loss. 4385

(WW) "Prosecutor" has the same meaning as in section 4386
2935.01 of the Revised Code. 4387

(XX) "Continuous alcohol monitoring" means the ability to 4388
automatically test and periodically transmit alcohol consumption 4389
levels and tamper attempts at least every hour, regardless of 4390
the location of the person who is being monitored. 4391

(YY) A person is "adjudicated a sexually violent predator" 4392
if the person is convicted of or pleads guilty to a violent sex 4393
offense and also is convicted of or pleads guilty to a sexually 4394
violent predator specification that was included in the 4395
indictment, count in the indictment, or information charging 4396
that violent sex offense or if the person is convicted of or 4397
pleads guilty to a designated homicide, assault, or kidnapping 4398
offense and also is convicted of or pleads guilty to both a 4399
sexual motivation specification and a sexually violent predator 4400
specification that were included in the indictment, count in the 4401
indictment, or information charging that designated homicide, 4402
assault, or kidnapping offense. 4403

(ZZ) An offense is "committed in proximity to a school" if 4404
the offender commits the offense in a school safety zone or 4405
within five hundred feet of any school building or the 4406
boundaries of any school premises, regardless of whether the 4407
offender knows the offense is being committed in a school safety 4408
zone or within five hundred feet of any school building or the 4409
boundaries of any school premises. 4410

(AAA) "Human trafficking" means a scheme or plan to which 4411
all of the following apply: 4412

(1) Its object is one or more of the following: 4413

(a) To subject a victim or victims to involuntary 4414

servitude, as defined in section 2905.31 of the Revised Code or 4415
to compel a victim or victims to engage in sexual activity for 4416
hire, to engage in a performance that is obscene, sexually 4417
oriented, or nudity oriented, or to be a model or participant in 4418
the production of material that is obscene, sexually oriented, 4419
or nudity oriented; 4420

(b) To facilitate, encourage, or recruit a victim who is 4421
less than sixteen years of age or is a person with a 4422
developmental disability, or victims who are less than sixteen 4423
years of age or are persons with developmental disabilities, for 4424
any purpose listed in divisions (A) (2) (a) to (c) of section 4425
2905.32 of the Revised Code; 4426

(c) To facilitate, encourage, or recruit a victim who is 4427
sixteen or seventeen years of age, or victims who are sixteen or 4428
seventeen years of age, for any purpose listed in divisions (A) 4429
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 4430
circumstances described in division (A) (5), (6), (7), (8), (9), 4431
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 4432
apply with respect to the person engaging in the conduct and the 4433
victim or victims. 4434

(2) It involves at least two felony offenses, whether or 4435
not there has been a prior conviction for any of the felony 4436
offenses, to which all of the following apply: 4437

(a) Each of the felony offenses is a violation of section 4438
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 4439
division (A) (1) or (2) of section 2907.323, or division (B) (1), 4440
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 4441
is a violation of a law of any state other than this state that 4442
is substantially similar to any of the sections or divisions of 4443
the Revised Code identified in this division. 4444

(b) At least one of the felony offenses was committed in 4445
this state. 4446

(c) The felony offenses are related to the same scheme or 4447
plan and are not isolated instances. 4448

(BBB) "Material," "nudity," "obscene," "performance," and 4449
"sexual activity" have the same meanings as in section 2907.01 4450
of the Revised Code. 4451

(CCC) "Material that is obscene, sexually oriented, or 4452
nudity oriented" means any material that is obscene, that shows 4453
a person participating or engaging in sexual activity, 4454
masturbation, or bestiality, or that shows a person in a state 4455
of nudity. 4456

(DDD) "Performance that is obscene, sexually oriented, or 4457
nudity oriented" means any performance that is obscene, that 4458
shows a person participating or engaging in sexual activity, 4459
masturbation, or bestiality, or that shows a person in a state 4460
of nudity. 4461

(EEE) "Accelerant" means a fuel or oxidizing agent, such 4462
as an ignitable liquid, used to initiate a fire or increase the 4463
rate of growth or spread of a fire. 4464

(FFF) "Permanent disabling harm" means serious physical 4465
harm that results in permanent injury to the intellectual, 4466
physical, or sensory functions and that permanently and 4467
substantially impairs a person's ability to meet one or more of 4468
the ordinary demands of life, including the functions of caring 4469
for one's self, performing manual tasks, walking, seeing, 4470
hearing, speaking, breathing, learning, and working. 4471

(GGG) "Non-life felony indefinite prison term" means a 4472
prison term imposed under division (A) (1) (a) or (2) (a) of 4473

section 2929.14 and section 2929.144 of the Revised Code for a 4474
felony of the first or second degree committed on or after the 4475
effective date of this amendment. 4476

Sec. 2929.13. (A) Except as provided in division (E), (F), 4477
or (G) of this section and unless a specific sanction is 4478
required to be imposed or is precluded from being imposed 4479
pursuant to law, a court that imposes a sentence upon an 4480
offender for a felony may impose any sanction or combination of 4481
sanctions on the offender that are provided in sections 2929.14 4482
to 2929.18 of the Revised Code. 4483

If the offender is eligible to be sentenced to community 4484
control sanctions, the court shall consider the appropriateness 4485
of imposing a financial sanction pursuant to section 2929.18 of 4486
the Revised Code or a sanction of community service pursuant to 4487
section 2929.17 of the Revised Code as the sole sanction for the 4488
offense. Except as otherwise provided in this division, if the 4489
court is required to impose a mandatory prison term for the 4490
offense for which sentence is being imposed, the court also 4491
shall impose any financial sanction pursuant to section 2929.18 4492
of the Revised Code that is required for the offense and may 4493
impose any other financial sanction pursuant to that section but 4494
may not impose any additional sanction or combination of 4495
sanctions under section 2929.16 or 2929.17 of the Revised Code. 4496

If the offender is being sentenced for a fourth degree 4497
felony OVI offense or for a third degree felony OVI offense, in 4498
addition to the mandatory term of local incarceration or the 4499
mandatory prison term required for the offense by division (G) 4500
(1) or (2) of this section, the court shall impose upon the 4501
offender a mandatory fine in accordance with division (B) (3) of 4502
section 2929.18 of the Revised Code and may impose whichever of 4503

the following is applicable: 4504

(1) For a fourth degree felony OVI offense for which 4505
sentence is imposed under division (G) (1) of this section, an 4506
additional community control sanction or combination of 4507
community control sanctions under section 2929.16 or 2929.17 of 4508
the Revised Code. If the court imposes upon the offender a 4509
community control sanction and the offender violates any 4510
condition of the community control sanction, the court may take 4511
any action prescribed in division (B) of section 2929.15 of the 4512
Revised Code relative to the offender, including imposing a 4513
prison term on the offender pursuant to that division. 4514

(2) For a third or fourth degree felony OVI offense for 4515
which sentence is imposed under division (G) (2) of this section, 4516
an additional prison term as described in division (B) (4) of 4517
section 2929.14 of the Revised Code or a community control 4518
sanction as described in division (G) (2) of this section. 4519

(B) (1) (a) Except as provided in division (B) (1) (b) of this 4520
section, if an offender is convicted of or pleads guilty to a 4521
felony of the fourth or fifth degree that is not an offense of 4522
violence or that is a qualifying assault offense, the court 4523
shall sentence the offender to a community control sanction or 4524
combination of community control sanctions if all of the 4525
following apply: 4526

(i) The offender previously has not been convicted of or 4527
pleaded guilty to a felony offense. 4528

(ii) The most serious charge against the offender at the 4529
time of sentencing is a felony of the fourth or fifth degree. 4530

(iii) If the court made a request of the department of 4531
rehabilitation and correction pursuant to division (B) (1) (c) of 4532

this section, the department, within the forty-five-day period 4533
specified in that division, provided the court with the names 4534
of, contact information for, and program details of one or more 4535
community control sanctions that are available for persons 4536
sentenced by the court. 4537

(iv) The offender previously has not been convicted of or 4538
pleaded guilty to a misdemeanor offense of violence that the 4539
offender committed within two years prior to the offense for 4540
which sentence is being imposed. 4541

(b) The court has discretion to impose a prison term upon 4542
an offender who is convicted of or pleads guilty to a felony of 4543
the fourth or fifth degree that is not an offense of violence or 4544
that is a qualifying assault offense if any of the following 4545
apply: 4546

(i) The offender committed the offense while having a 4547
firearm on or about the offender's person or under the 4548
offender's control. 4549

(ii) If the offense is a qualifying assault offense, the 4550
offender caused serious physical harm to another person while 4551
committing the offense, and, if the offense is not a qualifying 4552
assault offense, the offender caused physical harm to another 4553
person while committing the offense. 4554

(iii) The offender violated a term of the conditions of 4555
bond as set by the court. 4556

(iv) The court made a request of the department of 4557
rehabilitation and correction pursuant to division (B)(1)(c) of 4558
this section, and the department, within the forty-five-day 4559
period specified in that division, did not provide the court 4560
with the name of, contact information for, and program details 4561

of any community control sanction that is available for persons 4562
sentenced by the court. 4563

(v) The offense is a sex offense that is a fourth or fifth 4564
degree felony violation of any provision of Chapter 2907. of the 4565
Revised Code. 4566

(vi) In committing the offense, the offender attempted to 4567
cause or made an actual threat of physical harm to a person with 4568
a deadly weapon. 4569

(vii) In committing the offense, the offender attempted to 4570
cause or made an actual threat of physical harm to a person, and 4571
the offender previously was convicted of an offense that caused 4572
physical harm to a person. 4573

(viii) The offender held a public office or position of 4574
trust, and the offense related to that office or position; the 4575
offender's position obliged the offender to prevent the offense 4576
or to bring those committing it to justice; or the offender's 4577
professional reputation or position facilitated the offense or 4578
was likely to influence the future conduct of others. 4579

(ix) The offender committed the offense for hire or as 4580
part of an organized criminal activity. 4581

(x) The offender at the time of the offense was serving, 4582
or the offender previously had served, a prison term. 4583

(xi) The offender committed the offense while under a 4584
community control sanction, while on probation, or while 4585
released from custody on a bond or personal recognizance. 4586

(c) If a court that is sentencing an offender who is 4587
convicted of or pleads guilty to a felony of the fourth or fifth 4588
degree that is not an offense of violence or that is a 4589

qualifying assault offense believes that no community control 4590
sanctions are available for its use that, if imposed on the 4591
offender, will adequately fulfill the overriding principles and 4592
purposes of sentencing, the court shall contact the department 4593
of rehabilitation and correction and ask the department to 4594
provide the court with the names of, contact information for, 4595
and program details of one or more community control sanctions 4596
that are available for persons sentenced by the court. Not later 4597
than forty-five days after receipt of a request from a court 4598
under this division, the department shall provide the court with 4599
the names of, contact information for, and program details of 4600
one or more community control sanctions that are available for 4601
persons sentenced by the court, if any. Upon making a request 4602
under this division that relates to a particular offender, a 4603
court shall defer sentencing of that offender until it receives 4604
from the department the names of, contact information for, and 4605
program details of one or more community control sanctions that 4606
are available for persons sentenced by the court or for forty- 4607
five days, whichever is the earlier. 4608

If the department provides the court with the names of, 4609
contact information for, and program details of one or more 4610
community control sanctions that are available for persons 4611
sentenced by the court within the forty-five-day period 4612
specified in this division, the court shall impose upon the 4613
offender a community control sanction under division (B) (1) (a) 4614
of this section, except that the court may impose a prison term 4615
under division (B) (1) (b) of this section if a factor described 4616
in division (B) (1) (b) (i) or (ii) of this section applies. If the 4617
department does not provide the court with the names of, contact 4618
information for, and program details of one or more community 4619
control sanctions that are available for persons sentenced by 4620

the court within the forty-five-day period specified in this 4621
division, the court may impose upon the offender a prison term 4622
under division (B) (1) (b) (iv) of this section. 4623

(d) A sentencing court may impose an additional penalty 4624
under division (B) of section 2929.15 of the Revised Code upon 4625
an offender sentenced to a community control sanction under 4626
division (B) (1) (a) of this section if the offender violates the 4627
conditions of the community control sanction, violates a law, or 4628
leaves the state without the permission of the court or the 4629
offender's probation officer. 4630

(2) If division (B) (1) of this section does not apply, 4631
except as provided in division (E), (F), or (G) of this section, 4632
in determining whether to impose a prison term as a sanction for 4633
a felony of the fourth or fifth degree, the sentencing court 4634
shall comply with the purposes and principles of sentencing 4635
under section 2929.11 of the Revised Code and with section 4636
2929.12 of the Revised Code. 4637

(C) Except as provided in division (D), (E), (F), or (G) 4638
of this section, in determining whether to impose a prison term 4639
as a sanction for a felony of the third degree or a felony drug 4640
offense that is a violation of a provision of Chapter 2925. of 4641
the Revised Code and that is specified as being subject to this 4642
division for purposes of sentencing, the sentencing court shall 4643
comply with the purposes and principles of sentencing under 4644
section 2929.11 of the Revised Code and with section 2929.12 of 4645
the Revised Code. 4646

(D) (1) Except as provided in division (E) or (F) of this 4647
section, for a felony of the first or second degree, for a 4648
felony drug offense that is a violation of any provision of 4649
Chapter 2925., 3719., or 4729. of the Revised Code for which a 4650

presumption in favor of a prison term is specified as being 4651
applicable, and for a violation of division (A) (4) or (B) of 4652
section 2907.05 of the Revised Code for which a presumption in 4653
favor of a prison term is specified as being applicable, it is 4654
presumed that a prison term is necessary in order to comply with 4655
the purposes and principles of sentencing under section 2929.11 4656
of the Revised Code. Division (D) (2) of this section does not 4657
apply to a presumption established under this division for a 4658
violation of division (A) (4) of section 2907.05 of the Revised 4659
Code. 4660

(2) Notwithstanding the presumption established under 4661
division (D) (1) of this section for the offenses listed in that 4662
division other than a violation of division (A) (4) or (B) of 4663
section 2907.05 of the Revised Code, the sentencing court may 4664
impose a community control sanction or a combination of 4665
community control sanctions instead of a prison term on an 4666
offender for a felony of the first or second degree or for a 4667
felony drug offense that is a violation of any provision of 4668
Chapter 2925., 3719., or 4729. of the Revised Code for which a 4669
presumption in favor of a prison term is specified as being 4670
applicable if it makes both of the following findings: 4671

(a) A community control sanction or a combination of 4672
community control sanctions would adequately punish the offender 4673
and protect the public from future crime, because the applicable 4674
factors under section 2929.12 of the Revised Code indicating a 4675
lesser likelihood of recidivism outweigh the applicable factors 4676
under that section indicating a greater likelihood of 4677
recidivism. 4678

(b) A community control sanction or a combination of 4679
community control sanctions would not demean the seriousness of 4680

the offense, because one or more factors under section 2929.12 4681
of the Revised Code that indicate that the offender's conduct 4682
was less serious than conduct normally constituting the offense 4683
are applicable, and they outweigh the applicable factors under 4684
that section that indicate that the offender's conduct was more 4685
serious than conduct normally constituting the offense. 4686

(E) (1) Except as provided in division (F) of this section, 4687
for any drug offense that is a violation of any provision of 4688
Chapter 2925. of the Revised Code and that is a felony of the 4689
third, fourth, or fifth degree, the applicability of a 4690
presumption under division (D) of this section in favor of a 4691
prison term or of division (B) or (C) of this section in 4692
determining whether to impose a prison term for the offense 4693
shall be determined as specified in section 2925.02, 2925.03, 4694
2925.031, 2925.032, 2925.04, 2925.05, 2925.06, 2925.11, 4695
2925.111, 2925.112, 2925.13, 2925.22, 2925.23, 2925.36, or 4696
2925.37 of the Revised Code, whichever is applicable regarding 4697
the violation. 4698

(2) If an offender who was convicted of or pleaded guilty 4699
to a felony violates the conditions of a community control 4700
sanction imposed for the offense solely by reason of producing 4701
positive results on a drug test or by acting pursuant to 4702
division (B) (2) (b) of section 2925.11, section 2925.111, or 4703
section 2925.112 of the Revised Code with respect to a minor 4704
drug possession offense, the court, as punishment for the 4705
violation of the sanction, shall not order that the offender be 4706
imprisoned unless the court determines on the record either of 4707
the following: 4708

(a) The offender had been ordered as a sanction for the 4709
felony to participate in a drug treatment program, in a drug 4710

education program, or in narcotics anonymous or a similar 4711
program, and the offender continued to use illegal drugs after a 4712
reasonable period of participation in the program. 4713

(b) The imprisonment of the offender for the violation is 4714
consistent with the purposes and principles of sentencing set 4715
forth in section 2929.11 of the Revised Code. 4716

(3) A court that sentences an offender for a drug abuse 4717
offense that is a felony of the third, fourth, or fifth degree 4718
may require that the offender be assessed by a properly 4719
credentialed professional within a specified period of time. The 4720
court shall require the professional to file a written 4721
assessment of the offender with the court. If the offender is 4722
eligible for a community control sanction and after considering 4723
the written assessment, the court may impose a community control 4724
sanction that includes addiction services and recovery supports 4725
included in a community-based continuum of care established 4726
under section 340.032 of the Revised Code. If the court imposes 4727
addiction services and recovery supports as a community control 4728
sanction, the court shall direct the level and type of addiction 4729
services and recovery supports after considering the assessment 4730
and recommendation of community addiction services providers. 4731

(F) Notwithstanding divisions (A) to (E) of this section, 4732
the court shall impose a prison term or terms under sections 4733
2929.02 to 2929.06, section 2929.14, section 2929.142, or 4734
section 2971.03 of the Revised Code and except as specifically 4735
provided in section 2929.20, divisions (C) to (I) of section 4736
2967.19, or section 2967.191 of the Revised Code or when parole 4737
is authorized for the offense under section 2967.13 of the 4738
Revised Code shall not reduce the term or terms pursuant to 4739
section 2929.20, section 2967.19, section 2967.193, or any other 4740

provision of Chapter 2967. or Chapter 5120. of the Revised Code 4741
for any of the following offenses: 4742

(1) Aggravated murder when death is not imposed or murder; 4743

(2) Any rape, regardless of whether force was involved and 4744
regardless of the age of the victim, or an attempt to commit 4745
rape if, had the offender completed the rape that was attempted, 4746
the offender would have been guilty of a violation of division 4747
(A) (1) (b) of section 2907.02 of the Revised Code and would be 4748
sentenced under section 2971.03 of the Revised Code; 4749

(3) Gross sexual imposition or sexual battery, if the 4750
victim is less than thirteen years of age and if any of the 4751
following applies: 4752

(a) Regarding gross sexual imposition, the offender 4753
previously was convicted of or pleaded guilty to rape, the 4754
former offense of felonious sexual penetration, gross sexual 4755
imposition, or sexual battery, and the victim of the previous 4756
offense was less than thirteen years of age; 4757

(b) Regarding gross sexual imposition, the offense was 4758
committed on or after August 3, 2006, and evidence other than 4759
the testimony of the victim was admitted in the case 4760
corroborating the violation. 4761

(c) Regarding sexual battery, either of the following 4762
applies: 4763

(i) The offense was committed prior to August 3, 2006, the 4764
offender previously was convicted of or pleaded guilty to rape, 4765
the former offense of felonious sexual penetration, or sexual 4766
battery, and the victim of the previous offense was less than 4767
thirteen years of age. 4768

- (ii) The offense was committed on or after August 3, 2006. 4769
- (4) A felony violation of section 2903.04, 2903.06, 4770
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 4771
or 2923.132 of the Revised Code if the section requires the 4772
imposition of a prison term; 4773
- (5) A first, second, or third degree felony drug offense 4774
for which section 2925.02, 2925.03, 2925.031, 2925.032, 2925.04, 4775
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 4776
2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is 4777
applicable regarding the violation, requires the imposition of a 4778
mandatory prison term; 4779
- (6) Any offense that is a first or second degree felony 4780
and that is not set forth in division (F)(1), (2), (3), or (4) 4781
of this section, if the offender previously was convicted of or 4782
pleaded guilty to aggravated murder, murder, any first or second 4783
degree felony, or an offense under an existing or former law of 4784
this state, another state, or the United States that is or was 4785
substantially equivalent to one of those offenses; 4786
- (7) Any offense that is a third degree felony and either 4787
is a violation of section 2903.04 of the Revised Code or an 4788
attempt to commit a felony of the second degree that is an 4789
offense of violence and involved an attempt to cause serious 4790
physical harm to a person or that resulted in serious physical 4791
harm to a person if the offender previously was convicted of or 4792
pleaded guilty to any of the following offenses: 4793
- (a) Aggravated murder, murder, involuntary manslaughter, 4794
rape, felonious sexual penetration as it existed under section 4795
2907.12 of the Revised Code prior to September 3, 1996, a felony 4796
of the first or second degree that resulted in the death of a 4797

person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses;

(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense listed in division (F) (7) (a) of this section that resulted in the death of a person or in physical harm to a person.

(8) Any offense, other than a violation of section 2923.12 of the Revised Code, that is a felony, if the offender had a firearm on or about the offender's person or under the offender's control while committing the felony, with respect to a portion of the sentence imposed pursuant to division (B) (1) (a) of section 2929.14 of the Revised Code for having the firearm;

(9) Any offense of violence that is a felony, if the offender wore or carried body armor while committing the felony offense of violence, with respect to the portion of the sentence imposed pursuant to division (B) (1) (d) of section 2929.14 of the Revised Code for wearing or carrying the body armor;

(10) Corrupt activity in violation of section 2923.32 of the Revised Code when the most serious offense in the pattern of corrupt activity that is the basis of the offense is a felony of the first degree;

(11) Any violent sex offense or designated homicide, assault, or kidnapping offense if, in relation to that offense, the offender is adjudicated a sexually violent predator;

(12) A violation of division (A) (1) or (2) of section 2921.36 of the Revised Code, or a violation of division (C) of that section involving an item listed in division (A) (1) or (2) of that section, if the offender is an officer or employee of

the department of rehabilitation and correction; 4827

(13) A violation of division (A) (1) or (2) of section 4828
2903.06 of the Revised Code if the victim of the offense is a 4829
peace officer, as defined in section 2935.01 of the Revised 4830
Code, or an investigator of the bureau of criminal 4831
identification and investigation, as defined in section 2903.11 4832
of the Revised Code, with respect to the portion of the sentence 4833
imposed pursuant to division (B) (5) of section 2929.14 of the 4834
Revised Code; 4835

(14) A violation of division (A) (1) or (2) of section 4836
2903.06 of the Revised Code if the offender has been convicted 4837
of or pleaded guilty to three or more violations of division (A) 4838
or (B) of section 4511.19 of the Revised Code or an equivalent 4839
offense, as defined in section 2941.1415 of the Revised Code, or 4840
three or more violations of any combination of those divisions 4841
and offenses, with respect to the portion of the sentence 4842
imposed pursuant to division (B) (6) of section 2929.14 of the 4843
Revised Code; 4844

(15) Kidnapping, in the circumstances specified in section 4845
2971.03 of the Revised Code and when no other provision of 4846
division (F) of this section applies; 4847

(16) Kidnapping, abduction, compelling prostitution, 4848
promoting prostitution, engaging in a pattern of corrupt 4849
activity, a violation of division (A) (1) or (2) of section 4850
2907.323 of the Revised Code that involves a minor, or 4851
endangering children in violation of division (B) (1), (2), (3), 4852
(4), or (5) of section 2919.22 of the Revised Code, if the 4853
offender is convicted of or pleads guilty to a specification as 4854
described in section 2941.1422 of the Revised Code that was 4855
included in the indictment, count in the indictment, or 4856

information charging the offense; 4857

(17) A felony violation of division (A) or (B) of section 4858
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 4859
that section, and division (D) (6) of that section, require the 4860
imposition of a prison term; 4861

(18) A felony violation of section 2903.11, 2903.12, or 4862
2903.13 of the Revised Code, if the victim of the offense was a 4863
woman that the offender knew was pregnant at the time of the 4864
violation, with respect to a portion of the sentence imposed 4865
pursuant to division (B) (8) of section 2929.14 of the Revised 4866
Code; 4867

(19) (a) Any violent felony offense if the offender is a 4868
violent career criminal and had a firearm on or about the 4869
offender's person or under the offender's control during the 4870
commission of the violent felony offense and displayed or 4871
brandished the firearm, indicated that the offender possessed a 4872
firearm, or used the firearm to facilitate the offense, with 4873
respect to the portion of the sentence imposed under division 4874
(K) of section 2929.14 of the Revised Code. 4875

(b) As used in division (F) (19) (a) of this section, 4876
"violent career criminal" and "violent felony offense" have the 4877
same meanings as in section 2923.132 of the Revised Code; 4878

(20) Any violation of division (A) (1) of section 2903.11 4879
of the Revised Code if the offender used an accelerant in 4880
committing the violation and the serious physical harm to 4881
another or another's unborn caused by the violation resulted in 4882
a permanent, serious disfigurement or permanent, substantial 4883
incapacity or any violation of division (A) (2) of that section 4884
if the offender used an accelerant in committing the violation, 4885

the violation caused physical harm to another or another's 4886
unborn, and the physical harm resulted in a permanent, serious 4887
disfigurement or permanent, substantial incapacity, with respect 4888
to a portion of the sentence imposed pursuant to division (B) (9) 4889
of section 2929.14 of the Revised Code. The provisions of this 4890
division and of division (D) (2) of section 2903.11, divisions 4891
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 4892
the Revised Code shall be known as "Judy's Law." 4893

(21) Any violation of division (A) of section 2903.11 of 4894
the Revised Code if the victim of the offense suffered permanent 4895
disabling harm as a result of the offense and the victim was 4896
under ten years of age at the time of the offense, with respect 4897
to a portion of the sentence imposed pursuant to division (B) 4898
(10) of section 2929.14 of the Revised Code. 4899

(22) A felony violation of section 2925.03, 2925.031, 4900
2925.032, 2925.05, or 2925.11 of the Revised Code, if the drug 4901
involved in the violation is a fentanyl-related compound or a 4902
compound, mixture, preparation, or substance containing a 4903
fentanyl-related compound and the offender is convicted of or 4904
pleads guilty to a specification of the type described in 4905
division (B) of section 2941.1410 of the Revised Code that was 4906
included in the indictment, count in the indictment, or 4907
information charging the offense, with respect to the portion of 4908
the sentence imposed under division (B) ~~(9)~~ (11) of section 4909
2929.14 of the Revised Code. 4910

(G) Notwithstanding divisions (A) to (E) of this section, 4911
if an offender is being sentenced for a fourth degree felony OVI 4912
offense or for a third degree felony OVI offense, the court 4913
shall impose upon the offender a mandatory term of local 4914
incarceration or a mandatory prison term in accordance with the 4915

following: 4916

(1) If the offender is being sentenced for a fourth degree 4917
felony OVI offense and if the offender has not been convicted of 4918
and has not pleaded guilty to a specification of the type 4919
described in section 2941.1413 of the Revised Code, the court 4920
may impose upon the offender a mandatory term of local 4921
incarceration of sixty days or one hundred twenty days as 4922
specified in division (G) (1) (d) of section 4511.19 of the 4923
Revised Code. The court shall not reduce the term pursuant to 4924
section 2929.20, 2967.193, or any other provision of the Revised 4925
Code. The court that imposes a mandatory term of local 4926
incarceration under this division shall specify whether the term 4927
is to be served in a jail, a community-based correctional 4928
facility, a halfway house, or an alternative residential 4929
facility, and the offender shall serve the term in the type of 4930
facility specified by the court. A mandatory term of local 4931
incarceration imposed under division (G) (1) of this section is 4932
not subject to any other Revised Code provision that pertains to 4933
a prison term except as provided in division (A) (1) of this 4934
section. 4935

(2) If the offender is being sentenced for a third degree 4936
felony OVI offense, or if the offender is being sentenced for a 4937
fourth degree felony OVI offense and the court does not impose a 4938
mandatory term of local incarceration under division (G) (1) of 4939
this section, the court shall impose upon the offender a 4940
mandatory prison term of one, two, three, four, or five years if 4941
the offender also is convicted of or also pleads guilty to a 4942
specification of the type described in section 2941.1413 of the 4943
Revised Code or shall impose upon the offender a mandatory 4944
prison term of sixty days or one hundred twenty days as 4945
specified in division (G) (1) (d) or (e) of section 4511.19 of the 4946

Revised Code if the offender has not been convicted of and has 4947
not pleaded guilty to a specification of that type. Subject to 4948
divisions (C) to (I) of section 2967.19 of the Revised Code, the 4949
court shall not reduce the term pursuant to section 2929.20, 4950
2967.19, 2967.193, or any other provision of the Revised Code. 4951
The offender shall serve the one-, two-, three-, four-, or five- 4952
year mandatory prison term consecutively to and prior to the 4953
prison term imposed for the underlying offense and consecutively 4954
to any other mandatory prison term imposed in relation to the 4955
offense. In no case shall an offender who once has been 4956
sentenced to a mandatory term of local incarceration pursuant to 4957
division (G) (1) of this section for a fourth degree felony OVI 4958
offense be sentenced to another mandatory term of local 4959
incarceration under that division for any violation of division 4960
(A) of section 4511.19 of the Revised Code. In addition to the 4961
mandatory prison term described in division (G) (2) of this 4962
section, the court may sentence the offender to a community 4963
control sanction under section 2929.16 or 2929.17 of the Revised 4964
Code, but the offender shall serve the prison term prior to 4965
serving the community control sanction. The department of 4966
rehabilitation and correction may place an offender sentenced to 4967
a mandatory prison term under this division in an intensive 4968
program prison established pursuant to section 5120.033 of the 4969
Revised Code if the department gave the sentencing judge prior 4970
notice of its intent to place the offender in an intensive 4971
program prison established under that section and if the judge 4972
did not notify the department that the judge disapproved the 4973
placement. Upon the establishment of the initial intensive 4974
program prison pursuant to section 5120.033 of the Revised Code 4975
that is privately operated and managed by a contractor pursuant 4976
to a contract entered into under section 9.06 of the Revised 4977
Code, both of the following apply: 4978

(a) The department of rehabilitation and correction shall 4979
make a reasonable effort to ensure that a sufficient number of 4980
offenders sentenced to a mandatory prison term under this 4981
division are placed in the privately operated and managed prison 4982
so that the privately operated and managed prison has full 4983
occupancy. 4984

(b) Unless the privately operated and managed prison has 4985
full occupancy, the department of rehabilitation and correction 4986
shall not place any offender sentenced to a mandatory prison 4987
term under this division in any intensive program prison 4988
established pursuant to section 5120.033 of the Revised Code 4989
other than the privately operated and managed prison. 4990

(H) If an offender is being sentenced for a sexually 4991
oriented offense or child-victim oriented offense that is a 4992
felony committed on or after January 1, 1997, the judge shall 4993
require the offender to submit to a DNA specimen collection 4994
procedure pursuant to section 2901.07 of the Revised Code. 4995

(I) If an offender is being sentenced for a sexually 4996
oriented offense or a child-victim oriented offense committed on 4997
or after January 1, 1997, the judge shall include in the 4998
sentence a summary of the offender's duties imposed under 4999
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 5000
Code and the duration of the duties. The judge shall inform the 5001
offender, at the time of sentencing, of those duties and of 5002
their duration. If required under division (A)(2) of section 5003
2950.03 of the Revised Code, the judge shall perform the duties 5004
specified in that section, or, if required under division (A)(6) 5005
of section 2950.03 of the Revised Code, the judge shall perform 5006
the duties specified in that division. 5007

(J)(1) Except as provided in division (J)(2) of this 5008

section, when considering sentencing factors under this section 5009
in relation to an offender who is convicted of or pleads guilty 5010
to an attempt to commit an offense in violation of section 5011
2923.02 of the Revised Code, the sentencing court shall consider 5012
the factors applicable to the felony category of the violation 5013
of section 2923.02 of the Revised Code instead of the factors 5014
applicable to the felony category of the offense attempted. 5015

(2) When considering sentencing factors under this section 5016
in relation to an offender who is convicted of or pleads guilty 5017
to an attempt to commit a drug abuse offense for which the 5018
penalty is determined by the amount or number of unit doses of 5019
the controlled substance involved in the drug abuse offense, the 5020
sentencing court shall consider the factors applicable to the 5021
felony category that the drug abuse offense attempted would be 5022
if that drug abuse offense had been committed and had involved 5023
an amount or number of unit doses of the controlled substance 5024
that is within the next lower range of controlled substance 5025
amounts than was involved in the attempt. 5026

(K) As used in this section: 5027

(1) "Community addiction services provider" has the same 5028
meaning as in section 5119.01 of the Revised Code. 5029

(2) "Drug abuse offense" has the same meaning as in 5030
section 2925.01 of the Revised Code. 5031

(3) "Minor drug possession offense" has the same meaning 5032
as in section ~~2925.11~~2925.01 of the Revised Code. 5033

(4) "Qualifying assault offense" means a violation of 5034
section 2903.13 of the Revised Code for which the penalty 5035
provision in division (C) (8) (b) or (C) (9) (b) of that section 5036
applies. 5037

(L) At the time of sentencing an offender for any sexually 5038
oriented offense, if the offender is a tier III sex 5039
offender/child-victim offender relative to that offense and the 5040
offender does not serve a prison term or jail term, the court 5041
may require that the offender be monitored by means of a global 5042
positioning device. If the court requires such monitoring, the 5043
cost of monitoring shall be borne by the offender. If the 5044
offender is indigent, the cost of compliance shall be paid by 5045
the crime victims reparations fund. 5046

Sec. 2929.14. (A) Except as provided in division (B) (1), 5047
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 5048
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 5049
in division (D) (6) of section 2919.25 of the Revised Code and 5050
except in relation to an offense for which a sentence of death 5051
or life imprisonment is to be imposed, if the court imposing a 5052
sentence upon an offender for a felony elects or is required to 5053
impose a prison term on the offender pursuant to this chapter, 5054
the court shall impose a prison term that shall be one of the 5055
following: 5056

(1) (a) For a felony of the first degree committed on or 5057
after the effective date of this amendment, the prison term 5058
shall be an indefinite prison term with a stated minimum term 5059
selected by the court of three, four, five, six, seven, eight, 5060
nine, ten, or eleven years and a maximum term that is determined 5061
pursuant to section 2929.144 of the Revised Code, except that if 5062
the section that criminalizes the conduct constituting the 5063
felony specifies a different minimum term or penalty for the 5064
offense, the specific language of that section shall control in 5065
determining the minimum term or otherwise sentencing the 5066
offender but the minimum term or sentence imposed under that 5067
specific language shall be considered for purposes of the 5068

Revised Code as if it had been imposed under this division. 5069

(b) For a felony of the first degree committed prior to 5070
the effective date of this amendment, the prison term shall be a 5071
definite prison term of three, four, five, six, seven, eight, 5072
nine, ten, or eleven years. 5073

(2) (a) For a felony of the second degree committed on or 5074
after the effective date of this amendment, the prison term 5075
shall be an indefinite prison term with a stated minimum term 5076
selected by the court of two, three, four, five, six, seven, or 5077
eight years and a maximum term that is determined pursuant to 5078
section 2929.144 of the Revised Code, except that if the section 5079
that criminalizes the conduct constituting the felony specifies 5080
a different minimum term or penalty for the offense, the 5081
specific language of that section shall control in determining 5082
the minimum term or otherwise sentencing the offender but the 5083
minimum term or sentence imposed under that specific language 5084
shall be considered for purposes of the Revised Code as if it 5085
had been imposed under this division. 5086

(b) For a felony of the second degree committed prior to 5087
the effective date of this amendment, the prison term shall be a 5088
definite term of two, three, four, five, six, seven, or eight 5089
years. 5090

(3) (a) For a felony of the third degree that is a 5091
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 5092
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 5093
Code or that is a violation of section 2911.02 or 2911.12 of the 5094
Revised Code if the offender previously has been convicted of or 5095
pleaded guilty in two or more separate proceedings to two or 5096
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 5097
of the Revised Code, the prison term shall be a definite term of 5098

twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 5099
forty-eight, fifty-four, or sixty months. 5100

(b) For a felony of the third degree that is not an 5101
offense for which division (A) (3) (a) of this section applies, 5102
the prison term shall be a definite term of nine, twelve, 5103
eighteen, twenty-four, thirty, or thirty-six months. 5104

(4) For a felony of the fourth degree, the prison term 5105
shall be a definite term of six, seven, eight, nine, ten, 5106
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 5107
or eighteen months. 5108

(5) For a felony of the fifth degree, the prison term 5109
shall be a definite term of six, seven, eight, nine, ten, 5110
eleven, or twelve months. 5111

(B) (1) (a) Except as provided in division (B) (1) (e) of this 5112
section, if an offender who is convicted of or pleads guilty to 5113
a felony also is convicted of or pleads guilty to a 5114
specification of the type described in section 2941.141, 5115
2941.144, or 2941.145 of the Revised Code, the court shall 5116
impose on the offender one of the following prison terms: 5117

(i) A prison term of six years if the specification is of 5118
the type described in division (A) of section 2941.144 of the 5119
Revised Code that charges the offender with having a firearm 5120
that is an automatic firearm or that was equipped with a firearm 5121
muffler or suppressor on or about the offender's person or under 5122
the offender's control while committing the offense; 5123

(ii) A prison term of three years if the specification is 5124
of the type described in division (A) of section 2941.145 of the 5125
Revised Code that charges the offender with having a firearm on 5126
or about the offender's person or under the offender's control 5127

while committing the offense and displaying the firearm, 5128
brandishing the firearm, indicating that the offender possessed 5129
the firearm, or using it to facilitate the offense; 5130

(iii) A prison term of one year if the specification is of 5131
the type described in division (A) of section 2941.141 of the 5132
Revised Code that charges the offender with having a firearm on 5133
or about the offender's person or under the offender's control 5134
while committing the offense; 5135

(iv) A prison term of nine years if the specification is 5136
of the type described in division (D) of section 2941.144 of the 5137
Revised Code that charges the offender with having a firearm 5138
that is an automatic firearm or that was equipped with a firearm 5139
muffler or suppressor on or about the offender's person or under 5140
the offender's control while committing the offense and 5141
specifies that the offender previously has been convicted of or 5142
pleaded guilty to a specification of the type described in 5143
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 5144
the Revised Code; 5145

(v) A prison term of fifty-four months if the 5146
specification is of the type described in division (D) of 5147
section 2941.145 of the Revised Code that charges the offender 5148
with having a firearm on or about the offender's person or under 5149
the offender's control while committing the offense and 5150
displaying the firearm, brandishing the firearm, indicating that 5151
the offender possessed the firearm, or using the firearm to 5152
facilitate the offense and that the offender previously has been 5153
convicted of or pleaded guilty to a specification of the type 5154
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 5155
2941.1412 of the Revised Code; 5156

(vi) A prison term of eighteen months if the specification 5157

is of the type described in division (D) of section 2941.141 of 5158
the Revised Code that charges the offender with having a firearm 5159
on or about the offender's person or under the offender's 5160
control while committing the offense and that the offender 5161
previously has been convicted of or pleaded guilty to a 5162
specification of the type described in section 2941.141, 5163
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 5164

(b) If a court imposes a prison term on an offender under 5165
division (B) (1) (a) of this section, the prison term shall not be 5166
reduced pursuant to section 2967.19, section 2929.20, section 5167
2967.193, or any other provision of Chapter 2967. or Chapter 5168
5120. of the Revised Code. Except as provided in division (B) (1) 5169
(g) of this section, a court shall not impose more than one 5170
prison term on an offender under division (B) (1) (a) of this 5171
section for felonies committed as part of the same act or 5172
transaction. 5173

(c) (i) Except as provided in division (B) (1) (e) of this 5174
section, if an offender who is convicted of or pleads guilty to 5175
a violation of section 2923.161 of the Revised Code or to a 5176
felony that includes, as an essential element, purposely or 5177
knowingly causing or attempting to cause the death of or 5178
physical harm to another, also is convicted of or pleads guilty 5179
to a specification of the type described in division (A) of 5180
section 2941.146 of the Revised Code that charges the offender 5181
with committing the offense by discharging a firearm from a 5182
motor vehicle other than a manufactured home, the court, after 5183
imposing a prison term on the offender for the violation of 5184
section 2923.161 of the Revised Code or for the other felony 5185
offense under division (A), (B) (2), or (B) (3) of this section, 5186
shall impose an additional prison term of five years upon the 5187
offender that shall not be reduced pursuant to section 2929.20, 5188

section 2967.19, section 2967.193, or any other provision of 5189
Chapter 2967. or Chapter 5120. of the Revised Code. 5190

(ii) Except as provided in division (B)(1)(e) of this 5191
section, if an offender who is convicted of or pleads guilty to 5192
a violation of section 2923.161 of the Revised Code or to a 5193
felony that includes, as an essential element, purposely or 5194
knowingly causing or attempting to cause the death of or 5195
physical harm to another, also is convicted of or pleads guilty 5196
to a specification of the type described in division (C) of 5197
section 2941.146 of the Revised Code that charges the offender 5198
with committing the offense by discharging a firearm from a 5199
motor vehicle other than a manufactured home and that the 5200
offender previously has been convicted of or pleaded guilty to a 5201
specification of the type described in section 2941.141, 5202
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 5203
the court, after imposing a prison term on the offender for the 5204
violation of section 2923.161 of the Revised Code or for the 5205
other felony offense under division (A), (B)(2), or (3) of this 5206
section, shall impose an additional prison term of ninety months 5207
upon the offender that shall not be reduced pursuant to section 5208
2929.20, 2967.19, 2967.193, or any other provision of Chapter 5209
2967. or Chapter 5120. of the Revised Code. 5210

(iii) A court shall not impose more than one additional 5211
prison term on an offender under division (B)(1)(c) of this 5212
section for felonies committed as part of the same act or 5213
transaction. If a court imposes an additional prison term on an 5214
offender under division (B)(1)(c) of this section relative to an 5215
offense, the court also shall impose a prison term under 5216
division (B)(1)(a) of this section relative to the same offense, 5217
provided the criteria specified in that division for imposing an 5218
additional prison term are satisfied relative to the offender 5219

and the offense. 5220

(d) If an offender who is convicted of or pleads guilty to 5221
an offense of violence that is a felony also is convicted of or 5222
pleads guilty to a specification of the type described in 5223
section 2941.1411 of the Revised Code that charges the offender 5224
with wearing or carrying body armor while committing the felony 5225
offense of violence, the court shall impose on the offender an 5226
additional prison term of two years. The prison term so imposed, 5227
subject to divisions (C) to (I) of section 2967.19 of the 5228
Revised Code, shall not be reduced pursuant to section 2929.20, 5229
section 2967.19, section 2967.193, or any other provision of 5230
Chapter 2967. or Chapter 5120. of the Revised Code. A court 5231
shall not impose more than one prison term on an offender under 5232
division (B) (1) (d) of this section for felonies committed as 5233
part of the same act or transaction. If a court imposes an 5234
additional prison term under division (B) (1) (a) or (c) of this 5235
section, the court is not precluded from imposing an additional 5236
prison term under division (B) (1) (d) of this section. 5237

(e) The court shall not impose any of the prison terms 5238
described in division (B) (1) (a) of this section or any of the 5239
additional prison terms described in division (B) (1) (c) of this 5240
section upon an offender for a violation of section 2923.12 or 5241
2923.123 of the Revised Code. The court shall not impose any of 5242
the prison terms described in division (B) (1) (a) or (b) of this 5243
section upon an offender for a violation of section 2923.122 5244
that involves a deadly weapon that is a firearm other than a 5245
dangerous ordnance, section 2923.16, or section 2923.121 of the 5246
Revised Code. The court shall not impose any of the prison terms 5247
described in division (B) (1) (a) of this section or any of the 5248
additional prison terms described in division (B) (1) (c) of this 5249
section upon an offender for a violation of section 2923.13 of 5250

the Revised Code unless all of the following apply: 5251

(i) The offender previously has been convicted of 5252
aggravated murder, murder, or any felony of the first or second 5253
degree. 5254

(ii) Less than five years have passed since the offender 5255
was released from prison or post-release control, whichever is 5256
later, for the prior offense. 5257

(f) (i) If an offender is convicted of or pleads guilty to 5258
a felony that includes, as an essential element, causing or 5259
attempting to cause the death of or physical harm to another and 5260
also is convicted of or pleads guilty to a specification of the 5261
type described in division (A) of section 2941.1412 of the 5262
Revised Code that charges the offender with committing the 5263
offense by discharging a firearm at a peace officer as defined 5264
in section 2935.01 of the Revised Code or a corrections officer, 5265
as defined in section 2941.1412 of the Revised Code, the court, 5266
after imposing a prison term on the offender for the felony 5267
offense under division (A), (B) (2), or (B) (3) of this section, 5268
shall impose an additional prison term of seven years upon the 5269
offender that shall not be reduced pursuant to section 2929.20, 5270
section 2967.19, section 2967.193, or any other provision of 5271
Chapter 2967. or Chapter 5120. of the Revised Code. 5272

(ii) If an offender is convicted of or pleads guilty to a 5273
felony that includes, as an essential element, causing or 5274
attempting to cause the death of or physical harm to another and 5275
also is convicted of or pleads guilty to a specification of the 5276
type described in division (B) of section 2941.1412 of the 5277
Revised Code that charges the offender with committing the 5278
offense by discharging a firearm at a peace officer, as defined 5279
in section 2935.01 of the Revised Code, or a corrections 5280

officer, as defined in section 2941.1412 of the Revised Code, 5281
and that the offender previously has been convicted of or 5282
pleaded guilty to a specification of the type described in 5283
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 5284
the Revised Code, the court, after imposing a prison term on the 5285
offender for the felony offense under division (A), (B) (2), or 5286
(3) of this section, shall impose an additional prison term of 5287
one hundred twenty-six months upon the offender that shall not 5288
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 5289
any other provision of Chapter 2967. or 5120. of the Revised 5290
Code. 5291

(iii) If an offender is convicted of or pleads guilty to 5292
two or more felonies that include, as an essential element, 5293
causing or attempting to cause the death or physical harm to 5294
another and also is convicted of or pleads guilty to a 5295
specification of the type described under division (B) (1) (f) of 5296
this section in connection with two or more of the felonies of 5297
which the offender is convicted or to which the offender pleads 5298
guilty, the sentencing court shall impose on the offender the 5299
prison term specified under division (B) (1) (f) of this section 5300
for each of two of the specifications of which the offender is 5301
convicted or to which the offender pleads guilty and, in its 5302
discretion, also may impose on the offender the prison term 5303
specified under that division for any or all of the remaining 5304
specifications. If a court imposes an additional prison term on 5305
an offender under division (B) (1) (f) of this section relative to 5306
an offense, the court shall not impose a prison term under 5307
division (B) (1) (a) or (c) of this section relative to the same 5308
offense. 5309

(g) If an offender is convicted of or pleads guilty to two 5310
or more felonies, if one or more of those felonies are 5311

aggravated murder, murder, attempted aggravated murder, 5312
attempted murder, aggravated robbery, felonious assault, or 5313
rape, and if the offender is convicted of or pleads guilty to a 5314
specification of the type described under division (B) (1) (a) of 5315
this section in connection with two or more of the felonies, the 5316
sentencing court shall impose on the offender the prison term 5317
specified under division (B) (1) (a) of this section for each of 5318
the two most serious specifications of which the offender is 5319
convicted or to which the offender pleads guilty and, in its 5320
discretion, also may impose on the offender the prison term 5321
specified under that division for any or all of the remaining 5322
specifications. 5323

(2) (a) If division (B) (2) (b) of this section does not 5324
apply, the court may impose on an offender, in addition to the 5325
longest prison term authorized or required for the offense or, 5326
for offenses for which division (A) (1) (a) or (2) (a) of this 5327
section applies, in addition to the longest minimum prison term 5328
authorized or required for the offense, an additional definite 5329
prison term of one, two, three, four, five, six, seven, eight, 5330
nine, or ten years if all of the following criteria are met: 5331

(i) The offender is convicted of or pleads guilty to a 5332
specification of the type described in section 2941.149 of the 5333
Revised Code that the offender is a repeat violent offender. 5334

(ii) The offense of which the offender currently is 5335
convicted or to which the offender currently pleads guilty is 5336
aggravated murder and the court does not impose a sentence of 5337
death or life imprisonment without parole, murder, terrorism and 5338
the court does not impose a sentence of life imprisonment 5339
without parole, any felony of the first degree that is an 5340
offense of violence and the court does not impose a sentence of 5341

life imprisonment without parole, or any felony of the second 5342
degree that is an offense of violence and the trier of fact 5343
finds that the offense involved an attempt to cause or a threat 5344
to cause serious physical harm to a person or resulted in 5345
serious physical harm to a person. 5346

(iii) The court imposes the longest prison term for the 5347
offense or the longest minimum prison term for the offense, 5348
whichever is applicable, that is not life imprisonment without 5349
parole. 5350

(iv) The court finds that the prison terms imposed 5351
pursuant to division (B) (2) (a) (iii) of this section and, if 5352
applicable, division (B) (1) or (3) of this section are 5353
inadequate to punish the offender and protect the public from 5354
future crime, because the applicable factors under section 5355
2929.12 of the Revised Code indicating a greater likelihood of 5356
recidivism outweigh the applicable factors under that section 5357
indicating a lesser likelihood of recidivism. 5358

(v) The court finds that the prison terms imposed pursuant 5359
to division (B) (2) (a) (iii) of this section and, if applicable, 5360
division (B) (1) or (3) of this section are demeaning to the 5361
seriousness of the offense, because one or more of the factors 5362
under section 2929.12 of the Revised Code indicating that the 5363
offender's conduct is more serious than conduct normally 5364
constituting the offense are present, and they outweigh the 5365
applicable factors under that section indicating that the 5366
offender's conduct is less serious than conduct normally 5367
constituting the offense. 5368

(b) The court shall impose on an offender the longest 5369
prison term authorized or required for the offense or, for 5370
offenses for which division (A) (1) (a) or (2) (a) of this section 5371

applies, the longest minimum prison term authorized or required 5372
for the offense, and shall impose on the offender an additional 5373
definite prison term of one, two, three, four, five, six, seven, 5374
eight, nine, or ten years if all of the following criteria are 5375
met: 5376

(i) The offender is convicted of or pleads guilty to a 5377
specification of the type described in section 2941.149 of the 5378
Revised Code that the offender is a repeat violent offender. 5379

(ii) The offender within the preceding twenty years has 5380
been convicted of or pleaded guilty to three or more offenses 5381
described in division (CC) (1) of section 2929.01 of the Revised 5382
Code, including all offenses described in that division of which 5383
the offender is convicted or to which the offender pleads guilty 5384
in the current prosecution and all offenses described in that 5385
division of which the offender previously has been convicted or 5386
to which the offender previously pleaded guilty, whether 5387
prosecuted together or separately. 5388

(iii) The offense or offenses of which the offender 5389
currently is convicted or to which the offender currently pleads 5390
guilty is aggravated murder and the court does not impose a 5391
sentence of death or life imprisonment without parole, murder, 5392
terrorism and the court does not impose a sentence of life 5393
imprisonment without parole, any felony of the first degree that 5394
is an offense of violence and the court does not impose a 5395
sentence of life imprisonment without parole, or any felony of 5396
the second degree that is an offense of violence and the trier 5397
of fact finds that the offense involved an attempt to cause or a 5398
threat to cause serious physical harm to a person or resulted in 5399
serious physical harm to a person. 5400

(c) For purposes of division (B) (2) (b) of this section, 5401

two or more offenses committed at the same time or as part of 5402
the same act or event shall be considered one offense, and that 5403
one offense shall be the offense with the greatest penalty. 5404

(d) A sentence imposed under division (B)(2)(a) or (b) of 5405
this section shall not be reduced pursuant to section 2929.20, 5406
section 2967.19, or section 2967.193, or any other provision of 5407
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 5408
shall serve an additional prison term imposed under division (B) 5409
(2)(a) or (b) of this section consecutively to and prior to the 5410
prison term imposed for the underlying offense. 5411

(e) When imposing a sentence pursuant to division (B)(2) 5412
(a) or (b) of this section, the court shall state its findings 5413
explaining the imposed sentence. 5414

(3) Except when an offender commits a violation of section 5415
2903.01 or 2907.02 of the Revised Code and the penalty imposed 5416
for the violation is life imprisonment or commits a violation of 5417
section 2903.02 of the Revised Code, if the offender commits a 5418
violation of section 2925.03, 2925.031, 2925.032, or 2925.11 of 5419
the Revised Code and that section classifies the offender as a 5420
major drug offender, if the offender commits a violation of 5421
section 2925.05 of the Revised Code and division (E)(1) of that 5422
section classifies the offender as a major drug offender, if the 5423
offender commits a felony violation of section 2925.02, 2925.04, 5424
2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, 5425
or 4729.61, division (C) or (D) of section 3719.172, division 5426
(E) of section 4729.51, or division (J) of section 4729.54 of 5427
the Revised Code that includes the sale, offer to sell, or 5428
possession of a schedule I or II controlled substance, with the 5429
exception of marihuana, and the court imposing sentence upon the 5430
offender finds that the offender is guilty of a specification of 5431

the type described in division (A) of section 2941.1410 of the Revised Code charging that the offender is a major drug offender, if the court imposing sentence upon an offender for a felony finds that the offender is guilty of corrupt activity with the most serious offense in the pattern of corrupt activity being a felony of the first degree, or if the offender is guilty of an attempted violation of section 2907.02 of the Revised Code and, had the offender completed the violation of section 2907.02 of the Revised Code that was attempted, the offender would have been subject to a sentence of life imprisonment or life imprisonment without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a mandatory prison term determined as described in this division that, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, cannot be reduced pursuant to section 2929.20, section 2967.19, or any other provision of Chapter 2967. or 5120. of the Revised Code. The mandatory prison term shall be the maximum definite prison term prescribed in division (A)(1)(b) of this section for a felony of the first degree, except that for offenses for which division (A)(1)(a) of this section applies, the mandatory prison term shall be the longest minimum prison term prescribed in that division for the offense.

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A)(4) of this section, may sentence the offender to a definite prison term of

not less than six months and not more than thirty months, and if 5463
the offender is being sentenced for a third degree felony OVI 5464
offense, the sentencing court may sentence the offender to an 5465
additional prison term of any duration specified in division (A) 5466
(3) of this section. In either case, the additional prison term 5467
imposed shall be reduced by the sixty or one hundred twenty days 5468
imposed upon the offender as the mandatory prison term. The 5469
total of the additional prison term imposed under division (B) 5470
(4) of this section plus the sixty or one hundred twenty days 5471
imposed as the mandatory prison term shall equal a definite term 5472
in the range of six months to thirty months for a fourth degree 5473
felony OVI offense and shall equal one of the authorized prison 5474
terms specified in division (A) (3) of this section for a third 5475
degree felony OVI offense. If the court imposes an additional 5476
prison term under division (B) (4) of this section, the offender 5477
shall serve the additional prison term after the offender has 5478
served the mandatory prison term required for the offense. In 5479
addition to the mandatory prison term or mandatory and 5480
additional prison term imposed as described in division (B) (4) 5481
of this section, the court also may sentence the offender to a 5482
community control sanction under section 2929.16 or 2929.17 of 5483
the Revised Code, but the offender shall serve all of the prison 5484
terms so imposed prior to serving the community control 5485
sanction. 5486

If the offender is being sentenced for a fourth degree 5487
felony OVI offense under division (G) (1) of section 2929.13 of 5488
the Revised Code and the court imposes a mandatory term of local 5489
incarceration, the court may impose a prison term as described 5490
in division (A) (1) of that section. 5491

(5) If an offender is convicted of or pleads guilty to a 5492
violation of division (A) (1) or (2) of section 2903.06 of the 5493

Revised Code and also is convicted of or pleads guilty to a 5494
specification of the type described in section 2941.1414 of the 5495
Revised Code that charges that the victim of the offense is a 5496
peace officer, as defined in section 2935.01 of the Revised 5497
Code, or an investigator of the bureau of criminal 5498
identification and investigation, as defined in section 2903.11 5499
of the Revised Code, the court shall impose on the offender a 5500
prison term of five years. If a court imposes a prison term on 5501
an offender under division (B) (5) of this section, the prison 5502
term, subject to divisions (C) to (I) of section 2967.19 of the 5503
Revised Code, shall not be reduced pursuant to section 2929.20, 5504
section 2967.19, section 2967.193, or any other provision of 5505
Chapter 2967. or Chapter 5120. of the Revised Code. A court 5506
shall not impose more than one prison term on an offender under 5507
division (B) (5) of this section for felonies committed as part 5508
of the same act. 5509

(6) If an offender is convicted of or pleads guilty to a 5510
violation of division (A) (1) or (2) of section 2903.06 of the 5511
Revised Code and also is convicted of or pleads guilty to a 5512
specification of the type described in section 2941.1415 of the 5513
Revised Code that charges that the offender previously has been 5514
convicted of or pleaded guilty to three or more violations of 5515
division (A) or (B) of section 4511.19 of the Revised Code or an 5516
equivalent offense, as defined in section 2941.1415 of the 5517
Revised Code, or three or more violations of any combination of 5518
those divisions and offenses, the court shall impose on the 5519
offender a prison term of three years. If a court imposes a 5520
prison term on an offender under division (B) (6) of this 5521
section, the prison term, subject to divisions (C) to (I) of 5522
section 2967.19 of the Revised Code, shall not be reduced 5523
pursuant to section 2929.20, section 2967.19, section 2967.193, 5524

or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (6) of this section for felonies committed as part of the same act.

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

(i) If the offense is a felony of the first degree, a definite prison term of not less than five years and not greater than eleven years, except that if the offense is a felony of the first degree committed on or after the effective date of this amendment, the court shall impose as the minimum prison term a mandatory term of not less than five years and not greater than eleven years;

(ii) If the offense is a felony of the second or third degree, a definite prison term of not less than three years and not greater than the maximum prison term allowed for the offense by division (A) (2) (b) or (3) of this section, except that if the offense is a felony of the second degree committed on or after the effective date of this amendment, the court shall impose as the minimum prison term a mandatory term of not less than three years and not greater than eight years;

(iii) If the offense is a felony of the fourth or fifth

degree, a definite prison term that is the maximum prison term 5555
allowed for the offense by division (A) of section 2929.14 of 5556
the Revised Code. 5557

(b) Subject to divisions (C) to (I) of section 2967.19 of 5558
the Revised Code, the prison term imposed under division (B) (7) 5559
(a) of this section shall not be reduced pursuant to section 5560
2929.20, section 2967.19, section 2967.193, or any other 5561
provision of Chapter 2967. of the Revised Code. A court shall 5562
not impose more than one prison term on an offender under 5563
division (B) (7) (a) of this section for felonies committed as 5564
part of the same act, scheme, or plan. 5565

(8) If an offender is convicted of or pleads guilty to a 5566
felony violation of section 2903.11, 2903.12, or 2903.13 of the 5567
Revised Code and also is convicted of or pleads guilty to a 5568
specification of the type described in section 2941.1423 of the 5569
Revised Code that charges that the victim of the violation was a 5570
woman whom the offender knew was pregnant at the time of the 5571
violation, notwithstanding the range prescribed in division (A) 5572
of this section as the definite prison term or minimum prison 5573
term for felonies of the same degree as the violation, the court 5574
shall impose on the offender a mandatory prison term that is 5575
either a definite prison term of six months or one of the prison 5576
terms prescribed in division (A) of this section for felonies of 5577
the same degree as the violation, except that if the violation 5578
is a felony of the first or second degree committed on or after 5579
the effective date of this amendment, the court shall impose as 5580
the minimum prison term under division (A) (1) (a) or (2) (a) of 5581
this section a mandatory term that is one of the terms 5582
prescribed in that division, whichever is applicable, for the 5583
offense. 5584

(9) (a) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.11 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1425 of the Revised Code, the court shall impose on the offender a mandatory prison term of six years if either of the following applies:

(i) The violation is a violation of division (A) (1) of section 2903.11 of the Revised Code and the specification charges that the offender used an accelerant in committing the violation and the serious physical harm to another or to another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity;

(ii) The violation is a violation of division (A) (2) of section 2903.11 of the Revised Code and the specification charges that the offender used an accelerant in committing the violation, that the violation caused physical harm to another or to another's unborn, and that the physical harm resulted in a permanent, serious disfigurement or permanent, substantial incapacity.

(b) If a court imposes a prison term on an offender under division (B) (9) (a) of this section, the prison term shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (9) of this section for felonies committed as part of the same act.

(c) The provisions of divisions (B) (9) and (C) (6) of this section and of division (D) (2) of section 2903.11, division (F) (20) of section 2929.13, and section 2941.1425 of the Revised

Code shall be known as "Judy's Law." 5615

(10) If an offender is convicted of or pleads guilty to a 5616
violation of division (A) of section 2903.11 of the Revised Code 5617
and also is convicted of or pleads guilty to a specification of 5618
the type described in section 2941.1426 of the Revised Code that 5619
charges that the victim of the offense suffered permanent 5620
disabling harm as a result of the offense and that the victim 5621
was under ten years of age at the time of the offense, 5622
regardless of whether the offender knew the age of the victim, 5623
the court shall impose upon the offender an additional definite 5624
prison term of six years. A prison term imposed on an offender 5625
under division (B) (10) of this section shall not be reduced 5626
pursuant to section 2929.20, section 2967.193, or any other 5627
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 5628
If a court imposes an additional prison term on an offender 5629
under this division relative to a violation of division (A) of 5630
section 2903.11 of the Revised Code, the court shall not impose 5631
any other additional prison term on the offender relative to the 5632
same offense. 5633

(11) If an offender is convicted of or pleads guilty to a 5634
felony violation of section 2925.03, 2925.031, 2925.032, or 5635
2925.05 of the Revised Code or a felony violation of section 5636
2925.11 of the Revised Code for which division (C) (11) of that 5637
section applies in determining the sentence for the violation, 5638
if the drug involved in the violation is a fentanyl-related 5639
compound or a compound, mixture, preparation, or substance 5640
containing a fentanyl-related compound, and if the offender also 5641
is convicted of or pleads guilty to a specification of the type 5642
described in division (B) of section 2941.1410 of the Revised 5643
Code that charges that the offender is a major drug offender, in 5644
addition to any other penalty imposed for the violation, the 5645

court shall impose on the offender a mandatory prison term of 5646
three, four, five, six, seven, or eight years. If a court 5647
imposes a prison term on an offender under division (B) (11) of 5648
this section, the prison term, subject to divisions (C) to (I) 5649
of section 2967.19 of the Revised Code, shall not be reduced 5650
pursuant to section 2929.20, 2967.19, or 2967.193, or any other 5651
provision of Chapter 2967. or 5120. of the Revised Code. A court 5652
shall not impose more than one prison term on an offender under 5653
division (B) (11) of this section for felonies committed as part 5654
of the same act. 5655

(C) (1) (a) Subject to division (C) (1) (b) of this section, 5656
if a mandatory prison term is imposed upon an offender pursuant 5657
to division (B) (1) (a) of this section for having a firearm on or 5658
about the offender's person or under the offender's control 5659
while committing a felony, if a mandatory prison term is imposed 5660
upon an offender pursuant to division (B) (1) (c) of this section 5661
for committing a felony specified in that division by 5662
discharging a firearm from a motor vehicle, or if both types of 5663
mandatory prison terms are imposed, the offender shall serve any 5664
mandatory prison term imposed under either division 5665
consecutively to any other mandatory prison term imposed under 5666
either division or under division (B) (1) (d) of this section, 5667
consecutively to and prior to any prison term imposed for the 5668
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 5669
this section or any other section of the Revised Code, and 5670
consecutively to any other prison term or mandatory prison term 5671
previously or subsequently imposed upon the offender. 5672

(b) If a mandatory prison term is imposed upon an offender 5673
pursuant to division (B) (1) (d) of this section for wearing or 5674
carrying body armor while committing an offense of violence that 5675
is a felony, the offender shall serve the mandatory term so 5676

imposed consecutively to any other mandatory prison term imposed 5677
under that division or under division (B) (1) (a) or (c) of this 5678
section, consecutively to and prior to any prison term imposed 5679
for the underlying felony under division (A), (B) (2), or (B) (3) 5680
of this section or any other section of the Revised Code, and 5681
consecutively to any other prison term or mandatory prison term 5682
previously or subsequently imposed upon the offender. 5683

(c) If a mandatory prison term is imposed upon an offender 5684
pursuant to division (B) (1) (f) of this section, the offender 5685
shall serve the mandatory prison term so imposed consecutively 5686
to and prior to any prison term imposed for the underlying 5687
felony under division (A), (B) (2), or (B) (3) of this section or 5688
any other section of the Revised Code, and consecutively to any 5689
other prison term or mandatory prison term previously or 5690
subsequently imposed upon the offender. 5691

(d) If a mandatory prison term is imposed upon an offender 5692
pursuant to division (B) (7) or (8) of this section, the offender 5693
shall serve the mandatory prison term so imposed consecutively 5694
to any other mandatory prison term imposed under that division 5695
or under any other provision of law and consecutively to any 5696
other prison term or mandatory prison term previously or 5697
subsequently imposed upon the offender. 5698

(e) If a mandatory prison term is imposed upon an offender 5699
pursuant to division (B) ~~(10)~~ (11) of this section, the offender 5700
shall serve the mandatory prison term consecutively to any other 5701
mandatory prison term imposed under that division, consecutively 5702
to and prior to any prison term imposed for the underlying 5703
felony, and consecutively to any other prison term or mandatory 5704
prison term previously or subsequently imposed upon the 5705
offender. 5706

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

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

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

offender poses to the public, and if the court also finds any of 5738
the following: 5739

(a) The offender committed one or more of the multiple 5740
offenses while the offender was awaiting trial or sentencing, 5741
was under a sanction imposed pursuant to section 2929.16, 5742
2929.17, or 2929.18 of the Revised Code, or was under post- 5743
release control for a prior offense. 5744

(b) At least two of the multiple offenses were committed 5745
as part of one or more courses of conduct, and the harm caused 5746
by two or more of the multiple offenses so committed was so 5747
great or unusual that no single prison term for any of the 5748
offenses committed as part of any of the courses of conduct 5749
adequately reflects the seriousness of the offender's conduct. 5750

(c) The offender's history of criminal conduct 5751
demonstrates that consecutive sentences are necessary to protect 5752
the public from future crime by the offender. 5753

(5) If a mandatory prison term is imposed upon an offender 5754
pursuant to division (B) (5) or (6) of this section, the offender 5755
shall serve the mandatory prison term consecutively to and prior 5756
to any prison term imposed for the underlying violation of 5757
division (A) (1) or (2) of section 2903.06 of the Revised Code 5758
pursuant to division (A) of this section or section 2929.142 of 5759
the Revised Code. If a mandatory prison term is imposed upon an 5760
offender pursuant to division (B) (5) of this section, and if a 5761
mandatory prison term also is imposed upon the offender pursuant 5762
to division (B) (6) of this section in relation to the same 5763
violation, the offender shall serve the mandatory prison term 5764
imposed pursuant to division (B) (5) of this section 5765
consecutively to and prior to the mandatory prison term imposed 5766
pursuant to division (B) (6) of this section and consecutively to 5767

and prior to any prison term imposed for the underlying 5768
violation of division (A) (1) or (2) of section 2903.06 of the 5769
Revised Code pursuant to division (A) of this section or section 5770
2929.142 of the Revised Code. 5771

(6) If a mandatory prison term is imposed on an offender 5772
pursuant to division (B) (9) of this section, the offender shall 5773
serve the mandatory prison term consecutively to and prior to 5774
any prison term imposed for the underlying violation of division 5775
(A) (1) or (2) of section 2903.11 of the Revised Code and 5776
consecutively to and prior to any other prison term or mandatory 5777
prison term previously or subsequently imposed on the offender. 5778

(7) If a mandatory prison term is imposed on an offender 5779
pursuant to division (B) (10) of this section, the offender shall 5780
serve that mandatory prison term consecutively to and prior to 5781
any prison term imposed for the underlying felonious assault. 5782
Except as otherwise provided in division (C) of this section, 5783
any other prison term or mandatory prison term previously or 5784
subsequently imposed upon the offender may be served 5785
concurrently with, or consecutively to, the prison term imposed 5786
pursuant to division (B) (10) of this section. 5787

(8) Any prison term imposed for a violation of section 5788
2903.04 of the Revised Code that is based on a violation of 5789
section 2925.03 ~~or, 2925.031, 2925.032, 2925.11, 2925.111, or~~ 5790
2925.112 of the Revised Code or on a violation of section 5791
2925.05 of the Revised Code that is not funding of marihuana 5792
trafficking shall run consecutively to any prison term imposed 5793
for the violation of section 2925.03 ~~or, 2925.031, 2925.032,~~ 5794
2925.11, 2925.111, or 2925.112 of the Revised Code or for the 5795
violation of section 2925.05 of the Revised Code that is not 5796
funding of marihuana trafficking. 5797

(9) When consecutive prison terms are imposed pursuant to 5798
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 5799
division (H) (1) or (2) of this section, subject to division (C) 5800
(8) of this section, the term to be served is the aggregate of 5801
all of the terms so imposed. 5802

(10) When a court sentences an offender to a non-life 5803
felony indefinite prison term, any definite prison term or 5804
mandatory definite prison term previously or subsequently 5805
imposed on the offender in addition to that indefinite sentence 5806
that is required to be served consecutively to that indefinite 5807
sentence shall be served prior to the indefinite sentence. 5808

(11) If a court is sentencing an offender for a felony of 5809
the first or second degree, if division (A) (1) (a) or (2) (a) of 5810
this section applies with respect to the sentencing for the 5811
offense, and if the court is required under the Revised Code 5812
section that sets forth the offense or any other Revised Code 5813
provision to impose a mandatory prison term for the offense, the 5814
court shall impose the required mandatory prison term as the 5815
minimum term imposed under division (A) (1) (a) or (2) (a) of this 5816
section, whichever is applicable. 5817

(D) (1) If a court imposes a prison term, other than a term 5818
of life imprisonment, for a felony of the first degree, for a 5819
felony of the second degree, for a felony sex offense, or for a 5820
felony of the third degree that is an offense of violence and 5821
that is not a felony sex offense, it shall include in the 5822
sentence a requirement that the offender be subject to a period 5823
of post-release control after the offender's release from 5824
imprisonment, in accordance with section 2967.28 of the Revised 5825
Code. If a court imposes a sentence including a prison term of a 5826
type described in this division on or after July 11, 2006, the 5827

failure of a court to include a post-release control requirement 5828
in the sentence pursuant to this division does not negate, 5829
limit, or otherwise affect the mandatory period of post-release 5830
control that is required for the offender under division (B) of 5831
section 2967.28 of the Revised Code. Section 2929.191 of the 5832
Revised Code applies if, prior to July 11, 2006, a court imposed 5833
a sentence including a prison term of a type described in this 5834
division and failed to include in the sentence pursuant to this 5835
division a statement regarding post-release control. 5836

(2) If a court imposes a prison term for a felony of the 5837
third, fourth, or fifth degree that is not subject to division 5838
(D)(1) of this section, it shall include in the sentence a 5839
requirement that the offender be subject to a period of post- 5840
release control after the offender's release from imprisonment, 5841
in accordance with that division, if the parole board determines 5842
that a period of post-release control is necessary. Section 5843
2929.191 of the Revised Code applies if, prior to July 11, 2006, 5844
a court imposed a sentence including a prison term of a type 5845
described in this division and failed to include in the sentence 5846
pursuant to this division a statement regarding post-release 5847
control. 5848

(E) The court shall impose sentence upon the offender in 5849
accordance with section 2971.03 of the Revised Code, and Chapter 5850
2971. of the Revised Code applies regarding the prison term or 5851
term of life imprisonment without parole imposed upon the 5852
offender and the service of that term of imprisonment if any of 5853
the following apply: 5854

(1) A person is convicted of or pleads guilty to a violent 5855
sex offense or a designated homicide, assault, or kidnapping 5856
offense, and, in relation to that offense, the offender is 5857

adjudicated a sexually violent predator. 5858

(2) A person is convicted of or pleads guilty to a 5859
violation of division (A) (1) (b) of section 2907.02 of the 5860
Revised Code committed on or after January 2, 2007, and either 5861
the court does not impose a sentence of life without parole when 5862
authorized pursuant to division (B) of section 2907.02 of the 5863
Revised Code, or division (B) of section 2907.02 of the Revised 5864
Code provides that the court shall not sentence the offender 5865
pursuant to section 2971.03 of the Revised Code. 5866

(3) A person is convicted of or pleads guilty to attempted 5867
rape committed on or after January 2, 2007, and a specification 5868
of the type described in section 2941.1418, 2941.1419, or 5869
2941.1420 of the Revised Code. 5870

(4) A person is convicted of or pleads guilty to a 5871
violation of section 2905.01 of the Revised Code committed on or 5872
after January 1, 2008, and that section requires the court to 5873
sentence the offender pursuant to section 2971.03 of the Revised 5874
Code. 5875

(5) A person is convicted of or pleads guilty to 5876
aggravated murder committed on or after January 1, 2008, and 5877
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 5878
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 5879
(d) of section 2929.03, or division (A) or (B) of section 5880
2929.06 of the Revised Code requires the court to sentence the 5881
offender pursuant to division (B) (3) of section 2971.03 of the 5882
Revised Code. 5883

(6) A person is convicted of or pleads guilty to murder 5884
committed on or after January 1, 2008, and division (B) (2) of 5885
section 2929.02 of the Revised Code requires the court to 5886

sentence the offender pursuant to section 2971.03 of the Revised Code. 5887
5888

(F) If a person who has been convicted of or pleaded 5889
guilty to a felony is sentenced to a prison term or term of 5890
imprisonment under this section, sections 2929.02 to 2929.06 of 5891
the Revised Code, section 2929.142 of the Revised Code, section 5892
2971.03 of the Revised Code, or any other provision of law, 5893
section 5120.163 of the Revised Code applies regarding the 5894
person while the person is confined in a state correctional 5895
institution. 5896

(G) If an offender who is convicted of or pleads guilty to 5897
a felony that is an offense of violence also is convicted of or 5898
pleads guilty to a specification of the type described in 5899
section 2941.142 of the Revised Code that charges the offender 5900
with having committed the felony while participating in a 5901
criminal gang, the court shall impose upon the offender an 5902
additional prison term of one, two, or three years. 5903

(H) (1) If an offender who is convicted of or pleads guilty 5904
to aggravated murder, murder, or a felony of the first, second, 5905
or third degree that is an offense of violence also is convicted 5906
of or pleads guilty to a specification of the type described in 5907
section 2941.143 of the Revised Code that charges the offender 5908
with having committed the offense in a school safety zone or 5909
towards a person in a school safety zone, the court shall impose 5910
upon the offender an additional prison term of two years. The 5911
offender shall serve the additional two years consecutively to 5912
and prior to the prison term imposed for the underlying offense. 5913

(2) (a) If an offender is convicted of or pleads guilty to 5914
a felony violation of section 2907.22, 2907.24, 2907.241, or 5915
2907.25 of the Revised Code and to a specification of the type 5916

described in section 2941.1421 of the Revised Code and if the 5917
court imposes a prison term on the offender for the felony 5918
violation, the court may impose upon the offender an additional 5919
prison term as follows: 5920

(i) Subject to division (H) (2) (a) (ii) of this section, an 5921
additional prison term of one, two, three, four, five, or six 5922
months; 5923

(ii) If the offender previously has been convicted of or 5924
pleaded guilty to one or more felony or misdemeanor violations 5925
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 5926
the Revised Code and also was convicted of or pleaded guilty to 5927
a specification of the type described in section 2941.1421 of 5928
the Revised Code regarding one or more of those violations, an 5929
additional prison term of one, two, three, four, five, six, 5930
seven, eight, nine, ten, eleven, or twelve months. 5931

(b) In lieu of imposing an additional prison term under 5932
division (H) (2) (a) of this section, the court may directly 5933
impose on the offender a sanction that requires the offender to 5934
wear a real-time processing, continual tracking electronic 5935
monitoring device during the period of time specified by the 5936
court. The period of time specified by the court shall equal the 5937
duration of an additional prison term that the court could have 5938
imposed upon the offender under division (H) (2) (a) of this 5939
section. A sanction imposed under this division shall commence 5940
on the date specified by the court, provided that the sanction 5941
shall not commence until after the offender has served the 5942
prison term imposed for the felony violation of section 2907.22, 5943
2907.24, 2907.241, or 2907.25 of the Revised Code and any 5944
residential sanction imposed for the violation under section 5945
2929.16 of the Revised Code. A sanction imposed under this 5946

division shall be considered to be a community control sanction 5947
for purposes of section 2929.15 of the Revised Code, and all 5948
provisions of the Revised Code that pertain to community control 5949
sanctions shall apply to a sanction imposed under this division, 5950
except to the extent that they would by their nature be clearly 5951
inapplicable. The offender shall pay all costs associated with a 5952
sanction imposed under this division, including the cost of the 5953
use of the monitoring device. 5954

(I) At the time of sentencing, the court may recommend the 5955
offender for placement in a program of shock incarceration under 5956
section 5120.031 of the Revised Code or for placement in an 5957
intensive program prison under section 5120.032 of the Revised 5958
Code, disapprove placement of the offender in a program of shock 5959
incarceration or an intensive program prison of that nature, or 5960
make no recommendation on placement of the offender. In no case 5961
shall the department of rehabilitation and correction place the 5962
offender in a program or prison of that nature unless the 5963
department determines as specified in section 5120.031 or 5964
5120.032 of the Revised Code, whichever is applicable, that the 5965
offender is eligible for the placement. 5966

If the court disapproves placement of the offender in a 5967
program or prison of that nature, the department of 5968
rehabilitation and correction shall not place the offender in 5969
any program of shock incarceration or intensive program prison. 5970

If the court recommends placement of the offender in a 5971
program of shock incarceration or in an intensive program 5972
prison, and if the offender is subsequently placed in the 5973
recommended program or prison, the department shall notify the 5974
court of the placement and shall include with the notice a brief 5975
description of the placement. 5976

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

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

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

(K) (1) The court shall impose an additional mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years on an offender who is convicted of or pleads guilty to a violent felony offense if the offender also

is convicted of or pleads guilty to a specification of the type 6007
described in section 2941.1424 of the Revised Code that charges 6008
that the offender is a violent career criminal and had a firearm 6009
on or about the offender's person or under the offender's 6010
control while committing the presently charged violent felony 6011
offense and displayed or brandished the firearm, indicated that 6012
the offender possessed a firearm, or used the firearm to 6013
facilitate the offense. The offender shall serve the prison term 6014
imposed under this division consecutively to and prior to the 6015
prison term imposed for the underlying offense. The prison term 6016
shall not be reduced pursuant to section 2929.20 or 2967.19 or 6017
any other provision of Chapter 2967. or 5120. of the Revised 6018
Code. A court may not impose more than one sentence under 6019
division (B) (2) (a) of this section and this division for acts 6020
committed as part of the same act or transaction. 6021

(2) As used in division (K) (1) of this section, "violent 6022
career criminal" and "violent felony offense" have the same 6023
meanings as in section 2923.132 of the Revised Code. 6024

Sec. 2929.15. (A) (1) If in sentencing an offender for a 6025
felony the court is not required to impose a prison term, a 6026
mandatory prison term, or a term of life imprisonment upon the 6027
offender, the court may directly impose a sentence that consists 6028
of one or more community control sanctions authorized pursuant 6029
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 6030
the court is sentencing an offender for a fourth degree felony 6031
OVI offense under division (G) (1) of section 2929.13 of the 6032
Revised Code, in addition to the mandatory term of local 6033
incarceration imposed under that division and the mandatory fine 6034
required by division (B) (3) of section 2929.18 of the Revised 6035
Code, the court may impose upon the offender a community control 6036
sanction or combination of community control sanctions in 6037

accordance with sections 2929.16 and 2929.17 of the Revised 6038
Code. If the court is sentencing an offender for a third or 6039
fourth degree felony OVI offense under division (G) (2) of 6040
section 2929.13 of the Revised Code, in addition to the 6041
mandatory prison term or mandatory prison term and additional 6042
prison term imposed under that division, the court also may 6043
impose upon the offender a community control sanction or 6044
combination of community control sanctions under section 2929.16 6045
or 2929.17 of the Revised Code, but the offender shall serve all 6046
of the prison terms so imposed prior to serving the community 6047
control sanction. 6048

The duration of all community control sanctions imposed 6049
upon an offender under this division shall not exceed five 6050
years. If the offender absconds or otherwise leaves the 6051
jurisdiction of the court in which the offender resides without 6052
obtaining permission from the court or the offender's probation 6053
officer to leave the jurisdiction of the court, or if the 6054
offender is confined in any institution for the commission of 6055
any offense while under a community control sanction, the period 6056
of the community control sanction ceases to run until the 6057
offender is brought before the court for its further action. If 6058
the court sentences the offender to one or more nonresidential 6059
sanctions under section 2929.17 of the Revised Code, the court 6060
shall impose as a condition of the nonresidential sanctions 6061
that, during the period of the sanctions, the offender must 6062
abide by the law and must not leave the state without the 6063
permission of the court or the offender's probation officer. The 6064
court may impose any other conditions of release under a 6065
community control sanction that the court considers appropriate, 6066
including, but not limited to, requiring that the offender not 6067
ingest or be injected with a drug of abuse and submit to random 6068

drug testing as provided in division (D) of this section to 6069
determine whether the offender ingested or was injected with a 6070
drug of abuse and requiring that the results of the drug test 6071
indicate that the offender did not ingest or was not injected 6072
with a drug of abuse. 6073

(2) (a) If a court sentences an offender to any community 6074
control sanction or combination of community control sanctions 6075
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 6076
the Revised Code, the court shall place the offender under the 6077
general control and supervision of a department of probation in 6078
the county that serves the court for purposes of reporting to 6079
the court a violation of any condition of the sanctions, any 6080
condition of release under a community control sanction imposed 6081
by the court, a violation of law, or the departure of the 6082
offender from this state without the permission of the court or 6083
the offender's probation officer. Alternatively, if the offender 6084
resides in another county and a county department of probation 6085
has been established in that county or that county is served by 6086
a multicounty probation department established under section 6087
2301.27 of the Revised Code, the court may request the court of 6088
common pleas of that county to receive the offender into the 6089
general control and supervision of that county or multicounty 6090
department of probation for purposes of reporting to the court a 6091
violation of any condition of the sanctions, any condition of 6092
release under a community control sanction imposed by the court, 6093
a violation of law, or the departure of the offender from this 6094
state without the permission of the court or the offender's 6095
probation officer, subject to the jurisdiction of the trial 6096
judge over and with respect to the person of the offender, and 6097
to the rules governing that department of probation. 6098

If there is no department of probation in the county that 6099

serves the court, the court shall place the offender, regardless 6100
of the offender's county of residence, under the general control 6101
and supervision of the adult parole authority or an entity 6102
authorized under division (B) of section 2301.27 of the Revised 6103
Code to provide probation and supervisory services to counties 6104
for purposes of reporting to the court a violation of any of the 6105
sanctions, any condition of release under a community control 6106
sanction imposed by the court, a violation of law, or the 6107
departure of the offender from this state without the permission 6108
of the court or the offender's probation officer. 6109

(b) If the court imposing sentence upon an offender 6110
sentences the offender to any community control sanction or 6111
combination of community control sanctions authorized pursuant 6112
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 6113
if the offender violates any condition of the sanctions, any 6114
condition of release under a community control sanction imposed 6115
by the court, violates any law, or departs the state without the 6116
permission of the court or the offender's probation officer, the 6117
public or private person or entity that operates or administers 6118
the sanction or the program or activity that comprises the 6119
sanction shall report the violation or departure directly to the 6120
sentencing court, or shall report the violation or departure to 6121
the county or multicounty department of probation with general 6122
control and supervision over the offender under division (A) (2) 6123
(a) of this section or the officer of that department who 6124
supervises the offender, or, if there is no such department with 6125
general control and supervision over the offender under that 6126
division, to the adult parole authority or an entity authorized 6127
under division (B) of section 2301.27 of the Revised Code to 6128
provide probation and supervisory services to the county. If the 6129
public or private person or entity that operates or administers 6130

the sanction or the program or activity that comprises the 6131
sanction reports the violation or departure to the county or 6132
multicounty department of probation, the adult parole authority, 6133
or any other entity providing probation and supervisory services 6134
to the county, the department's, authority's, or other entity's 6135
officers may treat the offender as if the offender were on 6136
probation and in violation of the probation, and shall report 6137
the violation of the condition of the sanction, any condition of 6138
release under a community control sanction imposed by the court, 6139
the violation of law, or the departure from the state without 6140
the required permission to the sentencing court. 6141

(3) If an offender who is eligible for community control 6142
sanctions under this section admits to being drug addicted or 6143
the court has reason to believe that the offender is drug 6144
addicted, and if the offense for which the offender is being 6145
sentenced was related to the addiction, the court may require 6146
that the offender be assessed by a properly credentialed 6147
professional within a specified period of time and shall require 6148
the professional to file a written assessment of the offender 6149
with the court. If a court imposes treatment and recovery 6150
support services as a community control sanction, the court 6151
shall direct the level and type of treatment and recovery 6152
support services after consideration of the written assessment, 6153
if available at the time of sentencing, and recommendations of 6154
the professional and other treatment and recovery support 6155
services providers. 6156

(4) If an assessment completed pursuant to division (A) (3) 6157
of this section indicates that the offender is addicted to drugs 6158
or alcohol, the court may include in any community control 6159
sanction imposed for a violation of section 2925.02, 2925.03, 6160
2925.04, 2925.05, 2925.06, 2925.11, 2925.111, 2925.112, 2925.13, 6161

2925.22, 2925.23, 2925.36, or 2925.37 of the Revised Code a 6162
requirement that the offender participate in alcohol and drug 6163
addiction services and recovery supports certified under section 6164
5119.36 of the Revised Code or offered by a properly 6165
credentialed community addiction services provider. 6166

(B) (1) If the conditions of a community control sanction 6167
imposed for a felony are violated or if the offender violates a 6168
law or leaves the state without the permission of the court or 6169
the offender's probation officer, the sentencing court may 6170
impose upon the violator one or more of the following penalties: 6171

(a) A longer time under the same sanction if the total 6172
time under the sanctions does not exceed the five-year limit 6173
specified in division (A) of this section; 6174

(b) A more restrictive sanction under section 2929.16, 6175
2929.17, or 2929.18 of the Revised Code, including but not 6176
limited to, a new term in a community-based correctional 6177
facility, halfway house, or jail pursuant to division (A) (6) of 6178
section 2929.16 of the Revised Code; 6179

(c) A prison term on the offender pursuant to section 6180
2929.14 of the Revised Code and division (B) (3) of this section, 6181
provided that a prison term imposed under this division is 6182
subject to the following limitations, as applicable: 6183

(i) If the prison term is imposed for any technical 6184
violation of the conditions of a community control sanction 6185
~~imposed for a felony of the fifth degree or for any violation of~~ 6186
~~law committed while under a community control sanction imposed~~ 6187
~~for such a felony that consists of a new criminal offense and~~ 6188
~~that is not a felony,~~ the prison term shall not exceed ninety 6189
days, provided that if the remaining period of community control 6190

at the time of the violation or the remaining period of the 6191
suspended prison sentence at that time is less than ninety days, 6192
the prison term shall not exceed the length of the remaining 6193
period of community control or the remaining period of the 6194
suspended prison sentence. If the court imposes a prison term as 6195
described in this division, division (B) (2) (b) of this section 6196
applies. 6197

(ii) If the prison term is imposed for any technical 6198
violation of the conditions of a community control sanction 6199
imposed for a felony of the fourth degree that is not an offense 6200
of violence and is not a sexually oriented offense ~~or for any~~ 6201
~~violation of law committed while under a community control~~ 6202
~~sanction imposed for such a felony that consists of a new~~ 6203
~~criminal offense and that is not a felony,~~ the prison term shall 6204
not exceed one hundred eighty days, provided that if the 6205
remaining period of the community control at the time of the 6206
violation or the remaining period of the suspended prison 6207
sentence at that time is less than one hundred eighty days, the 6208
prison term shall not exceed the length of the remaining period 6209
of community control or the remaining period of the suspended 6210
prison sentence. If the court imposes a prison term as described 6211
in this division, division (B) (2) (b) of this section applies. 6212

(2) (a) If an offender was acting pursuant to division (B) 6213
(2) (b) of section 2925.11 of the Revised Code and in so doing 6214
violated the conditions of a community control sanction based on 6215
a minor drug possession offense, as defined in section 2925.11 6216
of the Revised Code, the sentencing court may consider the 6217
offender's conduct in seeking or obtaining medical assistance 6218
for another in good faith or for self or may consider the 6219
offender being the subject of another person seeking or 6220
obtaining medical assistance in accordance with that division as 6221

a mitigating factor before imposing any of the penalties 6222
described in division (B) (1) of this section. 6223

(b) If a court imposes a prison term on an offender under 6224
division (B) (1) (c) (i) or (ii) of this section for a technical 6225
violation of the conditions of a community control sanction, one 6226
of the following is applicable with respect to the time that the 6227
offender spends in prison under the term: 6228

(i) Subject to division (B) (2) (b) (ii) of this section, it 6229
shall be credited against the offender's community control 6230
sanction that was being served at the time of the violation, and 6231
the remaining time under that community control sanction shall 6232
be reduced by the time that the offender spends in prison under 6233
the prison term. The offender upon release from the prison term 6234
shall continue serving the remaining time under the community 6235
control sanction, as reduced under this division. 6236

(ii) If the offender at the time of the violation was 6237
-serving a community control sanction as part of a suspended 6238
prison sentence, it shall be credited against the offender's 6239
community control sanction that was being served at the time of 6240
the violation and against the suspended prison sentence, and the 6241
remaining time under that community control sanction and under 6242
the suspended prison sentence shall be reduced by the time that 6243
the offender spends in prison under the prison term. The 6244
offender upon release from the prison term shall continue 6245
serving the remaining time under the community control sanction, 6246
as reduced under this division. 6247

(c) A court is not limited in the number of times it may 6248
sentence an offender to a prison term under division (B) (1) (c) 6249
of this section for a violation of the conditions of a community 6250
control sanction or for a violation of a law or leaving the 6251

state without the permission of the court or the offender's 6252
probation officer. If an offender who is under a community 6253
control sanction violates the conditions of the sanction or 6254
violates a law or leaves the state without the permission of the 6255
court or the offender's probation officer, is sentenced to a 6256
prison term for the violation or conduct, is released from the 6257
term after serving it, and subsequently violates the conditions 6258
of the sanction or violates a law or leaves the state without 6259
the permission of the court or the offender's probation officer, 6260
the court may impose a new prison term sanction on the offender 6261
under division (B) (1) (c) of this section for the subsequent 6262
violation or conduct. 6263

(3) The prison term, if any, imposed upon a violator 6264
pursuant to this division and division (B) (1) of this section 6265
shall be within the range of prison terms described in this 6266
division and shall not exceed the prison term specified in the 6267
notice provided to the offender at the sentencing hearing 6268
pursuant to division (B) (2) of section 2929.19 of the Revised 6269
Code. The court may reduce the longer period of time that the 6270
offender is required to spend under the longer sanction, the 6271
more restrictive sanction, or a prison term imposed pursuant to 6272
division (B) (1) of this section by the time the offender 6273
successfully spent under the sanction that was initially 6274
imposed. Except as otherwise specified in this division, the 6275
prison term imposed under this division and division (B) (1) of 6276
this section shall be within the range of prison terms available 6277
as a definite term for the offense for which the sanction that 6278
was violated was imposed. If the offense for which the sanction 6279
that was violated was imposed is a felony of the first or second 6280
degree committed on or after ~~the effective date of this~~ 6281
~~amendment~~ March 22, 2019, the prison term so imposed under this 6282

division shall be within the range of prison terms available as 6283
a minimum term for the offense under division (A) (1) (a) or (2) 6284
(a) of section 2929.14 of the Revised Code. 6285

(4) As used in divisions (B) (1) to (3) of this section, 6286
"technical violation" means a violation of the conditions of a 6287
community control sanction imposed for a felony of the fifth 6288
degree, or for a felony of the fourth degree that is not an 6289
offense of violence and is not a sexually oriented offense, and 6290
to which neither of the following applies: 6291

(a) The violation consists of a new criminal offense that 6292
is a felony or that is a misdemeanor other than a minor 6293
misdemeanor, and the violation is committed while under the 6294
community control sanction. 6295

(b) The violation consists of or includes the offender's 6296
articulated or demonstrated refusal to participate in the 6297
community control sanction imposed on the offender or any of its 6298
conditions, and the refusal demonstrates to the court that the 6299
offender has abandoned the objects of the community control 6300
sanction or condition. 6301

(5) As used in divisions (B) (1) and (2) of this section, 6302
"suspended prison term" means that a prison term was imposed on 6303
the offender for an offense and the sentencing court suspends 6304
the prison term and places the offender under a community 6305
control sanction that the offender serves instead of the 6306
suspended prison term. 6307

(C) If an offender, for a significant period of time, 6308
fulfills the conditions of a sanction imposed pursuant to 6309
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 6310
exemplary manner, the court may reduce the period of time under 6311

the sanction or impose a less restrictive sanction, but the 6312
court shall not permit the offender to violate any law or permit 6313
the offender to leave the state without the permission of the 6314
court or the offender's probation officer. 6315

(D) (1) If a court under division (A) (1) of this section 6316
imposes a condition of release under a community control 6317
sanction that requires the offender to submit to random drug 6318
testing, the department of probation, the adult parole 6319
authority, or any other entity that has general control and 6320
supervision of the offender under division (A) (2) (a) of this 6321
section may cause the offender to submit to random drug testing 6322
performed by a laboratory or entity that has entered into a 6323
contract with any of the governmental entities or officers 6324
authorized to enter into a contract with that laboratory or 6325
entity under section 341.26, 753.33, or 5120.63 of the Revised 6326
Code. 6327

(2) If no laboratory or entity described in division (D) 6328
(1) of this section has entered into a contract as specified in 6329
that division, the department of probation, the adult parole 6330
authority, or any other entity that has general control and 6331
supervision of the offender under division (A) (2) (a) of this 6332
section shall cause the offender to submit to random drug 6333
testing performed by a reputable public laboratory to determine 6334
whether the individual who is the subject of the drug test 6335
ingested or was injected with a drug of abuse. 6336

(3) A laboratory or entity that has entered into a 6337
contract pursuant to section 341.26, 753.33, or 5120.63 of the 6338
Revised Code shall perform the random drug tests under division 6339
(D) (1) of this section in accordance with the applicable 6340
standards that are included in the terms of that contract. A 6341

public laboratory shall perform the random drug tests under 6342
division (D) (2) of this section in accordance with the standards 6343
set forth in the policies and procedures established by the 6344
department of rehabilitation and correction pursuant to section 6345
5120.63 of the Revised Code. An offender who is required under 6346
division (A) (1) of this section to submit to random drug testing 6347
as a condition of release under a community control sanction and 6348
whose test results indicate that the offender ingested or was 6349
injected with a drug of abuse shall pay the fee for the drug 6350
test if the department of probation, the adult parole authority, 6351
or any other entity that has general control and supervision of 6352
the offender requires payment of a fee. A laboratory or entity 6353
that performs the random drug testing on an offender under 6354
division (D) (1) or (2) of this section shall transmit the 6355
results of the drug test to the appropriate department of 6356
probation, the adult parole authority, or any other entity that 6357
has general control and supervision of the offender under 6358
division (A) (2) (a) of this section. 6359

Sec. 2931.03. The court of common pleas has original 6360
jurisdiction of all crimes and offenses, including in cases 6361
filed in the court under division (A) (3) of section 1901.20 or 6362
division (A) (3) of section 1907.02 of the Revised Code, except 6363
that the court of common pleas does not have original 6364
jurisdiction in cases of minor offenses the exclusive 6365
jurisdiction of which is vested in courts inferior to the court 6366
of common pleas. 6367

A judge of a court of common pleas does not have the 6368
authority to dismiss a criminal complaint, charge, information, 6369
or indictment solely at the request of the complaining witness 6370
and over the objection of the prosecuting attorney or other 6371
chief legal officer who is responsible for the prosecution of 6372

the case. 6373

Sec. 2941.1410. (A) Except as provided in sections 6374
2925.03, 2925.031, 2925.032, and 2925.11 and division (E) (1) of 6375
section 2925.05 of the Revised Code, the determination by a 6376
court that an offender is a major drug offender is precluded 6377
unless the indictment, count in the indictment, or information 6378
charging the offender specifies that the offender is a major 6379
drug offender. The specification shall be stated at the end of 6380
the body of the indictment, count, or information, and shall be 6381
stated in substantially the following form: 6382

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 6383
Grand Jurors (or insert the person's or prosecuting attorney's 6384
name when appropriate) further find and specify that (set forth 6385
that the offender is a major drug offender)." 6386

(B) Imposition of a three, four, five, six, seven, or 6387
eight-year mandatory prison term upon an offender under division 6388
(B) ~~(9)~~ (11) of section 2929.14 of the Revised Code, pursuant to 6389
determination by a court that an offender is a major drug 6390
offender, is precluded unless the indictment, count in the 6391
indictment, or information charging the offender with the 6392
violation of section 2925.03, 2925.031, 2925.032, 2925.05, or 6393
2925.11 of the Revised Code specifies that the offender is a 6394
major drug offender and that the drug involved in the violation 6395
is a fentanyl-related compound or a compound, mixture, 6396
preparation, or substance containing a fentanyl-related 6397
compound. The specification shall be stated at the end of the 6398
body of the indictment, count, or information, and shall be 6399
stated in substantially the following form: 6400

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 6401
Grand Jurors (or insert the person's or prosecuting attorney's 6402

name when appropriate) further find and specify that (set forth 6403
that the offender is a major drug offender and the drug involved 6404
in the violation is a fentanyl-related compound or a compound, 6405
mixture, preparation, or substance containing a fentanyl-related 6406
compound)."

(C) The court shall determine the issue of whether an 6408
offender is a major drug offender. 6409

(D) As used in this section, "major drug offender" has the 6410
same meaning as in section 2929.01 of the Revised Code. 6411

Sec. 2945.71. (A) Subject to division (D) of this section, 6412
a person against whom a charge is pending in a court not of 6413
record, or against whom a charge of minor misdemeanor is pending 6414
in a court of record, shall be brought to trial within thirty 6415
days after the person's arrest or the service of summons. 6416

(B) Subject to division (D) of this section, a person 6417
against whom a charge of misdemeanor, other than a minor 6418
misdemeanor, is pending in a court of record, shall be brought 6419
to trial as follows: 6420

(1) Within forty-five days after the person's arrest or 6421
the service of summons, if the offense charged is a misdemeanor 6422
of the third or fourth degree, or other misdemeanor for which 6423
the maximum penalty is imprisonment for not more than sixty 6424
days; 6425

(2) Within ninety days after the person's arrest or the 6426
service of summons, if the offense charged is a misdemeanor of 6427
the first or second degree, or other misdemeanor for which the 6428
maximum penalty is imprisonment for more than sixty days; 6429

(3) Within two hundred seventy days after the person's 6430
arrest or the service of summons, if the offense charged is an 6431

unclassified misdemeanor arising out of a violation of section 6432
2925.11 or 2925.112 of the Revised Code. 6433

(C) A person against whom a charge of felony is pending: 6434

(1) Notwithstanding any provisions to the contrary in 6435
Criminal Rule 5(B), shall be accorded a preliminary hearing 6436
within fifteen consecutive days after the person's arrest if the 6437
accused is not held in jail in lieu of bail on the pending 6438
charge or within ten consecutive days after the person's arrest 6439
if the accused is held in jail in lieu of bail on the pending 6440
charge; 6441

(2) Shall be brought to trial within two hundred seventy 6442
days after the person's arrest. 6443

(D) A person against whom one or more charges of different 6444
degrees, whether felonies, misdemeanors, or combinations of 6445
felonies and misdemeanors, all of which arose out of the same 6446
act or transaction, are pending shall be brought to trial on all 6447
of the charges within the time period required for the highest 6448
degree of offense charged, as determined under divisions (A), 6449
(B), and (C) of this section. 6450

(E) For purposes of computing time under divisions (A), 6451
(B), (C) (2), and (D) of this section, each day during which the 6452
accused is held in jail in lieu of bail on the pending charge 6453
shall be counted as three days. This division does not apply for 6454
purposes of computing time under division (C) (1) of this 6455
section. 6456

(F) This section shall not be construed to modify in any 6457
way section 2941.401 or sections 2963.30 to 2963.35 of the 6458
Revised Code. 6459

Sec. 2953.31. As used in sections 2953.31 to 2953.36 of 6460

the Revised Code: 6461

(A) (1) "Eligible offender" means either of the following: 6462

(a) Anyone who has been convicted of one or more offenses, 6463
but not more than five felonies, in this state or any other 6464
jurisdiction, if all of the offenses in this state are felonies 6465
of the fourth or fifth degree ~~or,~~ misdemeanors, or reclassified 6466
misdemeanor drug possession offenses and none of those offenses 6467
are an offense of violence or a felony sex offense and all of 6468
the offenses in another jurisdiction, if committed in this 6469
state, would be felonies of the fourth or fifth degree ~~or,~~ 6470
misdemeanors, or reclassified misdemeanor drug possession 6471
offenses and none of those offenses would be an offense of 6472
violence or a felony sex offense; 6473

(b) Anyone who has been convicted of an offense in this 6474
state or any other jurisdiction, to whom division (A) (1) (a) of 6475
this section does not apply, and who has not more than one 6476
felony conviction, not more than two misdemeanor convictions, or 6477
not more than one felony conviction and one misdemeanor 6478
conviction in this state or any other jurisdiction. When two or 6479
more convictions result from or are connected with the same act 6480
or result from offenses committed at the same time, they shall 6481
be counted as one conviction. When two or three convictions 6482
result from the same indictment, information, or complaint, from 6483
the same plea of guilty, or from the same official proceeding, 6484
and result from related criminal acts that were committed within 6485
a three-month period but do not result from the same act or from 6486
offenses committed at the same time, they shall be counted as 6487
one conviction, provided that a court may decide as provided in 6488
division (C) (1) (a) of section 2953.32 of the Revised Code that 6489
it is not in the public interest for the two or three 6490

convictions to be counted as one conviction. 6491

(2) For purposes of, and except as otherwise provided in, 6492
division (A)(1)(b) of this section, a conviction for a minor 6493
misdemeanor, for a violation of any section in Chapter 4507., 6494
4510., 4511., 4513., or 4549. of the Revised Code, or for a 6495
violation of a municipal ordinance that is substantially similar 6496
to any section in those chapters is not a conviction. However, a 6497
conviction for a violation of section 4511.19, 4511.251, 6498
4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections 6499
4549.41 to 4549.46 of the Revised Code, for a violation of 6500
section 4510.11 or 4510.14 of the Revised Code that is based 6501
upon the offender's operation of a vehicle during a suspension 6502
imposed under section 4511.191 or 4511.196 of the Revised Code, 6503
for a violation of a substantially equivalent municipal 6504
ordinance, for a felony violation of Title XLV of the Revised 6505
Code, or for a violation of a substantially equivalent former 6506
law of this state or former municipal ordinance shall be 6507
considered a conviction. 6508

(B) "Prosecutor" means the county prosecuting attorney, 6509
city director of law, village solicitor, or similar chief legal 6510
officer, who has the authority to prosecute a criminal case in 6511
the court in which the case is filed. 6512

(C) "Bail forfeiture" means the forfeiture of bail by a 6513
defendant who is arrested for the commission of a misdemeanor, 6514
other than a defendant in a traffic case as defined in Traffic 6515
Rule 2, if the forfeiture is pursuant to an agreement with the 6516
court and prosecutor in the case. 6517

(D) "Official records" has the same meaning as in division 6518
(D) of section 2953.51 of the Revised Code. 6519

(E) "Official proceeding" has the same meaning as in section 2921.01 of the Revised Code. 6520
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(F) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 6522
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(G) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code. 6524
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(H) "DNA database," "DNA record," and "law enforcement agency" have the same meanings as in section 109.573 of the Revised Code. 6527
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(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. 6530
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(J) (1) "Reclassified misdemeanor drug possession offense" 6534
means any of the following: 6535

(a) Any offense that is a qualifying misdemeanor drug possession offense; 6536
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(b) Any offense committed in any jurisdiction other than this state that, if committed in this state, would be an offense described in division (J) (1) (a) of this section. 6538
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(2) Any reference in sections 2953.31 to 2953.36 of the Revised Code to a felony does not include any reclassified misdemeanor drug possession offense, and references in those sections to a misdemeanor shall include reclassified misdemeanor drug possession offenses. 6541
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(K) "Qualifying misdemeanor drug possession offense" means a violation of section 2925.11 of the Revised Code that was 6546
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committed prior to the effective date of this amendment and to 6548
which both of the following apply: 6549

(a) At the time of the commission of the violation, the 6550
violation was a felony under the version of section 2925.11 of 6551
the Revised Code that then was in effect. 6552

(b) On the effective date of this amendment, the offense 6553
classification of the violation was reduced to a misdemeanor 6554
under the version of section 2925.11, 2925.111, or 2925.112 of 6555
the Revised Code that took effect on that date. 6556

Sec. 2953.32. (A) (1) Except as provided in section 2953.61 6557
of the Revised Code, an eligible offender may apply to the 6558
sentencing court if convicted in this state, or to a court of 6559
common pleas if convicted in another state or in a federal 6560
court, for the sealing of the record of the case that pertains 6561
to the conviction. Application may be made at one of the 6562
following times: 6563

(a) At the expiration of three years after the offender's 6564
final discharge if convicted of one felony, provided that 6565
application may be made prior to that time if authorized under 6566
division (A) (1) (d) of this section; 6567

(b) When division (A) (1) (a) of section 2953.31 of the 6568
Revised Code applies to the offender, at the expiration of four 6569
years after the offender's final discharge if convicted of two 6570
felonies, or at the expiration of five years after final 6571
discharge if convicted of three, four, or five felonies; 6572

(c) At the expiration of one year after the offender's 6573
final discharge if convicted of a misdemeanor, provided that 6574
application may be made prior to that time if authorized under 6575
division (A) (1) (d) of this section; 6576

(d) If the conviction was of a violation of section 2925.11, 2925.111, or 2925.112 of the Revised Code that is a misdemeanor or a felony of the fourth or fifth degree or that was a violation of a municipal ordinance of a municipal corporation of this state that is substantially equivalent to either section, at any time after successful completion of either of the following: 6577
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(i) A treatment program or other type of program imposed on the eligible offender with respect to the offense, by a drug court; 6584
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(ii) An intervention plan imposed on the eligible offender with respect to the offense, pursuant to a grant of intervention in lieu of conviction under section 2951.041 of the Revised Code. 6587
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(2) Any person who has been arrested for any misdemeanor offense and who has effected a bail forfeiture for the offense charged 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 that pertains to the charge. 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. 6591
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(3) On and after the effective date of this amendment, any conviction of a violation of section 2925.11, 2925.111, or 2925.112 of the Revised Code that, prior to that date, was a felony and that is a reclassified misdemeanor drug possession offense on and after that date shall be considered and treated for purposes of sections 2953.31 to 2953.36 of the Revised Code 6601
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as if it were, and always had been, a conviction of a 6607
misdemeanor. 6608

(B) Upon the filing of an application under this section, 6609
the court shall set a date for a hearing and shall notify the 6610
prosecutor for the case of the hearing on the application. The 6611
prosecutor may object to the granting of the application by 6612
filing an objection with the court prior to the date set for the 6613
hearing. The prosecutor shall specify in the objection the 6614
reasons for believing a denial of the application is justified. 6615
The court shall direct its regular probation officer, a state 6616
probation officer, or the department of probation of the county 6617
in which the applicant resides to make inquiries and written 6618
reports as the court requires concerning the applicant. The 6619
probation officer or county department of probation that the 6620
court directs to make inquiries concerning the applicant shall 6621
determine whether or not the applicant was fingerprinted at the 6622
time of arrest or under section 109.60 of the Revised Code. If 6623
the applicant was so fingerprinted, the probation officer or 6624
county department of probation shall include with the written 6625
report a record of the applicant's fingerprints. If the 6626
applicant was convicted of or pleaded guilty to a violation of 6627
division (A) (2) or (B) of section 2919.21 of the Revised Code, 6628
the probation officer or county department of probation that the 6629
court directed to make inquiries concerning the applicant shall 6630
contact the child support enforcement agency enforcing the 6631
applicant's obligations under the child support order to inquire 6632
about the offender's compliance with the child support order. 6633

(C) (1) The court shall do each of the following: 6634

(a) Determine whether the applicant is an eligible 6635
offender or whether the forfeiture of bail was agreed to by the 6636

applicant and the prosecutor in the case. If the applicant 6637
applies as an eligible offender pursuant to division (A) (1) of 6638
this section and has two or three convictions that result from 6639
the same indictment, information, or complaint, from the same 6640
plea of guilty, or from the same official proceeding, and result 6641
from related criminal acts that were committed within a three- 6642
month period but do not result from the same act or from 6643
offenses committed at the same time, in making its determination 6644
under this division, the court initially shall determine whether 6645
it is not in the public interest for the two or three 6646
convictions to be counted as one conviction. If the court 6647
determines that it is not in the public interest for the two or 6648
three convictions to be counted as one conviction, the court 6649
shall determine that the applicant is not an eligible offender; 6650
if the court does not make that determination, the court shall 6651
determine that the offender is an eligible offender. 6652

(b) Determine whether criminal proceedings are pending 6653
against the applicant; 6654

(c) If the applicant is an eligible offender who applies 6655
pursuant to division (A) (1) of this section, determine whether 6656
the applicant has been rehabilitated to the satisfaction of the 6657
court; 6658

(d) If the prosecutor has filed an objection in accordance 6659
with division (B) of this section, consider the reasons against 6660
granting the application specified by the prosecutor in the 6661
objection; 6662

(e) Weigh the interests of the applicant in having the 6663
records pertaining to the applicant's conviction or bail 6664
forfeiture sealed against the legitimate needs, if any, of the 6665
government to maintain those records. 6666

(2) If the court determines, after complying with division 6667
(C) (1) of this section, that the applicant is an eligible 6668
offender or the subject of a bail forfeiture, that no criminal 6669
proceeding is pending against the applicant, that the interests 6670
of the applicant in having the records pertaining to the 6671
applicant's conviction or bail forfeiture sealed are not 6672
outweighed by any legitimate governmental needs to maintain 6673
those records, and that the rehabilitation of an applicant who 6674
is an eligible offender applying pursuant to division (A) (1) of 6675
this section has been attained to the satisfaction of the court, 6676
the court, except as provided in division (C) (4), (G), (H), or 6677
(I) of this section, shall order all official records of the 6678
case that pertain to the conviction or bail forfeiture sealed 6679
and, except as provided in division (F) of this section, all 6680
index references to the case that pertain to the conviction or 6681
bail forfeiture deleted and, in the case of bail forfeitures, 6682
shall dismiss the charges in the case. The proceedings in the 6683
case that pertain to the conviction or bail forfeiture shall be 6684
considered not to have occurred and the conviction or bail 6685
forfeiture of the person who is the subject of the proceedings 6686
shall be sealed, except that upon conviction of a subsequent 6687
offense, the sealed record of prior conviction or bail 6688
forfeiture may be considered by the court in determining the 6689
sentence or other appropriate disposition, including the relief 6690
provided for in sections 2953.31 to 2953.33 of the Revised Code. 6691

(3) An applicant may request the sealing of the records of 6692
more than one case in a single application under this section. 6693
Upon the filing of an application under this section, the 6694
applicant, unless indigent, shall pay a fee of fifty dollars, 6695
regardless of the number of records the application requests to 6696
have sealed. The court shall pay thirty dollars of the fee into 6697

the state treasury. It shall pay twenty dollars of the fee into 6698
the county general revenue fund if the sealed conviction or bail 6699
forfeiture was pursuant to a state statute, or into the general 6700
revenue fund of the municipal corporation involved if the sealed 6701
conviction or bail forfeiture was pursuant to a municipal 6702
ordinance. 6703

(4) If the court orders the official records pertaining to 6704
the case sealed, the court shall do one of the following: 6705

(a) If the applicant was fingerprinted at the time of 6706
arrest or under section 109.60 of the Revised Code and the 6707
record of the applicant's fingerprints was provided to the court 6708
under division (B) of this section, forward a copy of the 6709
sealing order and the record of the applicant's fingerprints to 6710
the bureau of criminal identification and investigation. 6711

(b) If the applicant was not fingerprinted at the time of 6712
arrest or under section 109.60 of the Revised Code, or the 6713
record of the applicant's fingerprints was not provided to the 6714
court under division (B) of this section, but fingerprinting was 6715
required for the offense, order the applicant to appear before a 6716
sheriff to have the applicant's fingerprints taken according to 6717
the fingerprint system of identification on the forms furnished 6718
by the superintendent of the bureau of criminal identification 6719
and investigation. The sheriff shall forward the applicant's 6720
fingerprints to the court. The court shall forward the 6721
applicant's fingerprints and a copy of the sealing order to the 6722
bureau of criminal identification and investigation. 6723

Failure of the court to order fingerprints at the time of 6724
sealing does not constitute a reversible error. 6725

(D) Inspection of the sealed records included in the order 6726

may be made only by the following persons or for the following 6727
purposes: 6728

(1) By a law enforcement officer or prosecutor, or the 6729
assistants of either, to determine whether the nature and 6730
character of the offense with which a person is to be charged 6731
would be affected by virtue of the person's previously having 6732
been convicted of a crime; 6733

(2) By the parole or probation officer of the person who 6734
is the subject of the records, for the exclusive use of the 6735
officer in supervising the person while on parole or under a 6736
community control sanction or a post-release control sanction, 6737
and in making inquiries and written reports as requested by the 6738
court or adult parole authority; 6739

(3) Upon application by the person who is the subject of 6740
the records, by the persons named in the application; 6741

(4) By a law enforcement officer who was involved in the 6742
case, for use in the officer's defense of a civil action arising 6743
out of the officer's involvement in that case; 6744

(5) By a prosecuting attorney or the prosecuting 6745
attorney's assistants, to determine a defendant's eligibility to 6746
enter a pre-trial diversion program established pursuant to 6747
section 2935.36 of the Revised Code; 6748

(6) By any law enforcement agency or any authorized 6749
employee of a law enforcement agency or by the department of 6750
rehabilitation and correction or department of youth services as 6751
part of a background investigation of a person who applies for 6752
employment with the agency or with the department; 6753

(7) By any law enforcement agency or any authorized 6754
employee of a law enforcement agency, for the purposes set forth 6755

in, and in the manner provided in, section 2953.321 of the Revised Code; 6756
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(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; 6758
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(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; 6762
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(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; 6767
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(11) By the bureau of criminal identification and investigation, an authorized employee of the bureau, a sheriff, or an authorized employee of a sheriff in connection with a criminal records check described in section 311.41 of the Revised Code; 6773
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(12) By the attorney general or an authorized employee of the attorney general or a court for purposes of determining a person's classification pursuant to Chapter 2950. of the Revised Code; 6778
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(13) By a court, the registrar of motor vehicles, a prosecuting attorney or the prosecuting attorney's assistants, or a law enforcement officer for the purpose of assessing points 6782
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against a person under section 4510.036 of the Revised Code or 6785
for taking action with regard to points assessed. 6786

When the nature and character of the offense with which a 6787
person is to be charged would be affected by the information, it 6788
may be used for the purpose of charging the person with an 6789
offense. 6790

(E) In any criminal proceeding, proof of any otherwise 6791
admissible prior conviction may be introduced and proved, 6792
notwithstanding the fact that for any such prior conviction an 6793
order of sealing previously was issued pursuant to sections 6794
2953.31 to 2953.36 of the Revised Code. 6795

(F) The person or governmental agency, office, or 6796
department that maintains sealed records pertaining to 6797
convictions or bail forfeitures that have been sealed pursuant 6798
to this section may maintain a manual or computerized index to 6799
the sealed records. The index shall contain only the name of, 6800
and alphanumeric identifiers that relate to, the persons who are 6801
the subject of the sealed records, the word "sealed," and the 6802
name of the person, agency, office, or department that has 6803
custody of the sealed records, and shall not contain the name of 6804
the crime committed. The index shall be made available by the 6805
person who has custody of the sealed records only for the 6806
purposes set forth in divisions (C), (D), and (E) of this 6807
section. 6808

(G) Notwithstanding any provision of this section or 6809
section 2953.33 of the Revised Code that requires otherwise, a 6810
board of education of a city, local, exempted village, or joint 6811
vocational school district that maintains records of an 6812
individual who has been permanently excluded under sections 6813
3301.121 and 3313.662 of the Revised Code is permitted to 6814

maintain records regarding a conviction that was used as the 6815
basis for the individual's permanent exclusion, regardless of a 6816
court order to seal the record. An order issued under this 6817
section to seal the record of a conviction does not revoke the 6818
adjudication order of the superintendent of public instruction 6819
to permanently exclude the individual who is the subject of the 6820
sealing order. An order issued under this section to seal the 6821
record of a conviction of an individual may be presented to a 6822
district superintendent as evidence to support the contention 6823
that the superintendent should recommend that the permanent 6824
exclusion of the individual who is the subject of the sealing 6825
order be revoked. Except as otherwise authorized by this 6826
division and sections 3301.121 and 3313.662 of the Revised Code, 6827
any school employee in possession of or having access to the 6828
sealed conviction records of an individual that were the basis 6829
of a permanent exclusion of the individual is subject to section 6830
2953.35 of the Revised Code. 6831

(H) For purposes of sections 2953.31 to 2953.36 of the 6832
Revised Code, DNA records collected in the DNA database and 6833
fingerprints filed for record by the superintendent of the 6834
bureau of criminal identification and investigation shall not be 6835
sealed unless the superintendent receives a certified copy of a 6836
final court order establishing that the offender's conviction 6837
has been overturned. For purposes of this section, a court order 6838
is not "final" if time remains for an appeal or application for 6839
discretionary review with respect to the order. 6840

(I) The sealing of a record under this section does not 6841
affect the assessment of points under section 4510.036 of the 6842
Revised Code and does not erase points assessed against a person 6843
as a result of the sealed record. 6844

Sec. 2953.52. (A) (1) Any person, who is found not guilty 6845
of an offense by a jury or a court or who is the defendant named 6846
in a dismissed complaint, indictment, or information, including 6847
a dismissal of the type described in division (D) (2) (b) of 6848
section 2925.11 of the Revised Code, may apply to the court for 6849
an order to seal the person's official records in the case. 6850
Except as provided in section 2953.61 of the Revised Code, the 6851
application may be filed at any time after the finding of not 6852
guilty or the dismissal of the complaint, indictment, or 6853
information is entered upon the minutes of the court or the 6854
journal, whichever entry occurs first. 6855

(2) Any person, against whom a no bill is entered by a 6856
grand jury, may apply to the court for an order to seal his 6857
official records in the case. Except as provided in section 6858
2953.61 of the Revised Code, the application may be filed at any 6859
time after the expiration of two years after the date on which 6860
the foreperson or deputy foreperson of the grand jury reports to 6861
the court that the grand jury has reported a no bill. 6862

(B) (1) Upon the filing of an application pursuant to 6863
division (A) of this section, the court shall set a date for a 6864
hearing and shall notify the prosecutor in the case of the 6865
hearing on the application. The prosecutor may object to the 6866
granting of the application by filing an objection with the 6867
court prior to the date set for the hearing. The prosecutor 6868
shall specify in the objection the reasons the prosecutor 6869
believes justify a denial of the application. 6870

(2) The court shall do each of the following, except as 6871
provided in division (B) (3) of this section: 6872

(a) (i) Determine whether the person was found not guilty 6873
in the case, or the complaint, indictment, or information in the 6874

case was dismissed, or a no bill was returned in the case and a 6875
period of two years or a longer period as required by section 6876
2953.61 of the Revised Code has expired from the date of the 6877
report to the court of that no bill by the foreperson or deputy 6878
foreperson of the grand jury; 6879

(ii) If the complaint, indictment, or information in the 6880
case was dismissed, determine whether it was dismissed with 6881
prejudice or without prejudice and, if it was dismissed without 6882
prejudice, determine whether the relevant statute of limitations 6883
has expired, provided that this division does not apply if the 6884
complaint, indictment, or information was a charge of a drug 6885
possession offense and the charge was dismissed as described in 6886
division (D) (2) (b) of section 2925.11 of the Revised Code. 6887

(b) Determine whether criminal proceedings are pending 6888
against the person; 6889

(c) If the prosecutor has filed an objection in accordance 6890
with division (B) (1) of this section, consider the reasons 6891
against granting the application specified by the prosecutor in 6892
the objection; 6893

(d) Weigh the interests of the person in having the 6894
official records pertaining to the case sealed against the 6895
legitimate needs, if any, of the government to maintain those 6896
records. 6897

(3) If the court determines after complying with division 6898
(B) (2) (a) of this section that the person was found not guilty 6899
in the case, that the complaint, indictment, or information was 6900
a charge of a drug possession offense and the charge was 6901
dismissed as described in division (D) (2) (b) of section 2925.11 6902
of the Revised Code, that the complaint, indictment, or 6903

information in the case was a charge other than a charge of a 6904
drug possession offense and was dismissed with prejudice, or 6905
that the complaint, indictment, or information in the case was a 6906
charge other than a charge of a drug possession offense and was 6907
dismissed without prejudice and that the relevant statute of 6908
limitations has expired, the court shall issue an order to the 6909
superintendent of the bureau of criminal identification and 6910
investigation directing that the superintendent seal or cause to 6911
be sealed the official records in the case consisting of DNA 6912
specimens that are in the possession of the bureau and all DNA 6913
records and DNA profiles. The determinations and considerations 6914
described in divisions (B) (2) (b), (c), and (d) of this section 6915
do not apply with respect to a determination of the court 6916
described in this division. 6917

(4) The determinations described in this division are 6918
separate from the determination described in division (B) (3) of 6919
this section. If the court determines, after complying with 6920
division (B) (2) of this section, that the person was found not 6921
guilty in the case, that the complaint, indictment, or 6922
information was a charge of a drug possession offense and the 6923
charge was dismissed as described in division (D) (2) (b) of 6924
section 2925.11 of the Revised Code, that the complaint, 6925
indictment, or information in the case was a charge other than a 6926
charge of a drug possession offense and was dismissed, or that a 6927
no bill was returned in the case and that the appropriate period 6928
of time has expired from the date of the report to the court of 6929
the no bill by the foreperson or deputy foreperson of the grand 6930
jury; that no criminal proceedings are pending against the 6931
person; and the interests of the person in having the records 6932
pertaining to the case sealed are not outweighed by any 6933
legitimate governmental needs to maintain such records, or if 6934

division (E) (2) (b) of section 4301.69 of the Revised Code 6935
applies, in addition to the order required under division (B) (3) 6936
of this section, the court shall issue an order directing that 6937
all official records pertaining to the case be sealed and that, 6938
except as provided in section 2953.53 of the Revised Code, the 6939
proceedings in the case be deemed not to have occurred. 6940

(5) Any DNA specimens, DNA records, and DNA profiles 6941
ordered to be sealed under this section shall not be sealed if 6942
the person with respect to whom the order applies is otherwise 6943
eligible to have DNA records or a DNA profile in the national 6944
DNA index system. 6945

(C) As used in this section, "drug possession offense" 6946
means a violation of section 2925.11, 2925.111, or 2925.112 of 6947
the Revised Code. 6948

Sec. 2981.01. (A) Forfeitures under this chapter shall be 6949
governed by all of the following purposes: 6950

(1) To provide economic disincentives and remedies to 6951
deter and offset the economic effect of offenses by seizing and 6952
forfeiting contraband, proceeds, and certain instrumentalities; 6953

(2) To ensure that seizures and forfeitures of 6954
instrumentalities are proportionate to the offense committed; 6955

(3) To protect third parties from wrongful forfeiture of 6956
their property; 6957

(4) To prioritize restitution for victims of offenses. 6958

(B) As used in this chapter: 6959

(1) "Aircraft" has the same meaning as in section 4561.01 6960
of the Revised Code. 6961

(2) "Computers," "computer networks," "computer systems," 6962
"computer software," and "telecommunications device" have the 6963
same meanings as in section 2913.01 of the Revised Code. 6964

(3) "Financial institution" means a bank, credit union, 6965
savings and loan association, or a licensee or registrant under 6966
Chapter 1321. of the Revised Code. 6967

(4) "Firearm" and "dangerous ordnance" have the same 6968
meanings as in section 2923.11 of the Revised Code. 6969

(5) "Innocent person" includes any bona fide purchaser of 6970
property that is subject to forfeiture, including any person who 6971
establishes a valid claim to or interest in the property in 6972
accordance with section 2981.04 of the Revised Code, and any 6973
victim of an alleged offense. 6974

(6) "Instrumentality" means property otherwise lawful to 6975
possess that is used in or intended to be used in an offense. An 6976
"instrumentality" may include, but is not limited to, a firearm, 6977
a mobile instrumentality, a computer, a computer network, a 6978
computer system, computer software, a telecommunications device, 6979
money, and any other means of exchange. 6980

(7) "Law enforcement agency" includes, but is not limited 6981
to, the state board of pharmacy, the enforcement division of the 6982
department of taxation, the Ohio casino control commission, and 6983
the office of the prosecutor. 6984

(8) "Mobile instrumentality" means an instrumentality that 6985
is inherently mobile and used in the routine transport of 6986
persons. "Mobile instrumentality" includes, but is not limited 6987
to, any vehicle, any watercraft, and any aircraft. 6988

(9) "Money" has the same meaning as in section 1301.201 of 6989
the Revised Code. 6990

(10) "Offense" means any act or omission that could be charged as a criminal offense or a delinquent act, whether or not a formal criminal prosecution or delinquent child proceeding began at the time the forfeiture is initiated. Except as otherwise specified, an offense for which property may be forfeited includes any felony and any misdemeanor. The commission of an "offense" includes the commission of a delinquent act.

(11) "Proceeds" means both of the following:

(a) In cases involving unlawful goods, services, or activities, "proceeds" means any property derived directly or indirectly from an offense. "Proceeds" may include, but is not limited to, money or any other means of exchange. "Proceeds" is not limited to the net gain or profit realized from the offense. "Proceeds" does not include property, including money or other means of exchange, if all of the following apply to that property:

(i) It is held under clear title by a law enforcement agency.

(ii) It is used or may be used to purchase contraband for the purpose of investigating any drug abuse offense, as defined in section 2925.01 of the Revised Code.

(iii) If it is used to purchase contraband under division (B) (11) (a) (ii) of this section, the property continues to be considered the property of the law enforcement agency if the agency establishes a clear chain of custody of it.

(b) In cases involving lawful goods or services that are sold or provided in an unlawful manner, "proceeds" means the amount of money or other means of exchange acquired through the

illegal transactions resulting in the forfeiture, less the 7020
direct costs lawfully incurred in providing the goods or 7021
services. The lawful costs deduction does not include any part 7022
of the overhead expenses of, or income taxes paid by, the entity 7023
providing the goods or services. The alleged offender or 7024
delinquent child has the burden to prove that any costs are 7025
lawfully incurred. 7026

(12) "Property" means "property" as defined in section 7027
2901.01 of the Revised Code and any benefit, privilege, claim, 7028
position, interest in an enterprise, or right derived, directly 7029
or indirectly, from the offense. 7030

(13) "Property subject to forfeiture" includes contraband 7031
and proceeds and may include instrumentalities as provided in 7032
this chapter. 7033

(14) "Prosecutor" has the same meaning as in section 7034
2935.01 of the Revised Code. When relevant, "prosecutor" also 7035
includes the attorney general. 7036

(15) "Vehicle" has the same meaning as in section 4501.01 7037
of the Revised Code. 7038

(16) "Watercraft" has the same meaning as in section 7039
1546.01 of the Revised Code. 7040

(C) The penalties and procedures under Chapters 2923., 7041
2925., 2933., and 3772. of the Revised Code remain in effect to 7042
the extent that they do not conflict with this chapter. 7043

(D) (1) If, prior to the effective date of this amendment, 7044
a person committed a violation of the version of section 2925.11 7045
of the Revised Code that was in effect prior to that effective 7046
date, if the violation was a felony when it was committed, and 7047
if on that effective date the violation is changed to an 7048

unclassified misdemeanor, notwithstanding the change of the 7049
classification of the violation to an unclassified misdemeanor, 7050
on and after that effective date, the provisions of this chapter 7051
remain applicable with respect to the person and the violation 7052
to the same extent as if the charge against the person had 7053
remained a charge of a felony. This division applies regardless 7054
of whether, on the effective date of this amendment, a 7055
forfeiture proceeding is pending under this chapter against the 7056
person based on the violation. 7057

(2) If, prior to the effective date of this amendment, 7058
property of a person was forfeited under this chapter based on a 7059
violation of the version of section 2925.11 of the Revised Code 7060
that was in effect prior to that effective date, if the 7061
violation was a felony when it was committed, and if on that 7062
effective date the violation is changed to an unclassified 7063
misdemeanor, notwithstanding the change of the classification of 7064
the violation to an unclassified misdemeanor, on and after that 7065
effective date, the change of the classification of the 7066
violation does not affect the validity of the forfeiture and, 7067
for purposes of this chapter, the violation shall be considered 7068
as if it had remained a felony. 7069

Sec. 5119.93. (A) A person may initiate proceedings for 7070
treatment for an individual suffering from alcohol and other 7071
drug abuse by filing a verified petition in the probate court 7072
and paying a filing fee in the same amount, if any, that is 7073
~~charged for the filing under section 5122.11 of the Revised Code~~ 7074
~~of an affidavit seeking the hospitalization of a person.~~ The 7075
petition and all subsequent court documents shall be entitled: 7076
"In the interest of (name of respondent)." A spouse, relative, 7077
or guardian of the individual concerning whom the petition is 7078
filed shall file the petition. A petition filed under this 7079

division shall be kept confidential and shall not be disclosed 7080
by any person, except as needed for purposes of this section or 7081
when disclosure is ordered by a court. 7082

(B) A petition filed under division (A) of this section 7083
shall set forth all of the following: 7084

(1) The petitioner's relationship to the respondent; 7085

(2) The respondent's name, residence address, and current 7086
location, if known; 7087

(3) The name and residence of the respondent's parents, if 7088
living and if known, or of the respondent's legal guardian, if 7089
any and if known; 7090

(4) The name and residence of the respondent's spouse, if 7091
any and if known; 7092

(5) The name and residence of the person having custody of 7093
the respondent, if any, or if no such person is known, the name 7094
and residence of a near relative or a statement that the person 7095
is unknown; 7096

(6) The petitioner's belief, including the factual basis 7097
for the belief, that the respondent is suffering from alcohol 7098
and other drug abuse and presents an imminent danger or imminent 7099
threat of danger to self, family, or others if not treated for 7100
alcohol or other drug abuse; 7101

(7) If the petitioner's belief specified in division (B) 7102
(6) of this section is that the respondent is suffering from 7103
opioid or opiate abuse, the information provided in the petition 7104
under that division also shall include any evidence that the 7105
respondent has overdosed and been revived one or more times by 7106
an opioid antagonist, overdosed in a vehicle, or overdosed in 7107

the presence of a minor.

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(C) (1) Any petition filed pursuant to divisions (A) and
(B) of this section shall be accompanied by a certificate of a
physician who has examined the respondent within two days prior
to the day that the petition is filed in the probate court. The
physician shall be authorized to practice medicine and surgery
or osteopathic medicine and surgery under Chapter 4731. of the
Revised Code. A physician who is responsible for admitting
persons into treatment, if that physician examines the
respondent, may be the physician who completes the certificate.
The physician's certificate shall set forth the physician's
findings in support of the need to treat the respondent for
alcohol or other drug abuse. The certificate shall indicate if
the respondent presents an imminent danger or imminent threat of
danger to self, family, or others if not treated. Further, the
certificate shall indicate the type and length of treatment
required and if the respondent can reasonably benefit from
treatment. If the physician's certificate indicates that
inpatient treatment is required, the certificate shall identify
any inpatient facilities known to the physician that are able
and willing to provide the recommended inpatient treatment.

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If the respondent refuses to undergo an examination with a
physician concerning the respondent's possible need for
treatment for alcohol or other drug abuse, the petition shall
state that the respondent has refused all requests made by the
petitioner to undergo a physician's examination. In that case,
the petitioner shall not be required to provide a physician's
certificate with the petition.

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(2) Any petition filed pursuant to divisions (A) and (B)
of this section shall contain a statement that the petitioner

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has arranged for treatment of the respondent. Further, the 7138
petition shall be accompanied by a statement from the person or 7139
facility who has agreed to provide the treatment that verifies 7140
that the person or facility has agreed to provide the treatment 7141
and the estimated cost of the treatment. 7142

(D) Any petition filed pursuant to divisions (A) and (B) 7143
of this section shall be accompanied by both of the following: 7144

(1) One of the following: 7145

(a) A security deposit to be deposited with the clerk of 7146
the probate court that will cover half of the estimated cost of 7147
treatment of the respondent; 7148

(b) Documentation establishing that insurance coverage of 7149
the petitioner or respondent will cover at least half of the 7150
estimated cost of treatment of the respondent; 7151

(c) Other evidence to the satisfaction of the court 7152
establishing that the petitioner or respondent will be able to 7153
cover some of the estimated cost of treatment of the respondent. 7154

(2) One of the following: 7155

(a) A guarantee, signed by the petitioner or another 7156
person authorized to file the petition, obligating the guarantor 7157
to pay the costs of the examinations of the respondent conducted 7158
by the physician and qualified health professional under 7159
division (B) (5) of section 5119.94 of the Revised Code, the 7160
costs of the respondent that are associated with a hearing 7161
conducted in accordance with section 5119.94 of the Revised Code 7162
and that the court determines to be appropriate, and the costs 7163
of any treatment ordered by the court; 7164

(b) Documentation establishing that insurance coverage of 7165

the petitioner or respondent will cover the costs described in 7166
division (D) (2) (a) of this section; 7167

(c) Documentation establishing that, consistent with the 7168
evidence described in division (D) (1) (c) of this section, the 7169
petitioner or respondent will cover some of the costs described 7170
in division (D) (2) (a) of this section. 7171

Sec. 5119.94. (A) Upon receipt of a petition filed under 7172
section 5119.93 of the Revised Code ~~and the payment of the~~ 7173
~~appropriate filing fee, if any,~~ the probate court shall examine 7174
the petitioner under oath as to the contents of the petition. 7175

(B) If, after reviewing the allegations contained in the 7176
petition and examining the petitioner under oath, it appears to 7177
the probate court that there is probable cause to believe the 7178
respondent may reasonably benefit from treatment, the court 7179
shall do all of the following: 7180

(1) Schedule a hearing to be held within seven days to 7181
determine if there is clear and convincing evidence that the 7182
respondent may reasonably benefit from treatment for alcohol and 7183
other drug abuse; 7184

(2) Notify the respondent, the legal guardian, if any and 7185
if known, and the spouse, parents, or nearest relative or friend 7186
of the respondent concerning the allegations and contents of the 7187
petition and of the date and purpose of the hearing; 7188

(3) Notify the respondent that the respondent may retain 7189
counsel and, if the person is unable to obtain an attorney, that 7190
the respondent may be represented by court-appointed counsel at 7191
public expense if the person is indigent. Upon the appointment 7192
of an attorney to represent an indigent respondent, the court 7193
shall notify the respondent of the name, address, and telephone 7194

number of the attorney appointed to represent the respondent. 7195

(4) Notify the respondent that the court shall cause the 7196
respondent to be examined not later than twenty-four hours 7197
before the hearing date by a physician for the purpose of a 7198
physical examination and by a qualified health professional for 7199
the purpose of a drug and alcohol addiction assessment and 7200
diagnosis. In addition, the court shall notify the respondent 7201
that the respondent may have an independent expert evaluation of 7202
the person's physical and mental condition conducted at the 7203
respondent's own expense. 7204

(5) Cause the respondent to be examined not later than 7205
twenty-four hours before the hearing date by a ~~physician for the~~ 7206
~~purpose of a physical examination and by a~~ qualified health 7207
professional for the purpose of a drug and alcohol addiction 7208
assessment and diagnosis; 7209

(6) Conduct the hearing. 7210

(C) The ~~physician and~~ qualified health professional who 7211
~~examine~~ examines the respondent pursuant to division (B) (5) of 7212
this section or who ~~are~~ is obtained by the respondent at the 7213
respondent's own expense shall certify ~~their~~ the professional's 7214
findings to the court within twenty-four hours of the 7215
~~examinations~~ examination. The findings of each qualified health 7216
professional shall include a recommendation for treatment if the 7217
qualified health professional determines that treatment is 7218
necessary. 7219

(D) (1) (a) If upon completion of the hearing held under 7220
this section the probate court finds by clear and convincing 7221
evidence that the respondent may reasonably benefit from 7222
treatment, the court ~~may~~ shall order the treatment after 7223

considering the qualified health professionals' recommendations 7224
for treatment that have been submitted to the court under 7225
division (C) of this section. Evidence that the respondent has 7226
overdosed and been revived one or more times by an opioid 7227
antagonist, overdosed in a vehicle, or overdosed in the presence 7228
of a minor is sufficient to satisfy this evidentiary 7229
requirement. If the court orders the treatment under this 7230
division, the order shall specify the type of treatment to be 7231
provided, the type of required aftercare, and the duration of 7232
the required aftercare which shall be at least three months and 7233
shall not exceed six months, and the court shall order the 7234
treatment to be provided through a community addiction services 7235
provider or by an individual licensed or certified by the state 7236
medical board under Chapter 4731. of the Revised Code, the 7237
chemical dependency professionals board under Chapter 4758. of 7238
the Revised Code, the counselor, social worker, and marriage and 7239
family therapist board under Chapter 4757. of the Revised Code, 7240
or a similar board of another state authorized to provide 7241
substance abuse treatment. In addition, the court also may order 7242
that the respondent submit to periodic examinations by a 7243
qualified mental health professional to determine if the 7244
treatment remains necessary. 7245

(b) If the qualified health professional who examines the 7246
respondent certifies that the respondent meets the criteria 7247
specified in division (B)(6) of section 5119.93 of the Revised 7248
Code, if the court orders treatment under division (D)(1)(a) of 7249
this section, and if the court finds by clear and convincing 7250
evidence that the respondent presents an imminent danger or 7251
imminent threat of danger to self, family, or others as a result 7252
of alcohol or other drug abuse, separate from the treatment 7253
described in division (D)(1)(a) of this section, the court may 7254

order that the respondent be hospitalized for a period not to 7255
exceed seventy-two hours. The court shall direct that the order 7256
shall be executed as soon as possible, but not later than 7257
seventy-two hours, after its issuance. If the order cannot be 7258
executed within seventy-two hours after its issuance, it remains 7259
valid for sixty days after its issuance, subject to tolling as 7260
described in division (D)(1)(c) of this section, and may be 7261
executed at any time during that six-month period or that six- 7262
month period as extended by the tolling. Any respondent who has 7263
been admitted to a hospital under this division shall be 7264
released within seventy-two hours of admittance, unless the 7265
respondent voluntarily agrees to remain longer. A respondent who 7266
voluntarily agrees to remain longer may be hospitalized for the 7267
additional period of time agreed to by the respondent. No 7268
respondent ordered under this division to be hospitalized shall 7269
be held in jail pending transportation to the hospital unless 7270
the court has previously found the respondent to be in contempt 7271
of court for either failure to undergo treatment or failure to 7272
appear at an evaluation ordered under this section. 7273

(c) The six-month period for execution of an order 7274
specified in division (D)(1)(b) of this section shall not run 7275
during any time when the respondent purposely avoids execution 7276
of the order. Proof that the respondent departed this state or 7277
concealed the respondent's identity or whereabouts is prima- 7278
facie evidence of the respondent's purpose to avoid the 7279
execution. 7280

(2)(a) Failure of a respondent to undergo and complete any 7281
treatment ordered pursuant to this division is contempt of 7282
court. Any community addiction services provider or person 7283
providing treatment under this division shall notify the probate 7284
court of a respondent's failure to undergo or complete the 7285

ordered treatment. 7286

(b) In addition to and separate from the sanction 7287
specified in division (D) (2) (a) of this section, if a respondent 7288
fails to undergo and complete any treatment ordered pursuant to 7289
this section, the court may issue a summons. The summons shall 7290
be directed to the respondent and shall command the respondent 7291
to appear at a time and place specified in the summons. If a 7292
respondent who has been summoned under this division fails to 7293
appear at the specified time and place, the court may order a 7294
peace officer, as defined in section 2935.01 of the Revised 7295
Code, to transport the respondent to a place described in 7296
division (D) (1) (a) of this section or a hospital for treatment. 7297
The peace officer, with the approval of the officer's agency, 7298
may provide for the transportation of the respondent by a 7299
private entity. The transportation costs of the peace officer or 7300
the private entity shall be included within the costs of 7301
treatment. 7302

(E) If, at any time after a petition is filed under 7303
section 5119.93 of the Revised Code, the probate court finds 7304
that there is not probable cause to continue treatment or if the 7305
petitioner withdraws the petition, then the court shall dismiss 7306
the proceedings against the respondent. 7307

Section 2. That existing sections 1901.186, 1901.20, 7308
1907.02, 2901.13, 2923.02, 2923.13, 2925.01, 2925.03, 2925.11, 7309
2929.01, 2929.13, 2929.14, 2929.15, 2931.03, 2941.1410, 2945.71, 7310
2953.31, 2953.32, 2953.52, 2981.01, 5119.93, and 5119.94 of the 7311
Revised Code are hereby repealed. 7312

Section 3. That sections 109.572, 128.04, 177.01, 7313
2152.021, 2152.18, 2743.60, 2923.01, 2923.241, 2923.31, 2923.41, 7314
2925.02, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 7315

2925.23, 2925.36, 2925.37, 2925.38, 2925.42, 2925.51, 2927.21, 7316
2929.141, 2929.18, 2929.25, 2929.34, 2933.51, 2935.36, 2951.041, 7317
2967.18, 2967.19, 2967.28, 3301.32, 3301.541, 3313.662, 3319.31, 7318
3319.39, 3712.09, 3719.013, 3719.21, 3719.99, 3721.121, 3734.44, 7319
3767.01, 4112.02, 4510.17, 4729.99, 4742.03, 5103.0319, 5119.36, 7320
5119.37, 5120.53, 5153.111, and 5502.13 of the Revised Code be 7321
amended to read as follows: 7322

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 7323
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 7324
Code, a completed form prescribed pursuant to division (C) (1) of 7325
this section, and a set of fingerprint impressions obtained in 7326
the manner described in division (C) (2) of this section, the 7327
superintendent of the bureau of criminal identification and 7328
investigation shall conduct a criminal records check in the 7329
manner described in division (B) of this section to determine 7330
whether any information exists that indicates that the person 7331
who is the subject of the request previously has been convicted 7332
of or pleaded guilty to any of the following: 7333

(a) A violation of section 2903.01, 2903.02, 2903.03, 7334
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 7335
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 7336
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 7337
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 7338
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 7339
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 7340
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 7341
Code, felonious sexual penetration in violation of former 7342
section 2907.12 of the Revised Code, a violation of section 7343
2905.04 of the Revised Code as it existed prior to July 1, 1996, 7344
a violation of section 2919.23 of the Revised Code that would 7345
have been a violation of section 2905.04 of the Revised Code as 7346

it existed prior to July 1, 1996, had the violation been 7347
committed prior to that date, or a violation of section 2925.11, 7348
2925.111, or 2925.112 of the Revised Code that is not a minor 7349
drug possession offense; 7350

(b) A violation of an existing or former law of this 7351
state, any other state, or the United States that is 7352
substantially equivalent to any of the offenses listed in 7353
division (A) (1) (a) of this section; 7354

(c) If the request is made pursuant to section 3319.39 of 7355
the Revised Code for an applicant who is a teacher, any offense 7356
specified in section 3319.31 of the Revised Code. 7357

(2) On receipt of a request pursuant to section 3712.09 or 7358
3721.121 of the Revised Code, a completed form prescribed 7359
pursuant to division (C) (1) of this section, and a set of 7360
fingerprint impressions obtained in the manner described in 7361
division (C) (2) of this section, the superintendent of the 7362
bureau of criminal identification and investigation shall 7363
conduct a criminal records check with respect to any person who 7364
has applied for employment in a position for which a criminal 7365
records check is required by those sections. The superintendent 7366
shall conduct the criminal records check in the manner described 7367
in division (B) of this section to determine whether any 7368
information exists that indicates that the person who is the 7369
subject of the request previously has been convicted of or 7370
pleaded guilty to any of the following: 7371

(a) A violation of section 2903.01, 2903.02, 2903.03, 7372
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 7373
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 7374
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 7375
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 7376

2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 7377
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 7378
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 7379
2925.032, 2925.11, 2925.111, 2925.112, 2925.13, 2925.22, 7380
2925.23, or 3716.11 of the Revised Code; 7381

(b) An existing or former law of this state, any other 7382
state, or the United States that is substantially equivalent to 7383
any of the offenses listed in division (A) (2) (a) of this 7384
section. 7385

(3) On receipt of a request pursuant to section 173.27, 7386
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 7387
5123.081, or 5123.169 of the Revised Code, a completed form 7388
prescribed pursuant to division (C) (1) of this section, and a 7389
set of fingerprint impressions obtained in the manner described 7390
in division (C) (2) of this section, the superintendent of the 7391
bureau of criminal identification and investigation shall 7392
conduct a criminal records check of the person for whom the 7393
request is made. The superintendent shall conduct the criminal 7394
records check in the manner described in division (B) of this 7395
section to determine whether any information exists that 7396
indicates that the person who is the subject of the request 7397
previously has been convicted of, has pleaded guilty to, or 7398
(except in the case of a request pursuant to section 5164.34, 7399
5164.341, or 5164.342 of the Revised Code) has been found 7400
eligible for intervention in lieu of conviction for any of the 7401
following, regardless of the date of the conviction, the date of 7402
entry of the guilty plea, or (except in the case of a request 7403
pursuant to section 5164.34, 5164.341, or 5164.342 of the 7404
Revised Code) the date the person was found eligible for 7405
intervention in lieu of conviction: 7406

(a) A violation of section 959.13, 959.131, 2903.01,	7407
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13,	7408
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341,	7409
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33,	7410
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	7411
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,	7412
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	7413
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	7414
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	7415
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	7416
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	7417
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	7418
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	7419
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	7420
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	7421
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	7422
2925.03, <u>2925.031</u> , <u>2925.032</u> , 2925.04, 2925.041, 2925.05,	7423
2925.06, 2925.09, 2925.11, <u>2925.111</u> , <u>2925.112</u> , 2925.13, 2925.14,	7424
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56,	7425
2927.12, or 3716.11 of the Revised Code;	7426
(b) Felonious sexual penetration in violation of former	7427
section 2907.12 of the Revised Code;	7428
(c) A violation of section 2905.04 of the Revised Code as	7429
it existed prior to July 1, 1996;	7430
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	7431
the Revised Code when the underlying offense that is the object	7432
of the conspiracy, attempt, or complicity is one of the offenses	7433
listed in divisions (A) (3) (a) to (c) of this section;	7434
(e) A violation of an existing or former municipal	7435
ordinance or law of this state, any other state, or the United	7436

States that is substantially equivalent to any of the offenses 7437
listed in divisions (A) (3) (a) to (d) of this section. 7438

(4) On receipt of a request pursuant to section 2151.86 or 7439
2151.904 of the Revised Code, a completed form prescribed 7440
pursuant to division (C) (1) of this section, and a set of 7441
fingerprint impressions obtained in the manner described in 7442
division (C) (2) of this section, the superintendent of the 7443
bureau of criminal identification and investigation shall 7444
conduct a criminal records check in the manner described in 7445
division (B) of this section to determine whether any 7446
information exists that indicates that the person who is the 7447
subject of the request previously has been convicted of or 7448
pleaded guilty to any of the following: 7449

(a) A violation of section 959.13, 2903.01, 2903.02, 7450
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 7451
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 7452
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 7453
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 7454
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 7455
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 7456
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 7457
2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 2925.032, 7458
2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised 7459
Code, a violation of section 2905.04 of the Revised Code as it 7460
existed prior to July 1, 1996, a violation of section 2919.23 of 7461
the Revised Code that would have been a violation of section 7462
2905.04 of the Revised Code as it existed prior to July 1, 1996, 7463
had the violation been committed prior to that date, a violation 7464
of section 2925.11, 2925.111, or 2925.112 of the Revised Code 7465
that is not a minor drug possession offense, two or more OVI or 7466
OVUAC violations committed within the three years immediately 7467

preceding the submission of the application or petition that is 7468
the basis of the request, or felonious sexual penetration in 7469
violation of former section 2907.12 of the Revised Code; 7470

(b) A violation of an existing or former law of this 7471
state, any other state, or the United States that is 7472
substantially equivalent to any of the offenses listed in 7473
division (A) (4) (a) of this section. 7474

(5) Upon receipt of a request pursuant to section 5104.013 7475
of the Revised Code, a completed form prescribed pursuant to 7476
division (C) (1) of this section, and a set of fingerprint 7477
impressions obtained in the manner described in division (C) (2) 7478
of this section, the superintendent of the bureau of criminal 7479
identification and investigation shall conduct a criminal 7480
records check in the manner described in division (B) of this 7481
section to determine whether any information exists that 7482
indicates that the person who is the subject of the request has 7483
been convicted of or pleaded guilty to any of the following: 7484

(a) A violation of section 2151.421, 2903.01, 2903.02, 7485
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 7486
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 7487
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 7488
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 7489
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 7490
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 7491
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 7492
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 7493
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 7494
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 7495
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 7496
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 7497

2923.161, 2925.02, 2925.03, 2925.031, 2925.032, 2925.04, 7498
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 7499
sexual penetration in violation of former section 2907.12 of the 7500
Revised Code, a violation of section 2905.04 of the Revised Code 7501
as it existed prior to July 1, 1996, a violation of section 7502
2919.23 of the Revised Code that would have been a violation of 7503
section 2905.04 of the Revised Code as it existed prior to July 7504
1, 1996, had the violation been committed prior to that date, a 7505
violation of section 2925.11, 2925.111, or 2925.112 of the 7506
Revised Code that is not a minor drug possession offense, a 7507
violation of section 2923.02 or 2923.03 of the Revised Code that 7508
relates to a crime specified in this division, or a second 7509
violation of section 4511.19 of the Revised Code within five 7510
years of the date of application for licensure or certification. 7511

(b) A violation of an existing or former law of this 7512
state, any other state, or the United States that is 7513
substantially equivalent to any of the offenses or violations 7514
described in division (A) (5) (a) of this section. 7515

(6) Upon receipt of a request pursuant to section 5153.111 7516
of the Revised Code, a completed form prescribed pursuant to 7517
division (C) (1) of this section, and a set of fingerprint 7518
impressions obtained in the manner described in division (C) (2) 7519
of this section, the superintendent of the bureau of criminal 7520
identification and investigation shall conduct a criminal 7521
records check in the manner described in division (B) of this 7522
section to determine whether any information exists that 7523
indicates that the person who is the subject of the request 7524
previously has been convicted of or pleaded guilty to any of the 7525
following: 7526

(a) A violation of section 2903.01, 2903.02, 2903.03, 7527

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 7528
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 7529
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 7530
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 7531
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 7532
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 7533
2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, or 7534
3716.11 of the Revised Code, felonious sexual penetration in 7535
violation of former section 2907.12 of the Revised Code, a 7536
violation of section 2905.04 of the Revised Code as it existed 7537
prior to July 1, 1996, a violation of section 2919.23 of the 7538
Revised Code that would have been a violation of section 2905.04 7539
of the Revised Code as it existed prior to July 1, 1996, had the 7540
violation been committed prior to that date, or a violation of 7541
section 2925.11, 2925.111, or 2925.112 of the Revised Code that 7542
is not a minor drug possession offense; 7543

(b) A violation of an existing or former law of this 7544
state, any other state, or the United States that is 7545
substantially equivalent to any of the offenses listed in 7546
division (A) (6) (a) of this section. 7547

(7) On receipt of a request for a criminal records check 7548
from an individual pursuant to section 4749.03 or 4749.06 of the 7549
Revised Code, accompanied by a completed copy of the form 7550
prescribed in division (C) (1) of this section and a set of 7551
fingerprint impressions obtained in a manner described in 7552
division (C) (2) of this section, the superintendent of the 7553
bureau of criminal identification and investigation shall 7554
conduct a criminal records check in the manner described in 7555
division (B) of this section to determine whether any 7556
information exists indicating that the person who is the subject 7557
of the request has been convicted of or pleaded guilty to a 7558

felony in this state or in any other state. If the individual 7559
indicates that a firearm will be carried in the course of 7560
business, the superintendent shall require information from the 7561
federal bureau of investigation as described in division (B) (2) 7562
of this section. Subject to division (F) of this section, the 7563
superintendent shall report the findings of the criminal records 7564
check and any information the federal bureau of investigation 7565
provides to the director of public safety. 7566

(8) On receipt of a request pursuant to section 1321.37, 7567
1321.53, or 4763.05 of the Revised Code, a completed form 7568
prescribed pursuant to division (C) (1) of this section, and a 7569
set of fingerprint impressions obtained in the manner described 7570
in division (C) (2) of this section, the superintendent of the 7571
bureau of criminal identification and investigation shall 7572
conduct a criminal records check with respect to any person who 7573
has applied for a license, permit, or certification from the 7574
department of commerce or a division in the department. The 7575
superintendent shall conduct the criminal records check in the 7576
manner described in division (B) of this section to determine 7577
whether any information exists that indicates that the person 7578
who is the subject of the request previously has been convicted 7579
of or pleaded guilty to any of the following: a violation of 7580
section 2913.02, 2913.11, 2913.31, 2913.51, ~~or 2925.03,~~ 7581
2925.031, or 2925.032 of the Revised Code; any other criminal 7582
offense involving theft, receiving stolen property, 7583
embezzlement, forgery, fraud, passing bad checks, money 7584
laundering, or drug trafficking, or any criminal offense 7585
involving money or securities, as set forth in Chapters 2909., 7586
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 7587
Code; or any existing or former law of this state, any other 7588
state, or the United States that is substantially equivalent to 7589

those offenses. 7590

(9) On receipt of a request for a criminal records check 7591
from the treasurer of state under section 113.041 of the Revised 7592
Code or from an individual under section 928.03, 4701.08, 7593
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 7594
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 7595
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 7596
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 7597
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 7598
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 7599
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 7600
Code, accompanied by a completed form prescribed under division 7601
(C) (1) of this section and a set of fingerprint impressions 7602
obtained in the manner described in division (C) (2) of this 7603
section, the superintendent of the bureau of criminal 7604
identification and investigation shall conduct a criminal 7605
records check in the manner described in division (B) of this 7606
section to determine whether any information exists that 7607
indicates that the person who is the subject of the request has 7608
been convicted of or pleaded guilty to any criminal offense in 7609
this state or any other state. Subject to division (F) of this 7610
section, the superintendent shall send the results of a check 7611
requested under section 113.041 of the Revised Code to the 7612
treasurer of state and shall send the results of a check 7613
requested under any of the other listed sections to the 7614
licensing board specified by the individual in the request. 7615

(10) On receipt of a request pursuant to section 124.74, 7616
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 7617
Code, a completed form prescribed pursuant to division (C) (1) of 7618
this section, and a set of fingerprint impressions obtained in 7619
the manner described in division (C) (2) of this section, the 7620

superintendent of the bureau of criminal identification and 7621
investigation shall conduct a criminal records check in the 7622
manner described in division (B) of this section to determine 7623
whether any information exists that indicates that the person 7624
who is the subject of the request previously has been convicted 7625
of or pleaded guilty to any criminal offense under any existing 7626
or former law of this state, any other state, or the United 7627
States. 7628

(11) On receipt of a request for a criminal records check 7629
from an appointing or licensing authority under section 3772.07 7630
of the Revised Code, a completed form prescribed under division 7631
(C) (1) of this section, and a set of fingerprint impressions 7632
obtained in the manner prescribed in division (C) (2) of this 7633
section, the superintendent of the bureau of criminal 7634
identification and investigation shall conduct a criminal 7635
records check in the manner described in division (B) of this 7636
section to determine whether any information exists that 7637
indicates that the person who is the subject of the request 7638
previously has been convicted of or pleaded guilty or no contest 7639
to any offense under any existing or former law of this state, 7640
any other state, or the United States that is a disqualifying 7641
offense as defined in section 3772.07 of the Revised Code or 7642
substantially equivalent to such an offense. 7643

(12) On receipt of a request pursuant to section 2151.33 7644
or 2151.412 of the Revised Code, a completed form prescribed 7645
pursuant to division (C) (1) of this section, and a set of 7646
fingerprint impressions obtained in the manner described in 7647
division (C) (2) of this section, the superintendent of the 7648
bureau of criminal identification and investigation shall 7649
conduct a criminal records check with respect to any person for 7650
whom a criminal records check is required under that section. 7651

The superintendent shall conduct the criminal records check in 7652
the manner described in division (B) of this section to 7653
determine whether any information exists that indicates that the 7654
person who is the subject of the request previously has been 7655
convicted of or pleaded guilty to any of the following: 7656

(a) A violation of section 2903.01, 2903.02, 2903.03, 7657
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 7658
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 7659
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 7660
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 7661
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 7662
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 7663
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 7664
2925.032, 2925.11, 2925.111, 2925.112, 2925.13, 2925.22, 7665
2925.23, or 3716.11 of the Revised Code; 7666

(b) An existing or former law of this state, any other 7667
state, or the United States that is substantially equivalent to 7668
any of the offenses listed in division (A)(12)(a) of this 7669
section. 7670

(13) On receipt of a request pursuant to section 3796.12 7671
of the Revised Code, a completed form prescribed pursuant to 7672
division (C)(1) of this section, and a set of fingerprint 7673
impressions obtained in a manner described in division (C)(2) of 7674
this section, the superintendent of the bureau of criminal 7675
identification and investigation shall conduct a criminal 7676
records check in the manner described in division (B) of this 7677
section to determine whether any information exists that 7678
indicates that the person who is the subject of the request 7679
previously has been convicted of or pleaded guilty to the 7680
following: 7681

(a) A disqualifying offense as specified in rules adopted 7682
under division (B) (2) (b) of section 3796.03 of the Revised Code 7683
if the person who is the subject of the request is an 7684
administrator or other person responsible for the daily 7685
operation of, or an owner or prospective owner, officer or 7686
prospective officer, or board member or prospective board member 7687
of, an entity seeking a license from the department of commerce 7688
under Chapter 3796. of the Revised Code; 7689

(b) A disqualifying offense as specified in rules adopted 7690
under division (B) (2) (b) of section 3796.04 of the Revised Code 7691
if the person who is the subject of the request is an 7692
administrator or other person responsible for the daily 7693
operation of, or an owner or prospective owner, officer or 7694
prospective officer, or board member or prospective board member 7695
of, an entity seeking a license from the state board of pharmacy 7696
under Chapter 3796. of the Revised Code. 7697

(14) On receipt of a request required by section 3796.13 7698
of the Revised Code, a completed form prescribed pursuant to 7699
division (C) (1) of this section, and a set of fingerprint 7700
impressions obtained in a manner described in division (C) (2) of 7701
this section, the superintendent of the bureau of criminal 7702
identification and investigation shall conduct a criminal 7703
records check in the manner described in division (B) of this 7704
section to determine whether any information exists that 7705
indicates that the person who is the subject of the request 7706
previously has been convicted of or pleaded guilty to the 7707
following: 7708

(a) A disqualifying offense as specified in rules adopted 7709
under division (B) (8) (a) of section 3796.03 of the Revised Code 7710
if the person who is the subject of the request is seeking 7711

employment with an entity licensed by the department of commerce 7712
under Chapter 3796. of the Revised Code; 7713

(b) A disqualifying offense as specified in rules adopted 7714
under division (B)(14)(a) of section 3796.04 of the Revised Code 7715
if the person who is the subject of the request is seeking 7716
employment with an entity licensed by the state board of 7717
pharmacy under Chapter 3796. of the Revised Code. 7718

(15) On receipt of a request pursuant to section 4768.06 7719
of the Revised Code, a completed form prescribed under division 7720
(C)(1) of this section, and a set of fingerprint impressions 7721
obtained in the manner described in division (C)(2) of this 7722
section, the superintendent of the bureau of criminal 7723
identification and investigation shall conduct a criminal 7724
records check in the manner described in division (B) of this 7725
section to determine whether any information exists indicating 7726
that the person who is the subject of the request has been 7727
convicted of or pleaded guilty to a felony in this state or in 7728
any other state. 7729

(16) On receipt of a request pursuant to division (B) of 7730
section 4764.07 or division (A) of section 4735.143 of the 7731
Revised Code, a completed form prescribed under division (C)(1) 7732
of this section, and a set of fingerprint impressions obtained 7733
in the manner described in division (C)(2) of this section, the 7734
superintendent of the bureau of criminal identification and 7735
investigation shall conduct a criminal records check in the 7736
manner described in division (B) of this section to determine 7737
whether any information exists indicating that the person who is 7738
the subject of the request has been convicted of or pleaded 7739
guilty to any crime of moral turpitude, a felony, or an 7740
equivalent offense in any other state or the United States. 7741

(17) On receipt of a request for a criminal records check 7742
under section 147.022 of the Revised Code, a completed form 7743
prescribed under division (C)(1) of this section, and a set of 7744
fingerprint impressions obtained in the manner prescribed in 7745
division (C)(2) of this section, the superintendent of the 7746
bureau of criminal identification and investigation shall 7747
conduct a criminal records check in the manner described in 7748
division (B) of this section to determine whether any 7749
information exists that indicates that the person who is the 7750
subject of the request previously has been convicted of or 7751
pleaded guilty or no contest to any disqualifying offense, as 7752
defined in section 147.011 of the Revised Code, or to any 7753
offense under any existing or former law of this state, any 7754
other state, or the United States that is substantially 7755
equivalent to such a disqualifying offense. 7756

(B) Subject to division (F) of this section, the 7757
superintendent shall conduct any criminal records check to be 7758
conducted under this section as follows: 7759

(1) The superintendent shall review or cause to be 7760
reviewed any relevant information gathered and compiled by the 7761
bureau under division (A) of section 109.57 of the Revised Code 7762
that relates to the person who is the subject of the criminal 7763
records check, including, if the criminal records check was 7764
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 7765
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 7766
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 7767
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 7768
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 7769
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 7770
5153.111 of the Revised Code, any relevant information contained 7771
in records that have been sealed under section 2953.32 of the 7772

Revised Code; 7773

(2) If the request received by the superintendent asks for 7774
information from the federal bureau of investigation, the 7775
superintendent shall request from the federal bureau of 7776
investigation any information it has with respect to the person 7777
who is the subject of the criminal records check, including 7778
fingerprint-based checks of national crime information databases 7779
as described in 42 U.S.C. 671 if the request is made pursuant to 7780
section 2151.86 or 5104.013 of the Revised Code or if any other 7781
Revised Code section requires fingerprint-based checks of that 7782
nature, and shall review or cause to be reviewed any information 7783
the superintendent receives from that bureau. If a request under 7784
section 3319.39 of the Revised Code asks only for information 7785
from the federal bureau of investigation, the superintendent 7786
shall not conduct the review prescribed by division (B)(1) of 7787
this section. 7788

(3) The superintendent or the superintendent's designee 7789
may request criminal history records from other states or the 7790
federal government pursuant to the national crime prevention and 7791
privacy compact set forth in section 109.571 of the Revised 7792
Code. 7793

(4) The superintendent shall include in the results of the 7794
criminal records check a list or description of the offenses 7795
listed or described in division (A)(1), (2), (3), (4), (5), (6), 7796
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 7797
of this section, whichever division requires the superintendent 7798
to conduct the criminal records check. The superintendent shall 7799
exclude from the results any information the dissemination of 7800
which is prohibited by federal law. 7801

(5) The superintendent shall send the results of the 7802

criminal records check to the person to whom it is to be sent 7803
not later than the following number of days after the date the 7804
superintendent receives the request for the criminal records 7805
check, the completed form prescribed under division (C) (1) of 7806
this section, and the set of fingerprint impressions obtained in 7807
the manner described in division (C) (2) of this section: 7808

(a) If the superintendent is required by division (A) of 7809
this section (other than division (A) (3) of this section) to 7810
conduct the criminal records check, thirty; 7811

(b) If the superintendent is required by division (A) (3) 7812
of this section to conduct the criminal records check, sixty. 7813

(C) (1) The superintendent shall prescribe a form to obtain 7814
the information necessary to conduct a criminal records check 7815
from any person for whom a criminal records check is to be 7816
conducted under this section. The form that the superintendent 7817
prescribes pursuant to this division may be in a tangible 7818
format, in an electronic format, or in both tangible and 7819
electronic formats. 7820

(2) The superintendent shall prescribe standard impression 7821
sheets to obtain the fingerprint impressions of any person for 7822
whom a criminal records check is to be conducted under this 7823
section. Any person for whom a records check is to be conducted 7824
under this section shall obtain the fingerprint impressions at a 7825
county sheriff's office, municipal police department, or any 7826
other entity with the ability to make fingerprint impressions on 7827
the standard impression sheets prescribed by the superintendent. 7828
The office, department, or entity may charge the person a 7829
reasonable fee for making the impressions. The standard 7830
impression sheets the superintendent prescribes pursuant to this 7831
division may be in a tangible format, in an electronic format, 7832

or in both tangible and electronic formats. 7833

(3) Subject to division (D) of this section, the 7834
superintendent shall prescribe and charge a reasonable fee for 7835
providing a criminal records check under this section. The 7836
person requesting the criminal records check shall pay the fee 7837
prescribed pursuant to this division. In the case of a request 7838
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 7839
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 7840
fee shall be paid in the manner specified in that section. 7841

(4) The superintendent of the bureau of criminal 7842
identification and investigation may prescribe methods of 7843
forwarding fingerprint impressions and information necessary to 7844
conduct a criminal records check, which methods shall include, 7845
but not be limited to, an electronic method. 7846

(D) The results of a criminal records check conducted 7847
under this section, other than a criminal records check 7848
specified in division (A)(7) of this section, are valid for the 7849
person who is the subject of the criminal records check for a 7850
period of one year from the date upon which the superintendent 7851
completes the criminal records check. If during that period the 7852
superintendent receives another request for a criminal records 7853
check to be conducted under this section for that person, the 7854
superintendent shall provide the results from the previous 7855
criminal records check of the person at a lower fee than the fee 7856
prescribed for the initial criminal records check. 7857

(E) When the superintendent receives a request for 7858
information from a registered private provider, the 7859
superintendent shall proceed as if the request was received from 7860
a school district board of education under section 3319.39 of 7861
the Revised Code. The superintendent shall apply division (A)(1) 7862

(c) of this section to any such request for an applicant who is a teacher. 7863
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(F) (1) Subject to division (F) (2) of this section, all information regarding the results of a criminal records check conducted under this section that the superintendent reports or sends under division (A) (7) or (9) of this section to the director of public safety, the treasurer of state, or the person, board, or entity that made the request for the criminal records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal offense. 7865
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(2) Division (F) (1) of this section does not limit, restrict, or preclude the superintendent's release of information that relates to the arrest of a person who is eighteen years of age or older, to an adjudication of a child as a delinquent child, or to a criminal conviction of a person under eighteen years of age in circumstances in which a release of that nature is authorized under division (E) (2), (3), or (4) of section 109.57 of the Revised Code pursuant to a rule adopted under division (E) (1) of that section. 7874
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(G) As used in this section: 7883

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section. 7884
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(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 7888
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(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or 7890
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former law of this state, any other state, or the United States 7892
that is substantially equivalent to section 4511.19 of the 7893
Revised Code. 7894

(4) "Registered private provider" means a nonpublic school 7895
or entity registered with the superintendent of public 7896
instruction under section 3310.41 of the Revised Code to 7897
participate in the autism scholarship program or section 3310.58 7898
of the Revised Code to participate in the Jon Peterson special 7899
needs scholarship program. 7900

Sec. 128.04. (A) Public safety answering point personnel 7901
who are certified as emergency service telecommunicators under 7902
section 4742.03 of the Revised Code shall receive training in 7903
informing individuals who call about an apparent drug overdose 7904
about the immunity from prosecution for a minor drug possession 7905
offense created by ~~section~~ sections 2925.11, 2925.111, and 7906
2925.112 of the Revised Code. 7907

(B) Public safety answering point personnel who receive a 7908
call about an apparent drug overdose shall make reasonable 7909
efforts, upon the caller's inquiry, to inform the caller about 7910
the immunity from prosecution for a minor drug possession 7911
offense created by ~~section~~ sections 2925.11, 2925.111, and 7912
2925.112 of the Revised Code. 7913

Sec. 177.01. (A) The organized crime investigations 7914
commission, consisting of seven members, is hereby established 7915
in the office of the attorney general. One of the members shall 7916
be the attorney general. Of the remaining members, each of whom 7917
shall be appointed by the governor with the advice and consent 7918
of the senate, two shall be prosecuting attorneys, two shall be 7919
county sheriffs, and two shall be chief municipal law 7920
enforcement officers. No more than four members of the 7921

commission shall be members of the same political party. 7922

Of the initial appointments to the commission, one member 7923
who is a prosecuting attorney and one who is a county sheriff 7924
each shall be appointed for terms ending September 3, 1987, one 7925
member who is a prosecuting attorney and one who is a chief 7926
municipal law enforcement officer each shall be appointed for 7927
terms ending September 3, 1988, and one member who is a county 7928
sheriff and one who is a chief municipal law enforcement officer 7929
each shall be appointed for terms ending September 3, 1989. 7930
Thereafter, terms of office of persons appointed to the 7931
commission shall be for three years, with each term ending on 7932
the same day of the same month of the year as did the term that 7933
it succeeds. Members may be reappointed. Each appointed member 7934
shall hold office from the date of the member's appointment 7935
until the end of the term for which the member was appointed, 7936
except that an appointed member who ceases to hold the office or 7937
position of prosecuting attorney, county sheriff, or chief 7938
municipal law enforcement officer prior to the expiration of the 7939
member's term of office on the commission shall cease to be a 7940
member of the commission on the date that the member ceases to 7941
hold the office or position. Vacancies shall be filled in the 7942
manner provided for original appointments. Any member appointed 7943
to fill a vacancy occurring prior to the expiration of the term 7944
for which the member's predecessor was appointed shall take 7945
office on the commission when the member is confirmed by the 7946
senate and shall hold office for the remainder of such term. Any 7947
member shall continue in office subsequent to the expiration 7948
date of the member's term until the member's successor takes 7949
office, or until a period of sixty days has elapsed, whichever 7950
occurs first. 7951

The attorney general shall become a member of the 7952

commission on September 3, 1986. Successors in office to that 7953
attorney general shall become members of the commission on the 7954
day they assume the office of attorney general. An attorney 7955
general's term of office as a member of the commission shall 7956
continue for as long as the person in question holds the office 7957
of attorney general. 7958

Each member of the commission may designate, in writing, 7959
another person to represent the member on the commission. If a 7960
member makes such a designation, either the member or the 7961
designee may perform the member's duties and exercise the 7962
member's authority on the commission. If a member makes such a 7963
designation, the member may revoke the designation by sending 7964
written notice of the revocation to the commission. Upon such a 7965
revocation, the member may designate a different person to 7966
represent the member on the commission by sending written notice 7967
of the designation to the commission at least two weeks prior to 7968
the date on which the new designation is to take effect. 7969

The attorney general or a person the attorney general 7970
designates pursuant to this division to represent the attorney 7971
general on the commission shall serve as chairperson of the 7972
commission. The commission shall meet within two weeks after all 7973
appointed members have been appointed, at a time and place 7974
determined by the governor. The commission shall organize by 7975
selecting a vice-chairperson and other officers who are 7976
necessary and shall adopt rules to govern its procedures. 7977
Thereafter, the commission shall meet at least once every six 7978
months, or more often upon the call of the chairperson or the 7979
written request of two or more members. Each member of the 7980
commission shall have one vote. Four members constitute a 7981
quorum, and four votes are required to validate an action of the 7982
commission. 7983

The members of the commission shall serve without 7984
compensation, but each member shall be reimbursed for actual and 7985
necessary expenses incurred in the performance of official 7986
duties. In the absence of the chairperson, the vice-chairperson 7987
shall perform the duties of the chairperson. 7988

(B) The commission shall coordinate investigations of 7989
organized criminal activity and perform all of the functions and 7990
duties relative to the investigations that are set forth in 7991
section 177.02 of the Revised Code, and it shall cooperate with 7992
departments and officers of the government of the United States 7993
in the suppression of organized criminal activity. 7994

(C) The commission shall appoint and fix the compensation 7995
of a director and such technical and clerical employees who are 7996
necessary to exercise the powers and carry out the duties of the 7997
commission, may enter into contracts with one or more 7998
consultants to assist in exercising those powers and carrying 7999
out those duties, and may enter into contracts and purchase any 8000
equipment necessary to the performance of its duties. The 8001
director and employees of the commission shall be members of the 8002
unclassified service as defined in section 124.11 of the Revised 8003
Code. The commission shall require the director and each 8004
employee, prior to commencing employment with the commission, to 8005
undergo an investigation for the purpose of obtaining a security 8006
clearance and, after the initial investigation, may require the 8007
director and each employee to undergo an investigation for that 8008
purpose at any time during the director's or employee's 8009
employment with the commission. The commission may require any 8010
consultant with whom it contracts to undergo an investigation 8011
for the purpose of obtaining a security clearance. An 8012
investigation under this division may include, but is not 8013
limited to, a polygraph examination and shall be conducted by an 8014

organization designated by the commission. 8015

(D) An appointed commission member may be removed from 8016
office as a member of the commission by the vote of four members 8017
of the commission or by the governor for any of the following 8018
reasons: 8019

(1) Neglect of duty, misconduct, incompetence, or 8020
malfeasance in office; 8021

(2) Conviction of or a plea of guilty to a felony or an 8022
offense of moral turpitude; 8023

(3) Being mentally ill or mentally incompetent; 8024

(4) Being the subject of an investigation by a task force 8025
established by the commission or another law enforcement agency, 8026
where the proof of criminal activity is evident or the 8027
presumption great; 8028

(5) Engaging in any activity or associating with any 8029
persons or organization inappropriate to the member's position 8030
as a member of the commission. 8031

(E) As used in sections 177.01 to 177.03 of the Revised 8032
Code: 8033

(1) "Organized criminal activity" means any combination or 8034
conspiracy to engage in activity that constitutes "engaging in a 8035
pattern of corrupt activity;" any violation, combination of 8036
violations, or conspiracy to commit one or more violations of 8037
section 2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, 8038
~~or~~ 2925.11, 2925.111, or 2925.112 of the Revised Code other than 8039
a violation of section 2925.11, 2925.111, or 2925.112 of the 8040
Revised Code that is a minor drug possession offense; or any 8041
criminal activity that relates to the corruption of a public 8042

official, as defined in section 2921.01 of the Revised Code, or 8043
of a public servant of the type described in division (B) (3) of 8044
that section. 8045

(2) A person is engaging in an activity that constitutes 8046
"engaging in a pattern of corrupt activity" if any of the 8047
following apply: 8048

(a) The person is or was employed by, or associated with, 8049
an enterprise and the person conducts or participates in, 8050
directly or indirectly, the affairs of the enterprise through a 8051
pattern of corrupt activity or the collection of an unlawful 8052
debt. 8053

(b) The person, through a pattern of corrupt activity or 8054
the collection of an unlawful debt, acquires or maintains, 8055
directly or indirectly, an interest in, or control of, an 8056
enterprise or real property. 8057

(c) The person knowingly has received proceeds derived, 8058
directly or indirectly, from a pattern of corrupt activity or 8059
the collection of an unlawful debt and the person uses or 8060
invests, directly or indirectly, a part of those proceeds, or 8061
proceeds derived from the use or investment of any of those 8062
proceeds, in the acquisition of title to, or a right, interest, 8063
or equity in, real property or the establishment or operation of 8064
an enterprise. A purchase of securities on the open market with 8065
intent to make an investment, without intent to control or 8066
participate in the control of the issuer, and without intent to 8067
assist another to do so is not an activity that constitutes 8068
"engaging in a pattern of corrupt activity" if the securities of 8069
the issuer held after the purchase by the purchaser, the members 8070
of the purchaser's immediate family, and the purchaser's or 8071
members' accomplices in any pattern of corrupt activity or the 8072

collection of an unlawful debt, do not aggregate one per cent of 8073
the outstanding securities of any one class of the issuer and do 8074
not confer, in law or in fact, the power to elect one or more 8075
directors of the issuer. 8076

(3) "Pattern of corrupt activity" means two or more 8077
incidents of corrupt activity, whether or not there has been a 8078
prior conviction, that are related to the affairs of the same 8079
enterprise, are not isolated, and are not so closely related to 8080
each other and connected in time and place that they constitute 8081
a single event. At least one of the incidents forming the 8082
pattern shall occur on or after September 3, 1986. Unless any 8083
incident was an aggravated murder or murder, the most recent of 8084
the incidents forming the pattern shall occur within six years 8085
after the commission of any prior incident forming the pattern, 8086
excluding any period of imprisonment served by any person 8087
engaging in the corrupt activity. 8088

(4) "Corrupt activity," "unlawful debt," "enterprise," 8089
"person," "real property," and "beneficial interest" have the 8090
same meanings as in section 2923.31 of the Revised Code. 8091

(5) "Minor drug possession offense" has the same meaning 8092
as in section 2925.01 of the Revised Code. 8093

Sec. 2152.021. (A)(1) Subject to division (A)(2) of this 8094
section, any person having knowledge of a child who appears to 8095
be a juvenile traffic offender or to be a delinquent child may 8096
file a sworn complaint with respect to that child in the 8097
juvenile court of the county in which the child has a residence 8098
or legal settlement or in which the traffic offense or 8099
delinquent act allegedly occurred. The sworn complaint may be 8100
upon information and belief, and, in addition to the allegation 8101
that the child is a delinquent child or a juvenile traffic 8102

offender, the complaint shall allege the particular facts upon 8103
which the allegation that the child is a delinquent child or a 8104
juvenile traffic offender is based. 8105

If a child appears to be a delinquent child who is 8106
eligible for a serious youthful offender dispositional sentence 8107
under section 2152.11 of the Revised Code and if the prosecuting 8108
attorney desires to seek a serious youthful offender 8109
dispositional sentence under section 2152.13 of the Revised Code 8110
in regard to the child, the prosecuting attorney of the county 8111
in which the alleged delinquency occurs may initiate a case in 8112
the juvenile court of the county by presenting the case to a 8113
grand jury for indictment, by charging the child in a bill of 8114
information as a serious youthful offender pursuant to section 8115
2152.13 of the Revised Code, by requesting a serious youthful 8116
offender dispositional sentence in the original complaint 8117
alleging that the child is a delinquent child, or by filing with 8118
the juvenile court a written notice of intent to seek a serious 8119
youthful offender dispositional sentence. This paragraph does 8120
not apply regarding the imposition of a serious youthful 8121
offender dispositional sentence pursuant to section 2152.121 of 8122
the Revised Code. 8123

(2) Any person having knowledge of a child who appears to 8124
be a delinquent child for violating a court order regarding the 8125
child's adjudication as an unruly child for being an habitual 8126
truant, may file a sworn complaint with respect to that child, 8127
or with respect to that child and the parent, guardian, or other 8128
person having care of the child, in the juvenile court of the 8129
county in which the child has a residence or legal settlement or 8130
in which the child is supposed to attend public school. The 8131
sworn complaint may be upon information and belief and shall 8132
allege that the child is a delinquent child for violating a 8133

court order regarding the child's prior adjudication as an 8134
unruly child for being a habitual truant and, in addition, the 8135
particular facts upon which that allegation is based. If the 8136
complaint contains allegations regarding the child's parent, 8137
guardian, or other person having care of the child, the 8138
complaint additionally shall allege that the parent, guardian, 8139
or other person having care of the child has failed to cause the 8140
child's attendance at school in violation of section 3321.38 of 8141
the Revised Code and, in addition, the particular facts upon 8142
which that allegation is based. 8143

(B) Any person with standing under applicable law may file 8144
a complaint for the determination of any other matter over which 8145
the juvenile court is given jurisdiction by section 2151.23 of 8146
the Revised Code. The complaint shall be filed in the county in 8147
which the child who is the subject of the complaint is found or 8148
was last known to be found. 8149

(C) Within ten days after the filing of a complaint or the 8150
issuance of an indictment, the court shall give written notice 8151
of the filing of the complaint or the issuance of an indictment 8152
and of the substance of the complaint or indictment to the 8153
superintendent of a city, local, exempted village, or joint 8154
vocational school district if the complaint or indictment 8155
alleges that a child committed an act that would be a criminal 8156
offense if committed by an adult, that the child was sixteen 8157
years of age or older at the time of the commission of the 8158
alleged act, and that the alleged act is any of the following: 8159

(1) A violation of section 2923.122 of the Revised Code 8160
that relates to property owned or controlled by, or to an 8161
activity held under the auspices of, the board of education of 8162
that school district; 8163

(2) A violation of section 2923.12 of the Revised Code, of 8164
a substantially similar municipal ordinance, or of section 8165
2925.03, 2925.031, or 2925.032 of the Revised Code that was 8166
committed on property owned or controlled by, or at an activity 8167
held under the auspices of, the board of education of that 8168
school district; 8169

(3) A violation of section 2925.11, 2925.111, or 2925.112 8170
of the Revised Code that was committed on property owned or 8171
controlled by, or at an activity held under the auspices of, the 8172
board of education of that school district, other than a 8173
violation of that section that would be a minor drug possession 8174
offense if committed by an adult; 8175

(4) A violation of section 2903.01, 2903.02, 2903.03, 8176
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 8177
Code, or a violation of former section 2907.12 of the Revised 8178
Code, that was committed on property owned or controlled by, or 8179
at an activity held under the auspices of, the board of 8180
education of that school district, if the victim at the time of 8181
the commission of the alleged act was an employee of the board 8182
of education of that school district; 8183

(5) Complicity in any violation described in division (C) 8184
(1), (2), (3), or (4) of this section that was alleged to have 8185
been committed in the manner described in division (C) (1), (2), 8186
(3), or (4) of this section, regardless of whether the act of 8187
complicity was committed on property owned or controlled by, or 8188
at an activity held under the auspices of, the board of 8189
education of that school district. 8190

(D) A public children services agency, acting pursuant to 8191
a complaint or an action on a complaint filed under this 8192
section, is not subject to the requirements of section 3127.23 8193

of the Revised Code. 8194

(E) For purposes of the record to be maintained by the 8195
clerk under division (B) of section 2152.71 of the Revised Code, 8196
when a complaint is filed that alleges that a child is a 8197
delinquent child, the court shall determine if the victim of the 8198
alleged delinquent act was sixty-five years of age or older or 8199
permanently and totally disabled at the time of the alleged 8200
commission of the act. 8201

(F) (1) At any time after the filing of a complaint 8202
alleging that a child is a delinquent child and before 8203
adjudication, the court may hold a hearing to determine whether 8204
to hold the complaint in abeyance pending the child's successful 8205
completion of actions that constitute a method to divert the 8206
child from the juvenile court system if the child agrees to the 8207
hearing and either of the following applies: 8208

(a) The act charged would be a violation of section 8209
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 8210
were an adult. 8211

(b) The court has reason to believe that the child is a 8212
victim of a violation of section 2905.32 of the Revised Code, 8213
regardless of whether any person has been convicted of a 8214
violation of that section or of any other section for 8215
victimizing the child, and the act charged is related to the 8216
child's victimization. 8217

(2) The prosecuting attorney has the right to participate 8218
in any hearing held under division (F) (1) of this section, to 8219
object to holding the complaint that is the subject of the 8220
hearing in abeyance, and to make recommendations related to 8221
diversion actions. No statement made by a child at a hearing 8222

held under division (F) (1) of this section is admissible in any 8223
subsequent proceeding against the child. 8224

(3) If either division (F) (1) (a) or (b) of this section 8225
applies, the court shall promptly appoint a guardian ad litem 8226
for the child. The court shall not appoint the child's attorney 8227
as guardian ad litem. If the court decides to hold the complaint 8228
in abeyance, the guardian ad litem shall make recommendations 8229
that are in the best interest of the child to the court. 8230

(4) If after a hearing the court decides to hold the 8231
complaint in abeyance, the court may make any orders regarding 8232
placement, services, supervision, diversion actions, and 8233
conditions of abeyance, including, but not limited to, 8234
engagement in trauma-based behavioral health services or 8235
education activities, that the court considers appropriate and 8236
in the best interest of the child. The court may hold the 8237
complaint in abeyance for up to ninety days while the child 8238
engages in diversion actions. If the child violates the 8239
conditions of abeyance or does not complete the diversion 8240
actions to the court's satisfaction within ninety days, the 8241
court may extend the period of abeyance for not more than two 8242
additional ninety-day periods. 8243

(5) If the court holds the complaint in abeyance and the 8244
child complies with the conditions of abeyance and completes the 8245
diversion actions to the court's satisfaction, the court shall 8246
dismiss the complaint and order that the records pertaining to 8247
the case be expunged immediately. If the child fails to complete 8248
the diversion actions to the court's satisfaction, the court 8249
shall proceed upon the complaint. 8250

Sec. 2152.18. (A) When a juvenile court commits a 8251
delinquent child to the custody of the department of youth 8252

services pursuant to this chapter, the court shall not designate 8253
the specific institution in which the department is to place the 8254
child but instead shall specify that the child is to be 8255
institutionalized in a secure facility. 8256

(B) When a juvenile court commits a delinquent child to 8257
the custody of the department of youth services pursuant to this 8258
chapter, the court shall state in the order of commitment the 8259
total number of days that the child has been confined in 8260
connection with the delinquent child complaint upon which the 8261
order of commitment is based. The court shall not include days 8262
that the child has been under electronic monitoring or house 8263
arrest or days that the child has been confined in a halfway 8264
house. The department shall reduce the minimum period of 8265
institutionalization that was ordered by both the total number 8266
of days that the child has been so confined as stated by the 8267
court in the order of commitment and the total number of any 8268
additional days that the child has been confined subsequent to 8269
the order of commitment but prior to the transfer of physical 8270
custody of the child to the department. 8271

(C) (1) When a juvenile court commits a delinquent child to 8272
the custody of the department of youth services pursuant to this 8273
chapter, the court shall provide the department with the child's 8274
medical records, a copy of the report of any mental examination 8275
of the child ordered by the court, the Revised Code section or 8276
sections the child violated and the degree of each violation, 8277
the warrant to convey the child to the department, a copy of the 8278
court's journal entry ordering the commitment of the child to 8279
the legal custody of the department, a copy of the arrest record 8280
pertaining to the act for which the child was adjudicated a 8281
delinquent child, a copy of any victim impact statement 8282
pertaining to the act, and any other information concerning the 8283

child that the department reasonably requests. The court also 8284
shall complete the form for the standard predisposition 8285
investigation report that the department furnishes pursuant to 8286
section 5139.04 of the Revised Code and provide the department 8287
with the completed form. 8288

The department may refuse to accept physical custody of a 8289
delinquent child who is committed to the legal custody of the 8290
department until the court provides to the department the 8291
documents specified in this division. No officer or employee of 8292
the department who refuses to accept physical custody of a 8293
delinquent child who is committed to the legal custody of the 8294
department shall be subject to prosecution or contempt of court 8295
for the refusal if the court fails to provide the documents 8296
specified in this division at the time the court transfers the 8297
physical custody of the child to the department. 8298

(2) Within twenty working days after the department of 8299
youth services receives physical custody of a delinquent child 8300
from a juvenile court, the court shall provide the department 8301
with a certified copy of the child's birth certificate and the 8302
child's social security number or, if the court made all 8303
reasonable efforts to obtain the information but was 8304
unsuccessful, with documentation of the efforts it made to 8305
obtain the information. 8306

(3) If an officer is preparing pursuant to section 2947.06 8307
or 2951.03 of the Revised Code or Criminal Rule 32.2 a 8308
presentence investigation report pertaining to a person, the 8309
department shall make available to the officer, for use in 8310
preparing the report, any records or reports it possesses 8311
regarding that person that it received from a juvenile court 8312
pursuant to division (C) (1) of this section or that pertain to 8313

the treatment of that person after the person was committed to 8314
the custody of the department as a delinquent child. 8315

(D) (1) Within ten days after an adjudication that a child 8316
is a delinquent child, the court shall give written notice of 8317
the adjudication to the superintendent of a city, local, 8318
exempted village, or joint vocational school district, and to 8319
the principal of the school the child attends, if the basis of 8320
the adjudication was the commission of an act that would be a 8321
criminal offense if committed by an adult, if the act was 8322
committed by the delinquent child when the child was fourteen 8323
years of age or older, and if the act is any of the following: 8324

(a) An act that would be a felony or an offense of 8325
violence if committed by an adult, an act in the commission of 8326
which the child used or brandished a firearm, or an act that is 8327
a violation of section 2907.06, 2907.07, 2907.08, 2907.09, 8328
2907.24, or 2907.241 of the Revised Code and that would be a 8329
misdemeanor if committed by an adult; 8330

(b) A violation of section 2923.12 of the Revised Code or 8331
of a substantially similar municipal ordinance that would be a 8332
misdemeanor if committed by an adult and that was committed on 8333
property owned or controlled by, or at an activity held under 8334
the auspices of, the board of education of that school district; 8335

(c) A violation of division (A) of section 2925.03 ~~or,~~ 8336
2925.031, 2925.032, 2925.11, 2925.111, or 2925.112 of the 8337
Revised Code that would be a misdemeanor if committed by an 8338
adult, that was committed on property owned or controlled by, or 8339
at an activity held under the auspices of, the board of 8340
education of that school district, and that is not a minor drug 8341
possession offense; 8342

(d) An act that would be a criminal offense if committed 8343
by an adult and that results in serious physical harm to persons 8344
or serious physical harm to property while the child is at 8345
school, on any other property owned or controlled by the board, 8346
or at an interscholastic competition, an extracurricular event, 8347
or any other school program or activity; 8348

(e) Complicity in any violation described in division (D) 8349
(1) (a), (b), (c), or (d) of this section that was alleged to 8350
have been committed in the manner described in division (D) (1) 8351
(a), (b), (c), or (d) of this section, regardless of whether the 8352
act of complicity was committed on property owned or controlled 8353
by, or at an activity held under the auspices of, the board of 8354
education of that school district. 8355

(2) The notice given pursuant to division (D) (1) of this 8356
section shall include the name of the child who was adjudicated 8357
to be a delinquent child, the child's age at the time the child 8358
committed the act that was the basis of the adjudication, and 8359
identification of the violation of the law or ordinance that was 8360
the basis of the adjudication. 8361

(3) Within fourteen days after committing a delinquent 8362
child to the custody of the department of youth services, the 8363
court shall give notice to the school attended by the child of 8364
the child's commitment by sending to that school a copy of the 8365
court's journal entry ordering the commitment. As soon as 8366
possible after receipt of the notice described in this division, 8367
the school shall provide the department with the child's school 8368
transcript. However, the department shall not refuse to accept a 8369
child committed to it, and a child committed to it shall not be 8370
held in a county or district detention facility, because of a 8371
school's failure to provide the school transcript that it is 8372

required to provide under this division. 8373

(4) Within fourteen days after discharging or releasing a 8374
child from an institution under its control, the department of 8375
youth services shall provide the court and the superintendent of 8376
the school district in which the child is entitled to attend 8377
school under section 3313.64 or 3313.65 of the Revised Code with 8378
the following: 8379

(a) An updated copy of the child's school transcript; 8380

(b) A report outlining the child's behavior in school 8381
while in the custody of the department; 8382

(c) The child's current individualized education program, 8383
as defined in section 3323.01 of the Revised Code, if such a 8384
program has been developed for the child; 8385

(d) A summary of the institutional record of the child's 8386
behavior. 8387

The department also shall provide the court with a copy of 8388
any portion of the child's institutional record that the court 8389
specifically requests, within five working days of the request. 8390

(E) At any hearing at which a child is adjudicated a 8391
delinquent child or as soon as possible after the hearing, the 8392
court shall notify all victims of the delinquent act who may be 8393
entitled to a recovery under any of the following sections of 8394
the right of the victims to recover, pursuant to section 3109.09 8395
of the Revised Code, compensatory damages from the child's 8396
parents; of the right of the victims to recover, pursuant to 8397
section 3109.10 of the Revised Code, compensatory damages from 8398
the child's parents for willful and malicious assaults committed 8399
by the child; and of the right of the victims to recover an 8400
award of reparations pursuant to sections 2743.51 to 2743.72 of 8401

the Revised Code. 8402

Sec. 2743.60. (A) The attorney general or the court of 8403
claims shall not make or order an award of reparations to a 8404
claimant if the criminally injurious conduct upon which the 8405
claimant bases a claim never was reported to a law enforcement 8406
officer or agency. 8407

(B) (1) The attorney general or the court of claims shall 8408
not make or order an award of reparations to a claimant if any 8409
of the following apply: 8410

(a) The claimant is the offender or an accomplice of the 8411
offender who committed the criminally injurious conduct, or the 8412
award would unjustly benefit the offender or accomplice. 8413

(b) Except as provided in division (B) (2) of this section, 8414
both of the following apply: 8415

(i) The victim was a passenger in a motor vehicle and knew 8416
or reasonably should have known that the driver was under the 8417
influence of alcohol, a drug of abuse, or both. 8418

(ii) The claimant is seeking compensation for injuries 8419
proximately caused by the driver described in division (B) (1) (b) 8420
(i) of this section being under the influence of alcohol, a drug 8421
of abuse, or both. 8422

(c) Both of the following apply: 8423

(i) The victim was under the influence of alcohol, a drug 8424
of abuse, or both and was a passenger in a motor vehicle and, if 8425
sober, should have reasonably known that the driver was under 8426
the influence of alcohol, a drug of abuse, or both. 8427

(ii) The claimant is seeking compensation for injuries 8428
proximately caused by the driver described in division (B) (1) (b) 8429

(i) of this section being under the influence of alcohol, a drug 8430
of abuse, or both. 8431

(2) Division (B) (1) (b) of this section does not apply if 8432
on the date of the occurrence of the criminally injurious 8433
conduct, the victim was under sixteen years of age or was at 8434
least sixteen years of age but less than eighteen years of age 8435
and was riding with a parent, guardian, or care-provider. 8436

(C) The attorney general or the court of claims, upon a 8437
finding that the claimant or victim has not fully cooperated 8438
with appropriate law enforcement agencies, may deny a claim or 8439
reconsider and reduce an award of reparations. 8440

(D) The attorney general or the court of claims shall 8441
reduce an award of reparations or deny a claim for an award of 8442
reparations that is otherwise payable to a claimant to the 8443
extent that the economic loss upon which the claim is based is 8444
recouped from other persons, including collateral sources. If an 8445
award is reduced or a claim is denied because of the expected 8446
recoupment of all or part of the economic loss of the claimant 8447
from a collateral source, the amount of the award or the denial 8448
of the claim shall be conditioned upon the claimant's economic 8449
loss being recouped by the collateral source. If the award or 8450
denial is conditioned upon the recoupment of the claimant's 8451
economic loss from a collateral source and it is determined that 8452
the claimant did not unreasonably fail to present a timely claim 8453
to the collateral source and will not receive all or part of the 8454
expected recoupment, the claim may be reopened and an award may 8455
be made in an amount equal to the amount of expected recoupment 8456
that it is determined the claimant will not receive from the 8457
collateral source. 8458

If the claimant recoups all or part of the economic loss 8459

upon which the claim is based from any other person or entity, 8460
including a collateral source, the attorney general may recover 8461
pursuant to section 2743.72 of the Revised Code the part of the 8462
award that represents the economic loss for which the claimant 8463
received the recoupment from the other person or entity. 8464

(E) (1) Except as otherwise provided in division (E) (2) of 8465
this section, the attorney general or the court of claims shall 8466
not make an award to a claimant if any of the following applies: 8467

(a) The victim was convicted of a felony within ten years 8468
prior to the criminally injurious conduct that gave rise to the 8469
claim or is convicted of a felony during the pendency of the 8470
claim. 8471

(b) The claimant was convicted of a felony within ten 8472
years prior to the criminally injurious conduct that gave rise 8473
to the claim or is convicted of a felony during the pendency of 8474
the claim. 8475

(c) It is proved by a preponderance of the evidence that 8476
the victim or the claimant engaged, within ten years prior to 8477
the criminally injurious conduct that gave rise to the claim or 8478
during the pendency of the claim, in an offense of violence, a 8479
violation of section 2925.03, 2925.031, or 2925.032 of the 8480
Revised Code, or any substantially similar offense that also 8481
would constitute a felony under the laws of this state, another 8482
state, or the United States. 8483

(d) The claimant was convicted of a violation of section 8484
2919.22 or 2919.25 of the Revised Code, or of any state law or 8485
municipal ordinance substantially similar to either section, 8486
within ten years prior to the criminally injurious conduct that 8487
gave rise to the claim or during the pendency of the claim. 8488

(e) It is proved by a preponderance of the evidence that 8489
the victim at the time of the criminally injurious conduct that 8490
gave rise to the claim engaged in conduct that was a felony 8491
violation of section 2925.11, 2925.111, or 2925.112 of the 8492
Revised Code or engaged in any substantially similar conduct 8493
that would constitute a felony under the laws of this state, 8494
another state, or the United States. 8495

(2) The attorney general or the court of claims may make 8496
an award to a minor dependent of a deceased victim for 8497
dependent's economic loss or for counseling pursuant to division 8498
(F) (2) of section 2743.51 of the Revised Code if the minor 8499
dependent is not ineligible under division (E) (1) of this 8500
section due to the minor dependent's criminal history and if the 8501
victim was not killed while engaging in illegal conduct that 8502
contributed to the criminally injurious conduct that gave rise 8503
to the claim. For purposes of this section, the use of illegal 8504
drugs by the deceased victim shall not be deemed to have 8505
contributed to the criminally injurious conduct that gave rise 8506
to the claim. 8507

(F) In determining whether to make an award of reparations 8508
pursuant to this section, the attorney general or the court of 8509
claims shall consider whether there was contributory misconduct 8510
by the victim or the claimant. The attorney general or the court 8511
of claims shall reduce an award of reparations or deny a claim 8512
for an award of reparations to the extent it is determined to be 8513
reasonable because of the contributory misconduct of the 8514
claimant or the victim. 8515

When the attorney general decides whether a claim should 8516
be denied because of an allegation of contributory misconduct, 8517
the burden of proof on the issue of that alleged contributory 8518

misconduct shall be upon the claimant, if either of the 8519
following apply: 8520

(1) The victim was convicted of a felony more than ten 8521
years prior to the criminally injurious conduct that is the 8522
subject of the claim or has a record of felony arrests under the 8523
laws of this state, another state, or the United States. 8524

(2) There is good cause to believe that the victim engaged 8525
in an ongoing course of criminal conduct within five years or 8526
less of the criminally injurious conduct that is the subject of 8527
the claim. 8528

(G) The attorney general or the court of claims shall not 8529
make an award of reparations to a claimant if the criminally 8530
injurious conduct that caused the injury or death that is the 8531
subject of the claim occurred to a victim who was an adult and 8532
while the victim, after being convicted of or pleading guilty to 8533
an offense, was serving a sentence of imprisonment in any 8534
detention facility, as defined in section 2921.01 of the Revised 8535
Code. 8536

(H) If a claimant unreasonably fails to present a claim 8537
timely to a source of benefits or advantages that would have 8538
been a collateral source and that would have reimbursed the 8539
claimant for all or a portion of a particular expense, the 8540
attorney general or the court of claims may reduce an award of 8541
reparations or deny a claim for an award of reparations to the 8542
extent that it is reasonable to do so. 8543

(I) Reparations payable to a victim and to all other 8544
claimants sustaining economic loss because of injury to or the 8545
death of that victim shall not exceed fifty thousand dollars in 8546
the aggregate. If the attorney general or the court of claims 8547

reduces an award under division (F) of this section, the maximum 8548
aggregate amount of reparations payable under this division 8549
shall be reduced proportionately to the reduction under division 8550
(F) of this section. 8551

(J) Nothing in this section shall be construed to prohibit 8552
an award to a claimant whose claim is based on the claimant's 8553
being a victim of a violation of section 2905.32 of the Revised 8554
Code if the claimant was less than eighteen years of age when 8555
the criminally injurious conduct occurred. 8556

Sec. 2923.01. (A) No person, with purpose to commit or to 8557
promote or facilitate the commission of aggravated murder, 8558
murder, kidnapping, abduction, compelling prostitution, 8559
promoting prostitution, trafficking in persons, aggravated 8560
arson, arson, aggravated robbery, robbery, aggravated burglary, 8561
burglary, trespassing in a habitation when a person is present 8562
or likely to be present, engaging in a pattern of corrupt 8563
activity, corrupting another with drugs, a felony drug 8564
trafficking, manufacturing, processing, or possession offense, 8565
theft of drugs, or illegal processing of drug documents, the 8566
commission of a felony offense of unauthorized use of a vehicle, 8567
illegally transmitting multiple commercial electronic mail 8568
messages or unauthorized access of a computer in violation of 8569
section 2923.421 of the Revised Code, or the commission of a 8570
violation of any provision of Chapter 3734. of the Revised Code, 8571
other than section 3734.18 of the Revised Code, that relates to 8572
hazardous wastes, shall do either of the following: 8573

(1) With another person or persons, plan or aid in 8574
planning the commission of any of the specified offenses; 8575

(2) Agree with another person or persons that one or more 8576
of them will engage in conduct that facilitates the commission 8577

of any of the specified offenses. 8578

(B) No person shall be convicted of conspiracy unless a 8579
substantial overt act in furtherance of the conspiracy is 8580
alleged and proved to have been done by the accused or a person 8581
with whom the accused conspired, subsequent to the accused's 8582
entrance into the conspiracy. For purposes of this section, an 8583
overt act is substantial when it is of a character that 8584
manifests a purpose on the part of the actor that the object of 8585
the conspiracy should be completed. 8586

(C) When the offender knows or has reasonable cause to 8587
believe that a person with whom the offender conspires also has 8588
conspired or is conspiring with another to commit the same 8589
offense, the offender is guilty of conspiring with that other 8590
person, even though the other person's identity may be unknown 8591
to the offender. 8592

(D) It is no defense to a charge under this section that, 8593
in retrospect, commission of the offense that was the object of 8594
the conspiracy was impossible under the circumstances. 8595

(E) A conspiracy terminates when the offense or offenses 8596
that are its objects are committed or when it is abandoned by 8597
all conspirators. In the absence of abandonment, it is no 8598
defense to a charge under this section that no offense that was 8599
the object of the conspiracy was committed. 8600

(F) A person who conspires to commit more than one offense 8601
is guilty of only one conspiracy, when the offenses are the 8602
object of the same agreement or continuous conspiratorial 8603
relationship. 8604

(G) When a person is convicted of committing or attempting 8605
to commit a specific offense or of complicity in the commission 8606

of or attempt to commit the specific offense, the person shall 8607
not be convicted of conspiracy involving the same offense. 8608

(H) (1) No person shall be convicted of conspiracy upon the 8609
testimony of a person with whom the defendant conspired, 8610
unsupported by other evidence. 8611

(2) If a person with whom the defendant allegedly has 8612
conspired testifies against the defendant in a case in which the 8613
defendant is charged with conspiracy and if the testimony is 8614
supported by other evidence, the court, when it charges the 8615
jury, shall state substantially the following: 8616

"The testimony of an accomplice that is supported by other 8617
evidence does not become inadmissible because of the 8618
accomplice's complicity, moral turpitude, or self-interest, but 8619
the admitted or claimed complicity of a witness may affect the 8620
witness' credibility and make the witness' testimony subject to 8621
grave suspicion, and require that it be weighed with great 8622
caution. 8623

It is for you, as jurors, in the light of all the facts 8624
presented to you from the witness stand, to evaluate such 8625
testimony and to determine its quality and worth or its lack of 8626
quality and worth." 8627

(3) "Conspiracy," as used in division (H) (1) of this 8628
section, does not include any conspiracy that results in an 8629
attempt to commit an offense or in the commission of an offense. 8630

(I) The following are affirmative defenses to a charge of 8631
conspiracy: 8632

(1) After conspiring to commit an offense, the actor 8633
thwarted the success of the conspiracy under circumstances 8634
manifesting a complete and voluntary renunciation of the actor's 8635

criminal purpose. 8636

(2) After conspiring to commit an offense, the actor 8637
abandoned the conspiracy prior to the commission of or attempt 8638
to commit any offense that was the object of the conspiracy, 8639
either by advising all other conspirators of the actor's 8640
abandonment, or by informing any law enforcement authority of 8641
the existence of the conspiracy and of the actor's participation 8642
in the conspiracy. 8643

(J) Whoever violates this section is guilty of conspiracy, 8644
which is one of the following: 8645

(1) A felony of the first degree, when one of the objects 8646
of the conspiracy is aggravated murder, murder, or an offense 8647
for which the maximum penalty is imprisonment for life; 8648

(2) A felony of the next lesser degree than the most 8649
serious offense that is the object of the conspiracy, when the 8650
most serious offense that is the object of the conspiracy is a 8651
felony of the first, second, third, or fourth degree; 8652

(3) A felony punishable by a fine of not more than twenty- 8653
five thousand dollars or imprisonment for not more than eighteen 8654
months, or both, when the offense that is the object of the 8655
conspiracy is a violation of any provision of Chapter 3734. of 8656
the Revised Code, other than section 3734.18 of the Revised 8657
Code, that relates to hazardous wastes; 8658

(4) A misdemeanor of the first degree, when the most 8659
serious offense that is the object of the conspiracy is a felony 8660
of the fifth degree. 8661

(K) This section does not define a separate conspiracy 8662
offense or penalty where conspiracy is defined as an offense by 8663
one or more sections of the Revised Code, other than this 8664

section. In such a case, however: 8665

(1) With respect to the offense specified as the object of 8666
the conspiracy in the other section or sections, division (A) of 8667
this section defines the voluntary act or acts and culpable 8668
mental state necessary to constitute the conspiracy; 8669

(2) Divisions (B) to (I) of this section are incorporated 8670
by reference in the conspiracy offense defined by the other 8671
section or sections of the Revised Code. 8672

(L) (1) In addition to the penalties that otherwise are 8673
imposed for conspiracy, a person who is found guilty of 8674
conspiracy to engage in a pattern of corrupt activity is subject 8675
to divisions (B) (2) and (3) of section 2923.32, division (A) of 8676
section 2981.04, and division (D) of section 2981.06 of the 8677
Revised Code. 8678

(2) If a person is convicted of or pleads guilty to 8679
conspiracy and if the most serious offense that is the object of 8680
the conspiracy is a felony drug trafficking, manufacturing, 8681
processing, or possession offense, in addition to the penalties 8682
or sanctions that may be imposed for the conspiracy under 8683
division (J) (2) or (4) of this section and Chapter 2929. of the 8684
Revised Code, both of the following apply: 8685

(a) The provisions of divisions ~~(D)~~, ~~(F)~~, (L), (N), and 8686
~~(G)~~ ~~(O)~~ of section 2925.03 and the related provisions of 8687
sections 2925.031 and 2925.032, division (D) of section 2925.04, 8688
division (D) of section 2925.05, division (D) of section 8689
2925.06, and division (E) of section 2925.11 and the related 8690
provisions of sections 2925.111 and 2925.112 of the Revised Code 8691
that pertain to mandatory and additional fines, driver's or 8692
commercial driver's license or permit suspensions, and 8693

professionally licensed persons and that would apply under the 8694
appropriate provisions of those divisions to a person who is 8695
convicted of or pleads guilty to the felony drug trafficking, 8696
manufacturing, processing, or possession offense that is the 8697
most serious offense that is the basis of the conspiracy shall 8698
apply to the person who is convicted of or pleads guilty to the 8699
conspiracy as if the person had been convicted of or pleaded 8700
guilty to the felony drug trafficking, manufacturing, 8701
processing, or possession offense that is the most serious 8702
offense that is the basis of the conspiracy. 8703

(b) The court that imposes sentence upon the person who is 8704
convicted of or pleads guilty to the conspiracy shall comply 8705
with the provisions identified as being applicable under 8706
division (L) (2) of this section, in addition to any other 8707
penalty or sanction that it imposes for the conspiracy under 8708
division (J) (2) or (4) of this section and Chapter 2929. of the 8709
Revised Code. 8710

(M) As used in this section: 8711

(1) "Felony drug trafficking, manufacturing, processing, 8712
or possession offense" means any of the following that is a 8713
felony: 8714

(a) A violation of section 2925.03, 2925.031, 2925.032, 8715
2925.04, 2925.05, or 2925.06 of the Revised Code; 8716

(b) A violation of section 2925.11, 2925.111, or 2925.112 8717
of the Revised Code that is not a minor drug possession offense. 8718

(2) "Minor drug possession offense" has the same meaning 8719
as in section 2925.01 of the Revised Code. 8720

Sec. 2923.241. (A) As used in this section: 8721

- (1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 8722
8723
- (2) "Hidden compartment" means a container, space, or enclosure that conceals, hides, or otherwise prevents the discovery of the contents of the container, space, or enclosure. 8724
8725
"Hidden compartment" includes, but is not limited to, any of the following: 8726
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8728
- (a) False, altered, or modified fuel tanks; 8729
- (b) Any original factory equipment on a vehicle that has been modified to conceal, hide, or prevent the discovery of the modified equipment's contents; 8730
8731
8732
- (c) Any compartment, space, box, or other closed container that is added or attached to existing compartments, spaces, boxes, or closed containers integrated or attached to a vehicle. 8733
8734
8735
- (3) "Vehicle" has the same meaning as in section 4511.01 of the Revised Code and includes, but is not limited to, a motor vehicle, commercial tractor, trailer, noncommercial trailer, semitrailer, mobile home, recreational vehicle, or motor home. 8736
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- (4) "Motor vehicle," "commercial trailer," "trailer," "noncommercial trailer," "semitrailer," "mobile home," "manufacturer," "recreational vehicle," and "motor home" have the same meanings as in section 4501.01 of the Revised Code. 8740
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8743
- (5) "Motor vehicle dealer" has the same meaning as in section 4517.01 of the Revised Code. 8744
8745
- (B) No person shall knowingly design, build, construct, or fabricate a vehicle with a hidden compartment, or modify or alter any portion of a vehicle in order to create or add a hidden compartment, with the intent to facilitate the unlawful 8746
8747
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8749

concealment or transportation of a controlled substance. 8750

(C) No person shall knowingly operate, possess, or use a 8751
vehicle with a hidden compartment with knowledge that the hidden 8752
compartment is used or intended to be used to facilitate the 8753
unlawful concealment or transportation of a controlled 8754
substance. 8755

(D) No person who has been convicted of or pleaded guilty 8756
to a violation of aggravated trafficking in drugs under section 8757
2925.03 of the Revised Code as it existed prior to the effective 8758
date of this amendment that is a felony of the first or second 8759
degree, or a violation of section 2925.03, 2925.031, or 2925.032 8760
of the Revised Code as those sections exist on and after the 8761
effective date of this amendment and that involve a schedule I 8762
or schedule II controlled substance and are a felony of the 8763
first or second degree, shall operate, possess, or use a vehicle 8764
with a hidden compartment. 8765

(E) Whoever violates division (B) of this section is 8766
guilty of designing a vehicle with a hidden compartment used to 8767
transport a controlled substance. Except as otherwise provided 8768
in this division, designing a vehicle with a hidden compartment 8769
used to transport a controlled substance is a felony of the 8770
fourth degree. If the offender previously has been convicted of 8771
or pleaded guilty to a violation of division (B) of this 8772
section, designing a vehicle with a hidden compartment used to 8773
transport a controlled substance is a felony of the third 8774
degree. 8775

(F) Whoever violates division (C) or (D) of this section 8776
is guilty of operating a vehicle with a hidden compartment used 8777
to transport a controlled substance. Except as otherwise 8778
provided in this division, operating a vehicle with a hidden 8779

compartment used to transport a controlled substance is a felony 8780
of the fourth degree. Except as otherwise provided in this 8781
division, if the offender previously has been convicted of or 8782
pleaded guilty to a violation of division (C) or (D) of this 8783
section, operating a vehicle with a hidden compartment used to 8784
transport a controlled substance is a felony of the third 8785
degree. If the hidden compartment contains a controlled 8786
substance at the time of the offense, operating a vehicle with a 8787
hidden compartment used to transport a controlled substance is a 8788
felony of the second degree. 8789

(G) This section does not apply to any law enforcement 8790
officer acting in the performance of the law enforcement 8791
officer's duties. 8792

(H) (1) This section does not apply to any licensed motor 8793
vehicle dealer or motor vehicle manufacturer that in the 8794
ordinary course of business repairs, purchases, receives in 8795
trade, leases, or sells a motor vehicle. 8796

(2) This section does not impose a duty on a licensed 8797
motor vehicle dealer to know, discover, report, repair, or 8798
disclose the existence of a hidden compartment to any person. 8799

(I) This section does not apply to a box, safe, container, 8800
or other item added to a vehicle for the purpose of securing 8801
valuables, electronics, or firearms provided that at the time of 8802
discovery the box, safe, container, or other item added to the 8803
vehicle does not contain a controlled substance or visible 8804
residue of a controlled substance. 8805

Sec. 2923.31. As used in sections 2923.31 to 2923.36 of 8806
the Revised Code: 8807

(A) "Beneficial interest" means any of the following: 8808

(1) The interest of a person as a beneficiary under a trust in which the trustee holds title to personal or real property; 8809
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(2) The interest of a person as a beneficiary under any other trust arrangement under which any other person holds title to personal or real property for the benefit of such person; 8812
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(3) The interest of a person under any other form of express fiduciary arrangement under which any other person holds title to personal or real property for the benefit of such person. 8815
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"Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in either a general or limited partnership. 8819
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(B) "Costs of investigation and prosecution" and "costs of investigation and litigation" mean all of the costs incurred by the state or a county or municipal corporation under sections 2923.31 to 2923.36 of the Revised Code in the prosecution and investigation of any criminal action or in the litigation and investigation of any civil action, and includes, but is not limited to, the costs of resources and personnel. 8822
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(C) "Enterprise" includes any individual, sole proprietorship, partnership, limited partnership, corporation, trust, union, government agency, or other legal entity, or any organization, association, or group of persons associated in fact although not a legal entity. "Enterprise" includes illicit as well as licit enterprises. 8829
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(D) "Innocent person" includes any bona fide purchaser of property that is allegedly involved in a violation of section 2923.32 of the Revised Code, including any person who 8835
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establishes a valid claim to or interest in the property in 8838
accordance with division (E) of section 2981.04 of the Revised 8839
Code, and any victim of an alleged violation of that section or 8840
of any underlying offense involved in an alleged violation of 8841
that section. 8842

(E) "Pattern of corrupt activity" means two or more 8843
incidents of corrupt activity, whether or not there has been a 8844
prior conviction, that are related to the affairs of the same 8845
enterprise, are not isolated, and are not so closely related to 8846
each other and connected in time and place that they constitute 8847
a single event. 8848

At least one of the incidents forming the pattern shall 8849
occur on or after January 1, 1986. Unless any incident was an 8850
aggravated murder or murder, the last of the incidents forming 8851
the pattern shall occur within six years after the commission of 8852
any prior incident forming the pattern, excluding any period of 8853
imprisonment served by any person engaging in the corrupt 8854
activity. 8855

For the purposes of the criminal penalties that may be 8856
imposed pursuant to section 2923.32 of the Revised Code, at 8857
least one of the incidents forming the pattern shall constitute 8858
a felony under the laws of this state in existence at the time 8859
it was committed or, if committed in violation of the laws of 8860
the United States or of any other state, shall constitute a 8861
felony under the law of the United States or the other state and 8862
would be a criminal offense under the law of this state if 8863
committed in this state. 8864

(F) "Pecuniary value" means money, a negotiable 8865
instrument, a commercial interest, or anything of value, as 8866
defined in section 1.03 of the Revised Code, or any other 8867

property or service that has a value in excess of one hundred 8868
dollars. 8869

(G) "Person" means any person, as defined in section 1.59 8870
of the Revised Code, and any governmental officer, employee, or 8871
entity. 8872

(H) "Personal property" means any personal property, any 8873
interest in personal property, or any right, including, but not 8874
limited to, bank accounts, debts, corporate stocks, patents, or 8875
copyrights. Personal property and any beneficial interest in 8876
personal property are deemed to be located where the trustee of 8877
the property, the personal property, or the instrument 8878
evidencing the right is located. 8879

(I) "Corrupt activity" means engaging in, attempting to 8880
engage in, conspiring to engage in, or soliciting, coercing, or 8881
intimidating another person to engage in any of the following: 8882

(1) Conduct defined as "racketeering activity" under the 8883
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 8884
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 8885

(2) Conduct constituting any of the following: 8886

(a) A violation of section 1315.55, 1322.07, 2903.01, 8887
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 8888
2905.11, 2905.22, 2905.32 as specified in division (I)(2)(g) of 8889
this section, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 8890
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 8891
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 8892
2913.06, 2913.30, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 8893
2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; 8894
division (F)(1)(a), (b), or (c) of section 1315.53; division (A) 8895
(1) or (2) of section 1707.042; division (B), (C)(4), (D), (E), 8896

or (F) of section 1707.44; division (A) (1) or (2) of section 8897
2923.20; division (E) or (G) of section 3772.99; division (J) (1) 8898
of section 4712.02; section 4719.02, 4719.05, or 4719.06; 8899
division (C), (D), or (E) of section 4719.07; section 4719.08; 8900
or division (A) of section 4719.09 of the Revised Code. 8901

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 8902
3769.19 of the Revised Code as it existed prior to July 1, 1996, 8903
any violation of section 2915.02 of the Revised Code that occurs 8904
on or after July 1, 1996, and that, had it occurred prior to 8905
that date, would have been a violation of section 3769.11 of the 8906
Revised Code as it existed prior to that date, or any violation 8907
of section 2915.05 of the Revised Code that occurs on or after 8908
July 1, 1996, and that, had it occurred prior to that date, 8909
would have been a violation of section 3769.15, 3769.16, or 8910
3769.19 of the Revised Code as it existed prior to that date. 8911

(c) Any violation of section 2907.21, 2907.22, 2907.31, 8912
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 8913
2913.47, 2913.51, 2915.03, 2925.03, 2925.031, 2925.032, 2925.04, 8914
2925.05, or 2925.37 of the Revised Code, any violation of 8915
section 2925.11, 2925.111, or 2925.112 of the Revised Code that 8916
is a felony of the first, second, third, or fourth degree and 8917
that occurs on or after July 1, 1996, any violation of section 8918
2915.02 of the Revised Code that occurred prior to July 1, 1996, 8919
any violation of section 2915.02 of the Revised Code that occurs 8920
on or after July 1, 1996, and that, had it occurred prior to 8921
that date, would not have been a violation of section 3769.11 of 8922
the Revised Code as it existed prior to that date, any violation 8923
of section 2915.06 of the Revised Code as it existed prior to 8924
July 1, 1996, or any violation of division (B) of section 8925
2915.05 of the Revised Code as it exists on and after July 1, 8926
1996, when the proceeds of the violation, the payments made in 8927

the violation, the amount of a claim for payment or for any 8928
other benefit that is false or deceptive and that is involved in 8929
the violation, or the value of the contraband or other property 8930
illegally possessed, sold, or purchased in the violation exceeds 8931
one thousand dollars, or any combination of violations described 8932
in division (I) (2) (c) of this section when the total proceeds of 8933
the combination of violations, payments made in the combination 8934
of violations, amount of the claims for payment or for other 8935
benefits that is false or deceptive and that is involved in the 8936
combination of violations, or value of the contraband or other 8937
property illegally possessed, sold, or purchased in the 8938
combination of violations exceeds one thousand dollars; 8939

(d) Any violation of section 5743.112 of the Revised Code 8940
when the amount of unpaid tax exceeds one hundred dollars; 8941

(e) Any violation or combination of violations of section 8942
2907.32 of the Revised Code involving any material or 8943
performance containing a display of bestiality or of sexual 8944
conduct, as defined in section 2907.01 of the Revised Code, that 8945
is explicit and depicted with clearly visible penetration of the 8946
genitals or clearly visible penetration by the penis of any 8947
orifice when the total proceeds of the violation or combination 8948
of violations, the payments made in the violation or combination 8949
of violations, or the value of the contraband or other property 8950
illegally possessed, sold, or purchased in the violation or 8951
combination of violations exceeds one thousand dollars; 8952

(f) Any combination of violations described in division 8953
(I) (2) (c) of this section and violations of section 2907.32 of 8954
the Revised Code involving any material or performance 8955
containing a display of bestiality or of sexual conduct, as 8956
defined in section 2907.01 of the Revised Code, that is explicit 8957

and depicted with clearly visible penetration of the genitals or 8958
clearly visible penetration by the penis of any orifice when the 8959
total proceeds of the combination of violations, payments made 8960
in the combination of violations, amount of the claims for 8961
payment or for other benefits that is false or deceptive and 8962
that is involved in the combination of violations, or value of 8963
the contraband or other property illegally possessed, sold, or 8964
purchased in the combination of violations exceeds one thousand 8965
dollars; 8966

(g) Any violation of section 2905.32 of the Revised Code 8967
to the extent the violation is not based solely on the same 8968
conduct that constitutes corrupt activity pursuant to division 8969
(I) (2) (c) of this section due to the conduct being in violation 8970
of section 2907.21 of the Revised Code. 8971

(3) Conduct constituting a violation of any law of any 8972
state other than this state that is substantially similar to the 8973
conduct described in division (I) (2) of this section, provided 8974
the defendant was convicted of the conduct in a criminal 8975
proceeding in the other state; 8976

(4) Animal or ecological terrorism; 8977

(5) (a) Conduct constituting any of the following: 8978

(i) Organized retail theft; 8979

(ii) Conduct that constitutes one or more violations of 8980
any law of any state other than this state, that is 8981
substantially similar to organized retail theft, and that if 8982
committed in this state would be organized retail theft, if the 8983
defendant was convicted of or pleaded guilty to the conduct in a 8984
criminal proceeding in the other state. 8985

(b) By enacting division (I) (5) (a) of this section, it is 8986

the intent of the general assembly to add organized retail theft 8987
and the conduct described in division (I) (5) (a) (ii) of this 8988
section as conduct constituting corrupt activity. The enactment 8989
of division (I) (5) (a) of this section and the addition by 8990
division (I) (5) (a) of this section of organized retail theft and 8991
the conduct described in division (I) (5) (a) (ii) of this section 8992
as conduct constituting corrupt activity does not limit or 8993
preclude, and shall not be construed as limiting or precluding, 8994
any prosecution for a violation of section 2923.32 of the 8995
Revised Code that is based on one or more violations of section 8996
2913.02 or 2913.51 of the Revised Code, one or more similar 8997
offenses under the laws of this state or any other state, or any 8998
combination of any of those violations or similar offenses, even 8999
though the conduct constituting the basis for those violations 9000
or offenses could be construed as also constituting organized 9001
retail theft or conduct of the type described in division (I) (5) 9002
(a) (ii) of this section. 9003

(J) "Real property" means any real property or any 9004
interest in real property, including, but not limited to, any 9005
lease of, or mortgage upon, real property. Real property and any 9006
beneficial interest in it is deemed to be located where the real 9007
property is located. 9008

(K) "Trustee" means any of the following: 9009

(1) Any person acting as trustee under a trust in which 9010
the trustee holds title to personal or real property; 9011

(2) Any person who holds title to personal or real 9012
property for which any other person has a beneficial interest; 9013

(3) Any successor trustee. 9014

"Trustee" does not include an assignee or trustee for an 9015

insolvent debtor or an executor, administrator, administrator 9016
with the will annexed, testamentary trustee, guardian, or 9017
committee, appointed by, under the control of, or accountable to 9018
a court. 9019

(L) "Unlawful debt" means any money or other thing of 9020
value constituting principal or interest of a debt that is 9021
legally unenforceable in this state in whole or in part because 9022
the debt was incurred or contracted in violation of any federal 9023
or state law relating to the business of gambling activity or 9024
relating to the business of lending money at an usurious rate 9025
unless the creditor proves, by a preponderance of the evidence, 9026
that the usurious rate was not intentionally set and that it 9027
resulted from a good faith error by the creditor, 9028
notwithstanding the maintenance of procedures that were adopted 9029
by the creditor to avoid an error of that nature. 9030

(M) "Animal activity" means any activity that involves the 9031
use of animals or animal parts, including, but not limited to, 9032
hunting, fishing, trapping, traveling, camping, the production, 9033
preparation, or processing of food or food products, clothing or 9034
garment manufacturing, medical research, other research, 9035
entertainment, recreation, agriculture, biotechnology, or 9036
service activity that involves the use of animals or animal 9037
parts. 9038

(N) "Animal facility" means a vehicle, building, 9039
structure, nature preserve, or other premises in which an animal 9040
is lawfully kept, handled, housed, exhibited, bred, or offered 9041
for sale, including, but not limited to, a zoo, rodeo, circus, 9042
amusement park, hunting preserve, or premises in which a horse 9043
or dog event is held. 9044

(O) "Animal or ecological terrorism" means the commission 9045

of any felony that involves causing or creating a substantial 9046
risk of physical harm to any property of another, the use of a 9047
deadly weapon or dangerous ordnance, or purposely, knowingly, or 9048
recklessly causing serious physical harm to property and that 9049
involves an intent to obstruct, impede, or deter any person from 9050
participating in a lawful animal activity, from mining, 9051
forestry, harvesting, gathering, or processing natural 9052
resources, or from being lawfully present in or on an animal 9053
facility or research facility. 9054

(P) "Research facility" means a place, laboratory, 9055
institution, medical care facility, government facility, or 9056
public or private educational institution in which a scientific 9057
test, experiment, or investigation involving the use of animals 9058
or other living organisms is lawfully carried out, conducted, or 9059
attempted. 9060

(Q) "Organized retail theft" means the theft of retail 9061
property with a retail value of one thousand dollars or more 9062
from one or more retail establishments with the intent to sell, 9063
deliver, or transfer that property to a retail property fence. 9064

(R) "Retail property" means any tangible personal property 9065
displayed, held, stored, or offered for sale in or by a retail 9066
establishment. 9067

(S) "Retail property fence" means a person who possesses, 9068
procures, receives, or conceals retail property that was 9069
represented to the person as being stolen or that the person 9070
knows or believes to be stolen. 9071

(T) "Retail value" means the full retail value of the 9072
retail property. In determining whether the retail value of 9073
retail property equals or exceeds one thousand dollars, the 9074

value of all retail property stolen from the retail 9075
establishment or retail establishments by the same person or 9076
persons within any one-hundred-eighty-day period shall be 9077
aggregated. 9078

Sec. 2923.41. As used in sections 2923.41 to 2923.44 of 9079
the Revised Code: 9080

(A) "Criminal gang" means an ongoing formal or informal 9081
organization, association, or group of three or more persons to 9082
which all of the following apply: 9083

(1) It has as one of its primary activities the commission 9084
of one or more of the offenses listed in division (B) of this 9085
section. 9086

(2) It has a common name or one or more common, 9087
identifying signs, symbols, or colors. 9088

(3) The persons in the organization, association, or group 9089
individually or collectively engage in or have engaged in a 9090
pattern of criminal gang activity. 9091

(B) (1) "Pattern of criminal gang activity" means, subject 9092
to division (B) (2) of this section, that persons in the criminal 9093
gang have committed, attempted to commit, conspired to commit, 9094
been complicitors in the commission of, or solicited, coerced, 9095
or intimidated another to commit, attempt to commit, conspire to 9096
commit, or be in complicity in the commission of two or more of 9097
any of the following offenses: 9098

(a) A felony or an act committed by a juvenile that would 9099
be a felony if committed by an adult; 9100

(b) An offense of violence or an act committed by a 9101
juvenile that would be an offense of violence if committed by an 9102

adult; 9103

(c) A violation of section 2907.04, 2909.06, 2911.211, 9104
2917.04, 2919.23, or 2919.24 of the Revised Code, section 9105
2921.04 or 2923.16 of the Revised Code, section 2925.03, 9106
2925.031, or 2925.032 of the Revised Code if the offense is 9107
aggravated trafficking in marihuana, major trafficking in 9108
marihuana, or trafficking in marihuana or section 2927.12 of the 9109
Revised Code. 9110

(2) There is a "pattern of criminal gang activity" if all 9111
of the following apply with respect to the offenses that are 9112
listed in division (B)(1)(a), (b), or (c) of this section and 9113
that persons in the criminal gang committed, attempted to 9114
commit, conspired to commit, were in complicity in committing, 9115
or solicited, coerced, or intimidated another to commit, attempt 9116
to commit, conspire to commit, or be in complicity in 9117
committing: 9118

(a) At least one of the two or more offenses is a felony. 9119

(b) At least one of those two or more offenses occurs on 9120
or after January 1, 1999. 9121

(c) The last of those two or more offenses occurs within 9122
five years after at least one of those offenses. 9123

(d) The two or more offenses are committed on separate 9124
occasions or by two or more persons. 9125

(C) "Criminal conduct" means the commission of, an attempt 9126
to commit, a conspiracy to commit, complicity in the commission 9127
of, or solicitation, coercion, or intimidation of another to 9128
commit, attempt to commit, conspire to commit, or be in 9129
complicity in the commission of an offense listed in division 9130
(B)(1)(a), (b), or (c) of this section or an act that is 9131

committed by a juvenile and that would be an offense, an attempt 9132
to commit an offense, a conspiracy to commit an offense, 9133
complicity in the commission of, or solicitation, coercion, or 9134
intimidation of another to commit, attempt to commit, conspire 9135
to commit, or be in complicity in the commission of an offense 9136
listed in division (B)(1)(a), (b), or (c) of this section if 9137
committed by an adult. 9138

(D) "Juvenile" means a person who is under eighteen years 9139
of age. 9140

(E) "Law enforcement agency" includes, but is not limited 9141
to, the state board of pharmacy and the office of a prosecutor. 9142

(F) "Prosecutor" has the same meaning as in section 9143
2935.01 of the Revised Code. 9144

Sec. 2925.02. (A) No person shall knowingly do any of the 9145
following: 9146

(1) By force, threat, or deception, administer to another 9147
or induce or cause another to use a controlled substance; 9148

(2) By any means, administer or furnish to another or 9149
induce or cause another to use a controlled substance with 9150
purpose to cause serious physical harm to the other person, or 9151
with purpose to cause the other person to become drug dependent; 9152

(3) By any means, administer or furnish to another or 9153
induce or cause another to use a controlled substance, and 9154
thereby cause serious physical harm to the other person, or 9155
cause the other person to become drug dependent; 9156

(4) By any means, do any of the following: 9157

(a) Furnish or administer a controlled substance to a 9158
juvenile who is at least two years the offender's junior, when 9159

the offender knows the age of the juvenile or is reckless in 9160
that regard; 9161

(b) Induce or cause a juvenile who is at least two years 9162
the offender's junior to use a controlled substance, when the 9163
offender knows the age of the juvenile or is reckless in that 9164
regard; 9165

(c) Induce or cause a juvenile who is at least two years 9166
the offender's junior to commit a felony drug abuse offense, 9167
when the offender knows the age of the juvenile or is reckless 9168
in that regard; 9169

(d) Use a juvenile, whether or not the offender knows the 9170
age of the juvenile, to perform any surveillance activity that 9171
is intended to prevent the detection of the offender or any 9172
other person in the commission of a felony drug abuse offense or 9173
to prevent the arrest of the offender or any other person for 9174
the commission of a felony drug abuse offense. 9175

(5) By any means, furnish or administer a controlled 9176
substance to a pregnant woman or induce or cause a pregnant 9177
woman to use a controlled substance, when the offender knows 9178
that the woman is pregnant or is reckless in that regard. 9179

(B) Division (A) (1), (3), (4), or (5) of this section does 9180
not apply to manufacturers, wholesalers, licensed health 9181
professionals authorized to prescribe drugs, pharmacists, owners 9182
of pharmacies, and other persons whose conduct is in accordance 9183
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 9184
4741. of the Revised Code. 9185

(C) Whoever violates this section is guilty of corrupting 9186
another with drugs. The penalty for the offense shall be 9187
determined as follows: 9188

(1) If the offense is a violation of division (A) (1), (2), 9189
(3), or (4) of this section and the drug involved is any 9190
compound, mixture, preparation, or substance included in 9191
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 9192
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 9193
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 9194
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 9195
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 9196
offender shall be punished as follows: 9197

(a) Except as otherwise provided in division (C) (1) (b) of 9198
this section, corrupting another with drugs committed in those 9199
circumstances is a felony of the second degree and, subject to 9200
division (E) of this section, the court shall impose as a 9201
mandatory prison term a second degree felony mandatory prison 9202
term. 9203

(b) If the offense was committed in the vicinity of a 9204
school, corrupting another with drugs committed in those 9205
circumstances is a felony of the first degree, and, subject to 9206
division (E) of this section, the court shall impose as a 9207
mandatory prison term a first degree felony mandatory prison 9208
term. 9209

(2) If the offense is a violation of division (A) (1), (2), 9210
(3), or (4) of this section and the drug involved is any 9211
compound, mixture, preparation, or substance included in 9212
schedule III, IV, or V, the offender shall be punished as 9213
follows: 9214

(a) Except as otherwise provided in division (C) (2) (b) of 9215
this section, corrupting another with drugs committed in those 9216
circumstances is a felony of the second degree and there is a 9217
presumption for a prison term for the offense. 9218

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances is a felony of the second degree and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(3) If the offense is a violation of division (A) (1), (2), (3), or (4) of this section and the drug involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the offender shall be punished as follows:

(a) Except as otherwise provided in division (C) (3) (b) of this section, corrupting another with drugs committed in those circumstances is a felony of the fourth degree and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances is a felony of the third degree and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(4) If the offense is a violation of division (A) (5) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a

felony of the first degree and, subject to division (E) of this section, the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(5) If the offense is a violation of division (A) (5) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule III, IV, or V, corrupting another with drugs is a felony of the second degree and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(6) If the offense is a violation of division (A) (5) of this section and the drug involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a felony of the third degree and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(D) In addition to any prison term authorized or required by division (C) or (E) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same

set of circumstances as the violation, the court shall suspend 9279
the offender's driver's or commercial driver's license or permit 9280
for not more than five years. The court also shall do all of the 9281
following that are applicable regarding the offender: 9282

(1) (a) If the violation is a felony of the first, second, 9283
or third degree, the court shall impose upon the offender the 9284
mandatory fine specified for the offense under division (B) (1) 9285
of section 2929.18 of the Revised Code unless, as specified in 9286
that division, the court determines that the offender is 9287
indigent. 9288

(b) Notwithstanding any contrary provision of section 9289
3719.21 of the Revised Code, any mandatory fine imposed pursuant 9290
to division (D) (1) (a) of this section and any fine imposed for a 9291
violation of this section pursuant to division (A) of section 9292
2929.18 of the Revised Code shall be paid by the clerk of the 9293
court in accordance with and subject to the requirements of, and 9294
shall be used as specified in, division ~~(F)~~ (N) of section 9295
2925.03 of the Revised Code. 9296

(c) If a person is charged with any violation of this 9297
section that is a felony of the first, second, or third degree, 9298
posts bail, and forfeits the bail, the forfeited bail shall be 9299
paid by the clerk of the court pursuant to division (D) (1) (b) of 9300
this section as if it were a fine imposed for a violation of 9301
this section. 9302

(2) If the offender is a professionally licensed person, 9303
in addition to any other sanction imposed for a violation of 9304
this section, the court immediately shall comply with section 9305
2925.38 of the Revised Code. 9306

(E) Notwithstanding the prison term otherwise authorized 9307

or required for the offense under division (C) of this section 9308
and sections 2929.13 and 2929.14 of the Revised Code, if the 9309
violation of division (A) of this section involves the sale, 9310
offer to sell, or possession of a schedule I or II controlled 9311
substance, with the exception of marihuana, 1-Pentyl-3-(1- 9312
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 9313
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 9314
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 9315
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 9316
if the court imposing sentence upon the offender finds that the 9317
offender as a result of the violation is a major drug offender 9318
and is guilty of a specification of the type described in 9319
division (A) of section 2941.1410 of the Revised Code, the 9320
court, in lieu of the prison term that otherwise is authorized 9321
or required, shall impose upon the offender the mandatory prison 9322
term specified in division (B) (3) (a) of section 2929.14 of the 9323
Revised Code. 9324

(F) (1) If the sentencing court suspends the offender's 9325
driver's or commercial driver's license or permit under division 9326
(D) of this section, the offender, at any time after the 9327
expiration of two years from the day on which the offender's 9328
sentence was imposed or from the day on which the offender 9329
finally was released from a prison term under the sentence, 9330
whichever is later, may file a motion with the sentencing court 9331
requesting termination of the suspension. Upon the filing of the 9332
motion and the court's finding of good cause for the 9333
determination, the court may terminate the suspension. 9334

(2) Any offender who received a mandatory suspension of 9335
the offender's driver's or commercial driver's license or permit 9336
under this section prior to September 13, 2016, may file a 9337
motion with the sentencing court requesting the termination of 9338

the suspension. However, an offender who pleaded guilty to or 9339
was convicted of a violation of section 4511.19 of the Revised 9340
Code or a substantially similar municipal ordinance or law of 9341
another state or the United States that arose out of the same 9342
set of circumstances as the violation for which the offender's 9343
license or permit was suspended under this section shall not 9344
file such a motion. 9345

Upon the filing of a motion under division (F) (2) of this 9346
section, the sentencing court, in its discretion, may terminate 9347
the suspension. 9348

Sec. 2925.04. (A) No person shall knowingly cultivate 9349
marihuana or knowingly manufacture or otherwise engage in any 9350
part of the production of a controlled substance. 9351

(B) This section does not apply to any person listed in 9352
division (B) (1), (2), or (3) of section 2925.03 of the Revised 9353
Code to the extent and under the circumstances described in 9354
those divisions. 9355

(C) (1) Whoever commits a violation of division (A) of this 9356
section that involves any drug other than marihuana is guilty of 9357
illegal manufacture of drugs, and whoever commits a violation of 9358
division (A) of this section that involves marihuana is guilty 9359
of illegal cultivation of marihuana. 9360

(2) Except as otherwise provided in this division, if the 9361
drug involved in the violation of division (A) of this section 9362
is any compound, mixture, preparation, or substance included in 9363
schedule I or II, with the exception of methamphetamine or 9364
marihuana, illegal manufacture of drugs is a felony of the 9365
second degree, and, subject to division (E) of this section, the 9366
court shall impose as a mandatory prison term a second degree 9367

felony mandatory prison term. 9368

If the drug involved in the violation is any compound, 9369
mixture, preparation, or substance included in schedule I or II, 9370
with the exception of methamphetamine or marihuana, and if the 9371
offense was committed in the vicinity of a juvenile or in the 9372
vicinity of a school, illegal manufacture of drugs is a felony 9373
of the first degree, and, subject to division (E) of this 9374
section, the court shall impose as a mandatory prison term a 9375
first degree felony mandatory prison term. 9376

(3) If the drug involved in the violation of division (A) 9377
of this section is methamphetamine, the penalty for the 9378
violation shall be determined as follows: 9379

(a) Except as otherwise provided in division (C) (3) (b) of 9380
this section, if the drug involved in the violation is 9381
methamphetamine, illegal manufacture of drugs is a felony of the 9382
second degree, and, subject to division (E) of this section, the 9383
court shall impose a mandatory prison term on the offender 9384
determined in accordance with this division. Except as otherwise 9385
provided in this division, the court shall impose as a mandatory 9386
prison term a second degree felony mandatory prison term that is 9387
not less than three years. If the offender previously has been 9388
convicted of or pleaded guilty to a violation of division (A) of 9389
this section, a violation of division (B) (6) of section 2919.22 9390
of the Revised Code, or a violation of division (A) of section 9391
2925.041 of the Revised Code, the court shall impose as a 9392
mandatory prison term a second degree felony mandatory prison 9393
term that is not less than five years. 9394

(b) If the drug involved in the violation is 9395
methamphetamine and if the offense was committed in the vicinity 9396
of a juvenile, in the vicinity of a school, or on public 9397

premises, illegal manufacture of drugs is a felony of the first 9398
degree, and, subject to division (E) of this section, the court 9399
shall impose a mandatory prison term on the offender determined 9400
in accordance with this division. Except as otherwise provided 9401
in this division, the court shall impose as a mandatory prison 9402
term a first degree felony mandatory prison term that is not 9403
less than four years. If the offender previously has been 9404
convicted of or pleaded guilty to a violation of division (A) of 9405
this section, a violation of division (B) (6) of section 2919.22 9406
of the Revised Code, or a violation of division (A) of section 9407
2925.041 of the Revised Code, the court shall impose as a 9408
mandatory prison term a first degree felony mandatory prison 9409
term that is not less than five years. 9410

(4) If the drug involved in the violation of division (A) 9411
of this section is any compound, mixture, preparation, or 9412
substance included in schedule III, IV, or V, illegal 9413
manufacture of drugs is a felony of the third degree or, if the 9414
offense was committed in the vicinity of a school or in the 9415
vicinity of a juvenile, a felony of the second degree, and there 9416
is a presumption for a prison term for the offense. 9417

(5) If the drug involved in the violation is marihuana, 9418
the penalty for the offense shall be determined as follows: 9419

(a) Except as otherwise provided in division (C) (5) (b), 9420
(c), (d), (e), or (f) of this section, illegal cultivation of 9421
marihuana is a minor misdemeanor or, if the offense was 9422
committed in the vicinity of a school or in the vicinity of a 9423
juvenile, a misdemeanor of the fourth degree. 9424

(b) If the amount of marihuana involved equals or exceeds 9425
one hundred grams but is less than two hundred grams, illegal 9426
cultivation of marihuana is a misdemeanor of the fourth degree 9427

or, if the offense was committed in the vicinity of a school or 9428
in the vicinity of a juvenile, a misdemeanor of the third 9429
degree. 9430

(c) If the amount of marihuana involved equals or exceeds 9431
two hundred grams but is less than one thousand grams, illegal 9432
cultivation of marihuana is a felony of the fifth degree or, if 9433
the offense was committed in the vicinity of a school or in the 9434
vicinity of a juvenile, a felony of the fourth degree, and 9435
division (B) of section 2929.13 of the Revised Code applies in 9436
determining whether to impose a prison term on the offender. 9437

(d) If the amount of marihuana involved equals or exceeds 9438
one thousand grams but is less than five thousand grams, illegal 9439
cultivation of marihuana is a felony of the third degree or, if 9440
the offense was committed in the vicinity of a school or in the 9441
vicinity of a juvenile, a felony of the second degree, and 9442
division (C) of section 2929.13 of the Revised Code applies in 9443
determining whether to impose a prison term on the offender. 9444

(e) If the amount of marihuana involved equals or exceeds 9445
five thousand grams but is less than twenty thousand grams, 9446
illegal cultivation of marihuana is a felony of the third degree 9447
or, if the offense was committed in the vicinity of a school or 9448
in the vicinity of a juvenile, a felony of the second degree, 9449
and there is a presumption for a prison term for the offense. 9450

(f) Except as otherwise provided in this division, if the 9451
amount of marihuana involved equals or exceeds twenty thousand 9452
grams, illegal cultivation of marihuana is a felony of the 9453
second degree, and the court shall impose as a mandatory prison 9454
term a maximum second degree felony mandatory prison term. If 9455
the amount of the drug involved equals or exceeds twenty 9456
thousand grams and if the offense was committed in the vicinity 9457

of a school or in the vicinity of a juvenile, illegal 9458
cultivation of marihuana is a felony of the first degree, and 9459
the court shall impose as a mandatory prison term a maximum 9460
first degree felony mandatory prison term. 9461

(D) In addition to any prison term authorized or required 9462
by division (C) or (E) of this section and sections 2929.13 and 9463
2929.14 of the Revised Code and in addition to any other 9464
sanction imposed for the offense under this section or sections 9465
2929.11 to 2929.18 of the Revised Code, the court that sentences 9466
an offender who is convicted of or pleads guilty to a violation 9467
of division (A) of this section may suspend the offender's 9468
driver's or commercial driver's license or permit in accordance 9469
with division ~~(G)~~(O) of section 2925.03 of the Revised Code. 9470
However, if the offender pleaded guilty to or was convicted of a 9471
violation of section 4511.19 of the Revised Code or a 9472
substantially similar municipal ordinance or the law of another 9473
state or the United States arising out of the same set of 9474
circumstances as the violation, the court shall suspend the 9475
offender's driver's or commercial driver's license or permit in 9476
accordance with division ~~(G)~~(O) of section 2925.03 of the 9477
Revised Code. If applicable, the court also shall do the 9478
following: 9479

(1) If the violation of division (A) of this section is a 9480
felony of the first, second, or third degree, the court shall 9481
impose upon the offender the mandatory fine specified for the 9482
offense under division (B)(1) of section 2929.18 of the Revised 9483
Code unless, as specified in that division, the court determines 9484
that the offender is indigent. The clerk of the court shall pay 9485
a mandatory fine or other fine imposed for a violation of this 9486
section pursuant to division (A) of section 2929.18 of the 9487
Revised Code in accordance with and subject to the requirements 9488

of division ~~(F)~~(N) of section 2925.03 of the Revised Code. The 9489
agency that receives the fine shall use the fine as specified in 9490
division ~~(F)~~(N) of section 2925.03 of the Revised Code. If a 9491
person is charged with a violation of this section that is a 9492
felony of the first, second, or third degree, posts bail, and 9493
forfeits the bail, the clerk shall pay the forfeited bail as if 9494
the forfeited bail were a fine imposed for a violation of this 9495
section. 9496

(2) If the offender is a professionally licensed person, 9497
the court immediately shall comply with section 2925.38 of the 9498
Revised Code. 9499

(E) Notwithstanding the prison term otherwise authorized 9500
or required for the offense under division (C) of this section 9501
and sections 2929.13 and 2929.14 of the Revised Code, if the 9502
violation of division (A) of this section involves the sale, 9503
offer to sell, or possession of a schedule I or II controlled 9504
substance, with the exception of marihuana, and if the court 9505
imposing sentence upon the offender finds that the offender as a 9506
result of the violation is a major drug offender and is guilty 9507
of a specification of the type described in division (A) of 9508
section 2941.1410 of the Revised Code, the court, in lieu of the 9509
prison term otherwise authorized or required, shall impose upon 9510
the offender the mandatory prison term specified in division (B) 9511
(3) of section 2929.14 of the Revised Code. 9512

(F) It is an affirmative defense, as provided in section 9513
2901.05 of the Revised Code, to a charge under this section for 9514
a fifth degree felony violation of illegal cultivation of 9515
marihuana that the marihuana that gave rise to the charge is in 9516
an amount, is in a form, is prepared, compounded, or mixed with 9517
substances that are not controlled substances in a manner, or is 9518

possessed or cultivated under any other circumstances that 9519
indicate that the marihuana was solely for personal use. 9520

Notwithstanding any contrary provision of division (F) of 9521
this section, if, in accordance with section 2901.05 of the 9522
Revised Code, a person who is charged with a violation of 9523
illegal cultivation of marihuana that is a felony of the fifth 9524
degree sustains the burden of going forward with evidence of and 9525
establishes by a preponderance of the evidence the affirmative 9526
defense described in this division, the person may be prosecuted 9527
for and may be convicted of or plead guilty to a misdemeanor 9528
violation of illegal cultivation of marihuana. 9529

(G) Arrest or conviction for a minor misdemeanor violation 9530
of this section does not constitute a criminal record and need 9531
not be reported by the person so arrested or convicted in 9532
response to any inquiries about the person's criminal record, 9533
including any inquiries contained in an application for 9534
employment, a license, or any other right or privilege or made 9535
in connection with the person's appearance as a witness. 9536

(H) (1) If the sentencing court suspends the offender's 9537
driver's or commercial driver's license or permit under this 9538
section in accordance with division ~~(G)~~(O) of section 2925.03 of 9539
the Revised Code, the offender may request termination of, and 9540
the court may terminate, the suspension of the offender in 9541
accordance with that division. 9542

(2) Any offender who received a mandatory suspension of 9543
the offender's driver's or commercial driver's license or permit 9544
under this section prior to September 13, 2016, may file a 9545
motion with the sentencing court requesting the termination of 9546
the suspension. However, an offender who pleaded guilty to or 9547
was convicted of a violation of section 4511.19 of the Revised 9548

Code or a substantially similar municipal ordinance or law of 9549
another state or the United States that arose out of the same 9550
set of circumstances as the violation for which the offender's 9551
license or permit was suspended under this section shall not 9552
file such a motion. 9553

Upon the filing of a motion under division (H) (2) of this 9554
section, the sentencing court, in its discretion, may terminate 9555
the suspension. 9556

Sec. 2925.041. (A) No person shall knowingly assemble or 9557
possess one or more chemicals that may be used to manufacture a 9558
controlled substance in schedule I or II with the intent to 9559
manufacture a controlled substance in schedule I or II in 9560
violation of section 2925.04 of the Revised Code. 9561

(B) In a prosecution under this section, it is not 9562
necessary to allege or prove that the offender assembled or 9563
possessed all chemicals necessary to manufacture a controlled 9564
substance in schedule I or II. The assembly or possession of a 9565
single chemical that may be used in the manufacture of a 9566
controlled substance in schedule I or II, with the intent to 9567
manufacture a controlled substance in either schedule, is 9568
sufficient to violate this section. 9569

(C) Whoever violates this section is guilty of illegal 9570
assembly or possession of chemicals for the manufacture of 9571
drugs. Except as otherwise provided in this division, illegal 9572
assembly or possession of chemicals for the manufacture of drugs 9573
is a felony of the third degree, and, except as otherwise 9574
provided in division (C) (1) or (2) of this section, division (C) 9575
of section 2929.13 of the Revised Code applies in determining 9576
whether to impose a prison term on the offender. If the offense 9577
was committed in the vicinity of a juvenile or in the vicinity 9578

of a school, illegal assembly or possession of chemicals for the 9579
manufacture of drugs is a felony of the second degree, and, 9580
except as otherwise provided in division (C) (1) or (2) of this 9581
section, division (C) of section 2929.13 of the Revised Code 9582
applies in determining whether to impose a prison term on the 9583
offender. If the violation of division (A) of this section is a 9584
felony of the third degree under this division and if the 9585
chemical or chemicals assembled or possessed in violation of 9586
division (A) of this section may be used to manufacture 9587
methamphetamine, there either is a presumption for a prison term 9588
for the offense or the court shall impose a mandatory prison 9589
term on the offender, determined as follows: 9590

(1) Except as otherwise provided in this division, there 9591
is a presumption for a prison term for the offense. If the 9592
offender two or more times previously has been convicted of or 9593
pleaded guilty to a felony drug abuse offense, except as 9594
otherwise provided in this division, the court shall impose as a 9595
mandatory prison term one of the prison terms prescribed for a 9596
felony of the third degree that is not less than two years. If 9597
the offender two or more times previously has been convicted of 9598
or pleaded guilty to a felony drug abuse offense and if at least 9599
one of those previous convictions or guilty pleas was to a 9600
violation of division (A) of this section, a violation of 9601
division (B) (6) of section 2919.22 of the Revised Code, or a 9602
violation of division (A) of section 2925.04 of the Revised 9603
Code, the court shall impose as a mandatory prison term one of 9604
the prison terms prescribed for a felony of the third degree 9605
that is not less than five years. 9606

(2) If the violation of division (A) of this section is a 9607
felony of the second degree under division (C) of this section 9608
and the chemical or chemicals assembled or possessed in 9609

committing the violation may be used to manufacture 9610
methamphetamine, the court shall impose as a mandatory prison 9611
term a second degree felony mandatory prison term that is not 9612
less than three years. If the violation of division (A) of this 9613
section is a felony of the second degree under division (C) of 9614
this section, if the chemical or chemicals assembled or 9615
possessed in committing the violation may be used to manufacture 9616
methamphetamine, and if the offender previously has been 9617
convicted of or pleaded guilty to a violation of division (A) of 9618
this section, a violation of division (B) (6) of section 2919.22 9619
of the Revised Code, or a violation of division (A) of section 9620
2925.04 of the Revised Code, the court shall impose as a 9621
mandatory prison term a second degree felony mandatory prison 9622
term that is not less than five years. 9623

(D) In addition to any prison term authorized by division 9624
(C) of this section and sections 2929.13 and 2929.14 of the 9625
Revised Code and in addition to any other sanction imposed for 9626
the offense under this section or sections 2929.11 to 2929.18 of 9627
the Revised Code, the court that sentences an offender who is 9628
convicted of or pleads guilty to a violation of this section may 9629
suspend the offender's driver's or commercial driver's license 9630
or permit in accordance with division ~~(G)~~(O) of section 2925.03 9631
of the Revised Code. However, if the offender pleaded guilty to 9632
or was convicted of a violation of section 4511.19 of the 9633
Revised Code or a substantially similar municipal ordinance or 9634
the law of another state or the United States arising out of the 9635
same set of circumstances as the violation, the court shall 9636
suspend the offender's driver's or commercial driver's license 9637
or permit in accordance with division ~~(G)~~(O) of section 2925.03 9638
of the Revised Code. If applicable, the court also shall do the 9639
following: 9640

(1) The court shall impose upon the offender the mandatory fine specified for the offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. The clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section under division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division ~~(F)~~(N) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division ~~(F)~~(N) of section 2925.03 of the Revised Code. If a person charged with a violation of this section posts bail and forfeits the bail, the clerk shall pay the forfeited bail as if the forfeited bail were a fine imposed for a violation of this section.

(2) If the offender is a professionally licensed person or a person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules, the court shall comply with section 2925.38 of the Revised Code.

(E) (1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under this section in accordance with division ~~(G)~~(O) of section 2925.03 of the Revised Code, the offender may request termination of, and the court may terminate, the suspension of the offender in accordance with that division.

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or

was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under division (E)(2) of this section, the sentencing court, in its discretion, may terminate the suspension.

Sec. 2925.05. (A) No person shall knowingly provide money or other items of value to another person with the purpose that the recipient of the money or items of value use them to obtain any controlled substance for the purpose of violating section 2925.04 of the Revised Code or for the purpose of selling or offering to sell the controlled substance in the following amount:

(1) If the drug to be sold or offered for sale is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish, or schedule III, IV, or V, an amount of the drug that equals or exceeds the bulk amount of the drug;

(2) If the drug to be sold or offered for sale is marihuana or a compound, mixture, preparation, or substance other than hashish containing marihuana, an amount of the marihuana that equals or exceeds two hundred grams;

(3) If the drug to be sold or offered for sale is cocaine or a compound, mixture, preparation, or substance containing cocaine, an amount of the cocaine that equals or exceeds five

grams; 9700

(4) If the drug to be sold or offered for sale is L.S.D. 9701
or a compound, mixture, preparation, or substance containing 9702
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 9703
doses if the L.S.D. is in a solid form or equals or exceeds one 9704
gram if the L.S.D. is in a liquid concentrate, liquid extract, 9705
or liquid distillate form; 9706

(5) If the drug to be sold or offered for sale is heroin 9707
or a fentanyl-related compound, or a compound, mixture, 9708
preparation, or substance containing heroin or a fentanyl- 9709
related compound, an amount that equals or exceeds ten unit 9710
doses or equals or exceeds one gram; 9711

(6) If the drug to be sold or offered for sale is hashish 9712
or a compound, mixture, preparation, or substance containing 9713
hashish, an amount of the hashish that equals or exceeds ten 9714
grams if the hashish is in a solid form or equals or exceeds two 9715
grams if the hashish is in a liquid concentrate, liquid extract, 9716
or liquid distillate form. 9717

(B) This section does not apply to any person listed in 9718
division (B) (1), (2), or (3) of section 2925.03 of the Revised 9719
Code to the extent and under the circumstances described in 9720
those divisions. 9721

(C) (1) If the drug involved in the violation is any 9722
compound, mixture, preparation, or substance included in 9723
schedule I or II, with the exception of marihuana, whoever 9724
violates division (A) of this section is guilty of aggravated 9725
funding of drug trafficking, a felony of the first degree, and, 9726
subject to division (E) of this section, the court shall impose 9727
as a mandatory prison term a first degree felony mandatory 9728

prison term. 9729

(2) If the drug involved in the violation is any compound, 9730
mixture, preparation, or substance included in schedule III, IV, 9731
or V, whoever violates division (A) of this section is guilty of 9732
funding of drug trafficking, a felony of the second degree, and 9733
the court shall impose as a mandatory prison term a second 9734
degree felony mandatory prison term. 9735

(3) If the drug involved in the violation is marihuana, 9736
whoever violates division (A) of this section is guilty of 9737
funding of marihuana trafficking, a felony of the third degree, 9738
and, except as otherwise provided in this division, there is a 9739
presumption for a prison term for the offense. If funding of 9740
marihuana trafficking is a felony of the third degree under this 9741
division and if the offender two or more times previously has 9742
been convicted of or pleaded guilty to a felony drug abuse 9743
offense, the court shall impose as a mandatory prison term one 9744
of the prison terms prescribed for a felony of the third degree. 9745

(D) In addition to any prison term authorized or required 9746
by division (C) or (E) of this section and sections 2929.13 and 9747
2929.14 of the Revised Code and in addition to any other 9748
sanction imposed for the offense under this section or sections 9749
2929.11 to 2929.18 of the Revised Code, the court that sentences 9750
an offender who is convicted of or pleads guilty to a violation 9751
of division (A) of this section may suspend the offender's 9752
driver's or commercial driver's license or permit in accordance 9753
with division ~~(G)~~(O) of section 2925.03 of the Revised Code. 9754
However, if the offender pleaded guilty to or was convicted of a 9755
violation of section 4511.19 of the Revised Code or a 9756
substantially similar municipal ordinance or the law of another 9757
state or the United States arising out of the same set of 9758

circumstances as the violation, the court shall suspend the 9759
offender's driver's or commercial driver's license or permit in 9760
accordance with division ~~(G)~~(O) of section 2925.03 of the 9761
Revised Code. If applicable, the court also shall do the 9762
following: 9763

(1) The court shall impose the mandatory fine specified 9764
for the offense under division (B)(1) of section 2929.18 of the 9765
Revised Code unless, as specified in that division, the court 9766
determines that the offender is indigent. The clerk of the court 9767
shall pay a mandatory fine or other fine imposed for a violation 9768
of this section pursuant to division (A) of section 2929.18 of 9769
the Revised Code in accordance with and subject to the 9770
requirements of division ~~(F)~~(N) of section 2925.03 of the 9771
Revised Code. The agency that receives the fine shall use the 9772
fine in accordance with division ~~(F)~~(N) of section 2925.03 of 9773
the Revised Code. If a person is charged with a violation of 9774
this section, posts bail, and forfeits the bail, the forfeited 9775
bail shall be paid as if the forfeited bail were a fine imposed 9776
for a violation of this section. 9777

(2) If the offender is a professionally licensed person, 9778
the court immediately shall comply with section 2925.38 of the 9779
Revised Code. 9780

(E) Notwithstanding the prison term otherwise authorized 9781
or required for the offense under division (C) of this section 9782
and sections 2929.13 and 2929.14 of the Revised Code, if the 9783
violation of division (A) of this section involves the sale, 9784
offer to sell, or possession of a schedule I or II controlled 9785
substance, with the exception of marihuana, one of the following 9786
applies: 9787

(1) If the drug involved in the violation is a fentanyl- 9788

related compound, the offense is a felony of the first degree, 9789
the offender is a major drug offender, and the court shall 9790
impose as a mandatory prison term the maximum prison term 9791
prescribed for a felony of the first degree. 9792

(2) If division (E) (1) of this section does not apply and 9793
the court imposing sentence upon the offender finds that the 9794
offender as a result of the violation is a major drug offender 9795
and is guilty of a specification of the type described in 9796
division (A) of section 2941.1410 of the Revised Code, the 9797
court, in lieu of the prison term otherwise authorized or 9798
required, shall impose upon the offender the mandatory prison 9799
term specified in division (B) (3) of section 2929.14 of the 9800
Revised Code. 9801

(F) (1) If the sentencing court suspends the offender's 9802
driver's or commercial driver's license or permit under this 9803
section in accordance with division ~~(G)~~ (O) of section 2925.03 of 9804
the Revised Code, the offender may request termination of, and 9805
the court may terminate, the suspension in accordance with that 9806
division. 9807

(2) Any offender who received a mandatory suspension of 9808
the offender's driver's or commercial driver's license or permit 9809
under this section prior to September 13, 2016, may file a 9810
motion with the sentencing court requesting the termination of 9811
the suspension. However, an offender who pleaded guilty to or 9812
was convicted of a violation of section 4511.19 of the Revised 9813
Code or a substantially similar municipal ordinance or law of 9814
another state or the United States that arose out of the same 9815
set of circumstances as the violation for which the offender's 9816
license or permit was suspended under this section shall not 9817
file such a motion. 9818

Upon the filing of a motion under division (F) (2) of this section, the sentencing court, in its discretion, may terminate the suspension.

Sec. 2925.06. (A) No person shall knowingly administer to a human being, or prescribe or dispense for administration to a human being, any anabolic steroid not approved by the United States food and drug administration for administration to human beings.

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

(C) Whoever violates division (A) of this section is guilty of illegal administration or distribution of anabolic steroids, a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(D) (1) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend the offender's driver's or commercial driver's license or permit in accordance with division ~~(C)~~(O) of section 2925.03 of the Revised Code. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of

circumstances as the violation, the court shall suspend the 9849
offender's driver's or commercial driver's license or permit in 9850
accordance with division ~~(G)~~(O) of section 2925.03 of the 9851
Revised Code. If an offender's driver's or commercial driver's 9852
license or permit is suspended in accordance with that division, 9853
the offender may request termination of, and the court may 9854
terminate, the suspension in accordance with that division. 9855

If the offender is a professionally licensed person, the 9856
court immediately shall comply with section 2925.38 of the 9857
Revised Code. 9858

(2) Any offender who received a mandatory suspension of 9859
the offender's driver's or commercial driver's license or permit 9860
under this section prior to ~~the effective date of this amendment~~ 9861
September 13, 2016, may file a motion with the sentencing court 9862
requesting the termination of the suspension. However, an 9863
offender who pleaded guilty to or was convicted of a violation 9864
of section 4511.19 of the Revised Code or a substantially 9865
similar municipal ordinance or law of another state or the 9866
United States that arose out of the same set of circumstances as 9867
the violation for which the offender's license or permit was 9868
suspended under this section shall not file such a motion. 9869

Upon the filing of a motion under division (D)(2) of this 9870
section, the sentencing court, in its discretion, may terminate 9871
the suspension. 9872

(E) If a person commits any act that constitutes a 9873
violation of division (A) of this section and that also 9874
constitutes a violation of any other provision of the Revised 9875
Code, the prosecutor, as defined in section 2935.01 of the 9876
Revised Code, using customary prosecutorial discretion, may 9877
prosecute the person for a violation of the appropriate 9878

provision of the Revised Code. 9879

Sec. 2925.13. (A) No person who is the owner, operator, or 9880
person in charge of a locomotive, watercraft, aircraft, or other 9881
vehicle, as defined in division (A) of section 4501.01 of the 9882
Revised Code, shall knowingly permit the vehicle to be used for 9883
the commission of a felony drug abuse offense. 9884

(B) No person who is the owner, lessee, or occupant, or 9885
who has custody, control, or supervision, of premises or real 9886
estate, including vacant land, shall knowingly permit the 9887
premises or real estate, including vacant land, to be used for 9888
the commission of a felony drug abuse offense by another person. 9889

(C) (1) Whoever violates this section is guilty of 9890
permitting drug abuse. 9891

(2) Except as provided in division (C) (3) of this section, 9892
permitting drug abuse is a misdemeanor of the first degree. 9893

(3) Permitting drug abuse is a felony of the fifth degree, 9894
and division (C) of section 2929.13 of the Revised Code applies 9895
in determining whether to impose a prison term on the offender, 9896
if either of the following applies: 9897

(a) The felony drug abuse offense in question is a 9898
violation of section 2925.02, 2925.03, 2925.031, 2925.032, or 9899
2925.04 of the Revised Code. 9900

(b) The felony drug abuse offense in question is a 9901
violation of section 2925.041 of the Revised Code and the 9902
offender had actual knowledge, at the time the offender 9903
permitted the vehicle, premises, or real estate to be used as 9904
described in division (A) or (B) of this section, that the 9905
person who assembled or possessed the chemicals in question in 9906
violation of section 2925.041 of the Revised Code had assembled 9907

or possessed them with the intent to manufacture a controlled 9908
substance in schedule I or II in violation of section 2925.04 of 9909
the Revised Code. 9910

(D) (1) In addition to any prison term authorized or 9911
required by division (C) of this section and sections 2929.13 9912
and 2929.14 of the Revised Code and in addition to any other 9913
sanction imposed for the offense under this section or sections 9914
2929.11 to 2929.18 of the Revised Code, the court that sentences 9915
a person who is convicted of or pleads guilty to a violation of 9916
division (A) of this section may suspend for not more than five 9917
years the offender's driver's or commercial driver's license or 9918
permit. However, if the offender pleaded guilty to or was 9919
convicted of a violation of section 4511.19 of the Revised Code 9920
or a substantially similar municipal ordinance or the law of 9921
another state or the United States arising out of the same set 9922
of circumstances as the violation, the court shall suspend the 9923
offender's driver's or commercial driver's license or permit for 9924
not more than five years. 9925

If the offender is a professionally licensed person, in 9926
addition to any other sanction imposed for a violation of this 9927
section, the court immediately shall comply with section 2925.38 9928
of the Revised Code. 9929

(2) Any offender who received a mandatory suspension of 9930
the offender's driver's or commercial driver's license or permit 9931
under this section prior to September 13, 2016, may file a 9932
motion with the sentencing court requesting the termination of 9933
the suspension. However, an offender who pleaded guilty to or 9934
was convicted of a violation of section 4511.19 of the Revised 9935
Code or a substantially similar municipal ordinance or law of 9936
another state or the United States that arose out of the same 9937

set of circumstances as the violation for which the offender's 9938
license or permit was suspended under this section shall not 9939
file such a motion. 9940

Upon the filing of a motion under division (D) (2) of this 9941
section, the sentencing court, in its discretion, may terminate 9942
the suspension. 9943

(E) Notwithstanding any contrary provision of section 9944
3719.21 of the Revised Code, the clerk of the court shall pay a 9945
fine imposed for a violation of this section pursuant to 9946
division (A) of section 2929.18 of the Revised Code in 9947
accordance with and subject to the requirements of division ~~(F)~~ 9948
(N) of section 2925.03 of the Revised Code. The agency that 9949
receives the fine shall use the fine as specified in division 9950
~~(F)~~(N) of section 2925.03 of the Revised Code. 9951

(F) Any premises or real estate that is permitted to be 9952
used in violation of division (B) of this section constitutes a 9953
nuisance subject to abatement pursuant to Chapter 3767. of the 9954
Revised Code. 9955

Sec. 2925.22. (A) No person, by deception, shall procure 9956
the administration of, a prescription for, or the dispensing of, 9957
a dangerous drug or shall possess an uncompleted preprinted 9958
prescription blank used for writing a prescription for a 9959
dangerous drug. 9960

(B) Whoever violates this section is guilty of deception 9961
to obtain a dangerous drug. The penalty for the offense shall be 9962
determined as follows: 9963

(1) If the person possesses an uncompleted preprinted 9964
prescription blank used for writing a prescription for a 9965
dangerous drug or if the drug involved is a dangerous drug, 9966

except as otherwise provided in division (B) (2) or (3) of this 9967
section, deception to obtain a dangerous drug is a felony of the 9968
fifth degree or, if the offender previously has been convicted 9969
of or pleaded guilty to a drug abuse offense, a felony of the 9970
fourth degree. Division (C) of section 2929.13 of the Revised 9971
Code applies in determining whether to impose a prison term on 9972
the offender pursuant to this division. 9973

(2) If the drug involved is a compound, mixture, 9974
preparation, or substance included in schedule I or II, with the 9975
exception of marihuana, the penalty for deception to obtain 9976
drugs is one of the following: 9977

(a) Except as otherwise provided in division (B) (2) (b), 9978
(c), or (d) of this section, it is a felony of the fourth 9979
degree, and division (C) of section 2929.13 of the Revised Code 9980
applies in determining whether to impose a prison term on the 9981
offender. 9982

(b) If the amount of the drug involved equals or exceeds 9983
the bulk amount but is less than five times the bulk amount, or 9984
if the amount of the drug involved that could be obtained 9985
pursuant to the prescription would equal or exceed the bulk 9986
amount but would be less than five times the bulk amount, it is 9987
a felony of the third degree, and there is a presumption for a 9988
prison term for the offense. 9989

(c) If the amount of the drug involved equals or exceeds 9990
five times the bulk amount but is less than fifty times the bulk 9991
amount, or if the amount of the drug involved that could be 9992
obtained pursuant to the prescription would equal or exceed five 9993
times the bulk amount but would be less than fifty times the 9994
bulk amount, it is a felony of the second degree, and there is a 9995
presumption for a prison term for the offense. 9996

(d) If the amount of the drug involved equals or exceeds 9997
fifty times the bulk amount, or if the amount of the drug 9998
involved that could be obtained pursuant to the prescription 9999
would equal or exceed fifty times the bulk amount, it is a 10000
felony of the first degree, and there is a presumption for a 10001
prison term for the offense. 10002

(3) If the drug involved is a compound, mixture, 10003
preparation, or substance included in schedule III, IV, or V or 10004
is marihuana, the penalty for deception to obtain a dangerous 10005
drug is one of the following: 10006

(a) Except as otherwise provided in division (B) (3) (b), 10007
(c), or (d) of this section, it is a felony of the fifth degree, 10008
and division (C) of section 2929.13 of the Revised Code applies 10009
in determining whether to impose a prison term on the offender. 10010

(b) If the amount of the drug involved equals or exceeds 10011
the bulk amount but is less than five times the bulk amount, or 10012
if the amount of the drug involved that could be obtained 10013
pursuant to the prescription would equal or exceed the bulk 10014
amount but would be less than five times the bulk amount, it is 10015
a felony of the fourth degree, and division (C) of section 10016
2929.13 of the Revised Code applies in determining whether to 10017
impose a prison term on the offender. 10018

(c) If the amount of the drug involved equals or exceeds 10019
five times the bulk amount but is less than fifty times the bulk 10020
amount, or if the amount of the drug involved that could be 10021
obtained pursuant to the prescription would equal or exceed five 10022
times the bulk amount but would be less than fifty times the 10023
bulk amount, it is a felony of the third degree, and there is a 10024
presumption for a prison term for the offense. 10025

(d) If the amount of the drug involved equals or exceeds 10026
fifty times the bulk amount, or if the amount of the drug 10027
involved that could be obtained pursuant to the prescription 10028
would equal or exceed fifty times the bulk amount, it is a 10029
felony of the second degree, and there is a presumption for a 10030
prison term for the offense. 10031

(C) (1) In addition to any prison term authorized or 10032
required by division (B) of this section and sections 2929.13 10033
and 2929.14 of the Revised Code and in addition to any other 10034
sanction imposed for the offense under this section or sections 10035
2929.11 to 2929.18 of the Revised Code, the court that sentences 10036
an offender who is convicted of or pleads guilty to a violation 10037
of division (A) of this section may suspend for not more than 10038
five years the offender's driver's or commercial driver's 10039
license or permit. However, if the offender pleaded guilty to or 10040
was convicted of a violation of section 4511.19 of the Revised 10041
Code or a substantially similar municipal ordinance or the law 10042
of another state or the United States arising out of the same 10043
set of circumstances as the violation, the court shall suspend 10044
the offender's driver's or commercial driver's license or permit 10045
for not more than five years. 10046

If the offender is a professionally licensed person, in 10047
addition to any other sanction imposed for a violation of this 10048
section, the court immediately shall comply with section 2925.38 10049
of the Revised Code. 10050

(2) Any offender who received a mandatory suspension of 10051
the offender's driver's or commercial driver's license or permit 10052
under this section prior to ~~the effective date of this amendment~~ 10053
September 13, 2016, may file a motion with the sentencing court 10054
requesting the termination of the suspension. However, an 10055

offender who pleaded guilty to or was convicted of a violation 10056
of section 4511.19 of the Revised Code or a substantially 10057
similar municipal ordinance or law of another state or the 10058
United States that arose out of the same set of circumstances as 10059
the violation for which the offender's license or permit was 10060
suspended under this section shall not file such a motion. 10061

Upon the filing of a motion under division (C) (2) of this 10062
section, the sentencing court, in its discretion, may terminate 10063
the suspension. 10064

(D) Notwithstanding any contrary provision of section 10065
3719.21 of the Revised Code, the clerk of the court shall pay a 10066
fine imposed for a violation of this section pursuant to 10067
division (A) of section 2929.18 of the Revised Code in 10068
accordance with and subject to the requirements of division ~~(F)~~ 10069
(N) of section 2925.03 of the Revised Code. The agency that 10070
receives the fine shall use the fine as specified in division 10071
~~(F)~~(N) of section 2925.03 of the Revised Code. 10072

Sec. 2925.23. (A) No person shall knowingly make a false 10073
statement in any prescription, order, report, or record required 10074
by Chapter 3719. or 4729. of the Revised Code. 10075

(B) No person shall intentionally make, utter, or sell, or 10076
knowingly possess any of the following that is a false or 10077
forged: 10078

- (1) Prescription; 10079
- (2) Uncompleted preprinted prescription blank used for 10080
writing a prescription; 10081
- (3) Official written order; 10082
- (4) License for a terminal distributor of dangerous drugs, 10083

as defined in section 4729.01 of the Revised Code;	10084
(5) License for a manufacturer of dangerous drugs,	10085
outsourcing facility, third-party logistics provider, repackager	10086
of dangerous drugs, or wholesale distributor of dangerous drugs,	10087
as defined in section 4729.01 of the Revised Code.	10088
(C) No person, by theft as defined in section 2913.02 of	10089
the Revised Code, shall acquire any of the following:	10090
(1) A prescription;	10091
(2) An uncompleted preprinted prescription blank used for	10092
writing a prescription;	10093
(3) An official written order;	10094
(4) A blank official written order;	10095
(5) A license or blank license for a terminal distributor	10096
of dangerous drugs, as defined in section 4729.01 of the Revised	10097
Code;	10098
(6) A license or blank license for a manufacturer of	10099
dangerous drugs, outsourcing facility, third-party logistics	10100
provider, repackager of dangerous drugs, or wholesale	10101
distributor of dangerous drugs, as defined in section 4729.01 of	10102
the Revised Code.	10103
(D) No person shall knowingly make or affix any false or	10104
forged label to a package or receptacle containing any dangerous	10105
drugs.	10106
(E) Divisions (A) and (D) of this section do not apply to	10107
licensed health professionals authorized to prescribe drugs,	10108
pharmacists, owners of pharmacies, and other persons whose	10109
conduct is in accordance with Chapters 3719., 4715., 4723.,	10110

4725., 4729., 4730., 4731., and 4741. of the Revised Code. 10111

(F) Whoever violates this section is guilty of illegal 10112
processing of drug documents. If the offender violates division 10113
(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 10114
section, illegal processing of drug documents is a felony of the 10115
fifth degree. If the offender violates division (A), division 10116
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 10117
section, the penalty for illegal processing of drug documents 10118
shall be determined as follows: 10119

(1) If the drug involved is a compound, mixture, 10120
preparation, or substance included in schedule I or II, with the 10121
exception of marihuana, illegal processing of drug documents is 10122
a felony of the fourth degree, and division (C) of section 10123
2929.13 of the Revised Code applies in determining whether to 10124
impose a prison term on the offender. 10125

(2) If the drug involved is a dangerous drug or a 10126
compound, mixture, preparation, or substance included in 10127
schedule III, IV, or V or is marihuana, illegal processing of 10128
drug documents is a felony of the fifth degree, and division (C) 10129
of section 2929.13 of the Revised Code applies in determining 10130
whether to impose a prison term on the offender. 10131

(G) (1) In addition to any prison term authorized or 10132
required by division (F) of this section and sections 2929.13 10133
and 2929.14 of the Revised Code and in addition to any other 10134
sanction imposed for the offense under this section or sections 10135
2929.11 to 2929.18 of the Revised Code, the court that sentences 10136
an offender who is convicted of or pleads guilty to any 10137
violation of divisions (A) to (D) of this section may suspend 10138
for not more than five years the offender's driver's or 10139
commercial driver's license or permit. However, if the offender 10140

pleaded guilty to or was convicted of a violation of section 10141
4511.19 of the Revised Code or a substantially similar municipal 10142
ordinance or the law of another state or the United States 10143
arising out of the same set of circumstances as the violation, 10144
the court shall suspend the offender's driver's or commercial 10145
driver's license or permit for not more than five years. 10146

If the offender is a professionally licensed person, in 10147
addition to any other sanction imposed for a violation of this 10148
section, the court immediately shall comply with section 2925.38 10149
of the Revised Code. 10150

(2) Any offender who received a mandatory suspension of 10151
the offender's driver's or commercial driver's license or permit 10152
under this section prior to September 13, 2016, may file a 10153
motion with the sentencing court requesting the termination of 10154
the suspension. However, an offender who pleaded guilty to or 10155
was convicted of a violation of section 4511.19 of the Revised 10156
Code or a substantially similar municipal ordinance or law of 10157
another state or the United States that arose out of the same 10158
set of circumstances as the violation for which the offender's 10159
license or permit was suspended under this section shall not 10160
file such a motion. 10161

Upon the filing of a motion under division (G)(2) of this 10162
section, the sentencing court, in its discretion, may terminate 10163
the suspension. 10164

(H) Notwithstanding any contrary provision of section 10165
3719.21 of the Revised Code, the clerk of court shall pay a fine 10166
imposed for a violation of this section pursuant to division (A) 10167
of section 2929.18 of the Revised Code in accordance with and 10168
subject to the requirements of division ~~(F)~~(N) of section 10169
2925.03 of the Revised Code. The agency that receives the fine 10170

shall use the fine as specified in division ~~(F)~~(N) of section 10171
2925.03 of the Revised Code. 10172

Sec. 2925.36. (A) No person shall knowingly furnish 10173
another a sample drug. 10174

(B) Division (A) of this section does not apply to 10175
manufacturers, wholesalers, pharmacists, owners of pharmacies, 10176
licensed health professionals authorized to prescribe drugs, and 10177
other persons whose conduct is in accordance with Chapters 10178
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 10179
the Revised Code. 10180

(C) (1) Whoever violates this section is guilty of illegal 10181
dispensing of drug samples. 10182

(2) If the drug involved in the offense is a compound, 10183
mixture, preparation, or substance included in schedule I or II, 10184
with the exception of marihuana, the penalty for the offense 10185
shall be determined as follows: 10186

(a) Except as otherwise provided in division (C) (2) (b) of 10187
this section, illegal dispensing of drug samples is a felony of 10188
the fifth degree, and, subject to division (E) of this section, 10189
division (C) of section 2929.13 of the Revised Code applies in 10190
determining whether to impose a prison term on the offender. 10191

(b) If the offense was committed in the vicinity of a 10192
school or in the vicinity of a juvenile, illegal dispensing of 10193
drug samples is a felony of the fourth degree, and, subject to 10194
division (E) of this section, division (C) of section 2929.13 of 10195
the Revised Code applies in determining whether to impose a 10196
prison term on the offender. 10197

(3) If the drug involved in the offense is a dangerous 10198
drug or a compound, mixture, preparation, or substance included 10199

in schedule III, IV, or V, or is marihuana, the penalty for the 10200
offense shall be determined as follows: 10201

(a) Except as otherwise provided in division (C) (3) (b) of 10202
this section, illegal dispensing of drug samples is a 10203
misdemeanor of the second degree. 10204

(b) If the offense was committed in the vicinity of a 10205
school or in the vicinity of a juvenile, illegal dispensing of 10206
drug samples is a misdemeanor of the first degree. 10207

(D) (1) In addition to any prison term authorized or 10208
required by division (C) or (E) of this section and sections 10209
2929.13 and 2929.14 of the Revised Code and in addition to any 10210
other sanction imposed for the offense under this section or 10211
sections 2929.11 to 2929.18 of the Revised Code, the court that 10212
sentences an offender who is convicted of or pleads guilty to a 10213
violation of division (A) of this section may suspend for not 10214
more than five years the offender's driver's or commercial 10215
driver's license or permit. However, if the offender pleaded 10216
guilty to or was convicted of a violation of section 4511.19 of 10217
the Revised Code or a substantially similar municipal ordinance 10218
or the law of another state or the United States arising out of 10219
the same set of circumstances as the violation, the court shall 10220
suspend the offender's driver's or commercial driver's license 10221
or permit for not more than five years. 10222

If the offender is a professionally licensed person, in 10223
addition to any other sanction imposed for a violation of this 10224
section, the court immediately shall comply with section 2925.38 10225
of the Revised Code. 10226

(2) Any offender who received a mandatory suspension of 10227
the offender's driver's or commercial driver's license or permit 10228

under this section prior to September 13, 2016, may file a 10229
motion with the sentencing court requesting the termination of 10230
the suspension. However, an offender who pleaded guilty to or 10231
was convicted of a violation of section 4511.19 of the Revised 10232
Code or a substantially similar municipal ordinance or law of 10233
another state or the United States that arose out of the same 10234
set of circumstances as the violation for which the offender's 10235
license or permit was suspended under this section shall not 10236
file such a motion. 10237

Upon the filing of a motion under division (D) (2) of this 10238
section, the sentencing court, in its discretion, may terminate 10239
the suspension. 10240

(E) Notwithstanding the prison term authorized or required 10241
by division (C) of this section and sections 2929.13 and 2929.14 10242
of the Revised Code, if the violation of division (A) of this 10243
section involves the sale, offer to sell, or possession of a 10244
schedule I or II controlled substance, with the exception of 10245
marihuana, and if the court imposing sentence upon the offender 10246
finds that the offender as a result of the violation is a major 10247
drug offender and is guilty of a specification of the type 10248
described in division (A) of section 2941.1410 of the Revised 10249
Code, the court, in lieu of the prison term otherwise authorized 10250
or required, shall impose upon the offender the mandatory prison 10251
term specified in division (B) (3) (a) of section 2929.14 of the 10252
Revised Code. 10253

(F) Notwithstanding any contrary provision of section 10254
3719.21 of the Revised Code, the clerk of the court shall pay a 10255
fine imposed for a violation of this section pursuant to 10256
division (A) of section 2929.18 of the Revised Code in 10257
accordance with and subject to the requirements of division ~~(F)~~ 10258

(N) of section 2925.03 of the Revised Code. The agency that 10259
receives the fine shall use the fine as specified in division 10260
~~(F)~~ (N) of section 2925.03 of the Revised Code. 10261

Sec. 2925.37. (A) No person shall knowingly possess any 10262
counterfeit controlled substance. 10263

(B) No person shall knowingly make, sell, offer to sell, 10264
or deliver any substance that the person knows is a counterfeit 10265
controlled substance. 10266

(C) No person shall make, possess, sell, offer to sell, or 10267
deliver any punch, die, plate, stone, or other device knowing or 10268
having reason to know that it will be used to print or reproduce 10269
a trademark, trade name, or other identifying mark upon a 10270
counterfeit controlled substance. 10271

(D) No person shall sell, offer to sell, give, or deliver 10272
any counterfeit controlled substance to a juvenile. 10273

(E) No person shall directly or indirectly represent a 10274
counterfeit controlled substance as a controlled substance by 10275
describing its effects as the physical or psychological effects 10276
associated with use of a controlled substance. 10277

(F) No person shall directly or indirectly falsely 10278
represent or advertise a counterfeit controlled substance as a 10279
controlled substance. As used in this division, "advertise" 10280
means engaging in "advertisement," as defined in section 3715.01 10281
of the Revised Code. 10282

(G) Whoever violates division (A) of this section is 10283
guilty of possession of counterfeit controlled substances, a 10284
misdemeanor of the first degree. 10285

(H) Whoever violates division (B) or (C) of this section 10286

is guilty of trafficking in counterfeit controlled substances. 10287
Except as otherwise provided in this division, trafficking in 10288
counterfeit controlled substances is a felony of the fifth 10289
degree, and division (C) of section 2929.13 of the Revised Code 10290
applies in determining whether to impose a prison term on the 10291
offender. If the offense was committed in the vicinity of a 10292
school or in the vicinity of a juvenile, trafficking in 10293
counterfeit controlled substances is a felony of the fourth 10294
degree, and division (C) of section 2929.13 of the Revised Code 10295
applies in determining whether to impose a prison term on the 10296
offender. 10297

(I) Whoever violates division (D) of this section is 10298
guilty of aggravated trafficking in counterfeit controlled 10299
substances. Except as otherwise provided in this division, 10300
aggravated trafficking in counterfeit controlled substances is a 10301
felony of the fourth degree, and division (C) of section 2929.13 10302
of the Revised Code applies in determining whether to impose a 10303
prison term on the offender. 10304

(J) Whoever violates division (E) of this section is 10305
guilty of promoting and encouraging drug abuse. Except as 10306
otherwise provided in this division, promoting and encouraging 10307
drug abuse is a felony of the fifth degree, and division (C) of 10308
section 2929.13 of the Revised Code applies in determining 10309
whether to impose a prison term on the offender. If the offense 10310
was committed in the vicinity of a school or in the vicinity of 10311
a juvenile, promoting and encouraging drug abuse is a felony of 10312
the fourth degree, and division (C) of section 2929.13 of the 10313
Revised Code applies in determining whether to impose a prison 10314
term on the offender. 10315

(K) Whoever violates division (F) of this section is 10316

guilty of fraudulent drug advertising. Except as otherwise 10317
provided in this division, fraudulent drug advertising is a 10318
felony of the fifth degree, and division (C) of section 2929.13 10319
of the Revised Code applies in determining whether to impose a 10320
prison term on the offender. If the offense was committed in the 10321
vicinity of a school or in the vicinity of a juvenile, 10322
fraudulent drug advertising is a felony of the fourth degree, 10323
and division (C) of section 2929.13 of the Revised Code applies 10324
in determining whether to impose a prison term on the offender. 10325

(L) (1) In addition to any prison term authorized or 10326
required by divisions (H) to (K) of this section and sections 10327
2929.13 and 2929.14 of the Revised Code and in addition to any 10328
other sanction imposed for the offense under this section or 10329
sections 2929.11 to 2929.18 of the Revised Code, the court that 10330
sentences an offender who is convicted of or pleads guilty to a 10331
violation of division (B), (C), (D), (E), or (F) of this section 10332
may suspend for not more than five years the offender's driver's 10333
or commercial driver's license or permit. However, if the 10334
offender pleaded guilty to or was convicted of a violation of 10335
section 4511.19 of the Revised Code or a substantially similar 10336
municipal ordinance or the law of another state or the United 10337
States arising out of the same set of circumstances as the 10338
violation, the court shall suspend the offender's driver's or 10339
commercial driver's license or permit for not more than five 10340
years. 10341

If the offender is a professionally licensed person, in 10342
addition to any other sanction imposed for a violation of this 10343
section, the court immediately shall comply with section 2925.38 10344
of the Revised Code. 10345

(2) Any offender who received a mandatory suspension of 10346

the offender's driver's or commercial driver's license or permit 10347
under this section prior to ~~the effective date of this amendment~~ 10348
September 13, 2016 may file a motion with the sentencing court 10349
requesting the termination of the suspension. However, an 10350
offender who pleaded guilty to or was convicted of a violation 10351
of section 4511.19 of the Revised Code or a substantially 10352
similar municipal ordinance or law of another state or the 10353
United States that arose out of the same set of circumstances as 10354
the violation for which the offender's license or permit was 10355
suspended under this section shall not file such a motion. 10356

Upon the filing of a motion under division (L) (2) of this 10357
section, the sentencing court, in its discretion, may terminate 10358
the suspension. 10359

(M) Notwithstanding any contrary provision of section 10360
3719.21 of the Revised Code, the clerk of the court shall pay a 10361
fine imposed for a violation of this section pursuant to 10362
division (A) of section 2929.18 of the Revised Code in 10363
accordance with and subject to the requirements of division ~~(F)~~ 10364
(N) of section 2925.03 of the Revised Code. The agency that 10365
receives the fine shall use the fine as specified in division 10366
~~(F)~~(N) of section 2925.03 of the Revised Code. 10367

Sec. 2925.38. If a person who is convicted of or pleads 10368
guilty to a violation of section 2925.02, 2925.03, 2925.031, 10369
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 10370
2925.111, 2925.112, 2925.12, 2925.13, 2925.14, 2925.141, 10371
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 10372
Revised Code is a professionally licensed person, in addition to 10373
any other sanctions imposed for the violation, the court, except 10374
as otherwise provided in this section, immediately shall 10375
transmit a certified copy of the judgment entry of conviction to 10376

the regulatory or licensing board or agency that has the 10377
administrative authority to suspend or revoke the offender's 10378
professional license. If the professionally licensed person who 10379
is convicted of or pleads guilty to a violation of any section 10380
listed in this section is a person who has been admitted to the 10381
bar by order of the supreme court in compliance with its 10382
prescribed and published rules, in addition to any other 10383
sanctions imposed for the violation, the court immediately shall 10384
transmit a certified copy of the judgment entry of conviction to 10385
the secretary of the board of commissioners on grievances and 10386
discipline of the supreme court and to either the disciplinary 10387
counsel or the president, secretary, and chairperson of each 10388
certified grievance committee. 10389

Sec. 2925.42. (A) If a person is convicted of or pleads 10390
guilty to a felony drug abuse offense, or a juvenile is found by 10391
a juvenile court to be a delinquent child for an act that, if 10392
committed by an adult, would be a felony drug abuse offense, and 10393
derives profits or other proceeds from the offense or act, the 10394
court that imposes sentence or an order of disposition upon the 10395
offender or delinquent child, in lieu of any fine that the court 10396
is otherwise authorized or required to impose, may impose upon 10397
the offender or delinquent child a fine of not more than twice 10398
the gross profits or other proceeds so derived. 10399

(B) Notwithstanding any contrary provision of section 10400
3719.21 of the Revised Code, all fines imposed pursuant to this 10401
section shall be paid by the clerk of the court to the county, 10402
municipal corporation, township, park district, as created 10403
pursuant to section 511.18 or 1545.01 of the Revised Code, or 10404
state law enforcement agencies in this state that were primarily 10405
responsible for or involved in making the arrest of, and in 10406
prosecuting, the offender. However, no fine so imposed shall be 10407

paid to a law enforcement agency unless the agency has adopted a written internal control policy under division ~~(F)~~(N)(2) of section 2925.03 of the Revised Code that addresses the use of the fine moneys that it receives under this division and division ~~(F)~~(N)(1) of section 2925.03 of the Revised Code. The fines imposed and paid pursuant to this division shall be used by the law enforcement agencies to subsidize their efforts pertaining to drug offenses, in accordance with the written internal control policy adopted by the recipient agency under division ~~(F)~~(N)(2) of section 2925.03 of the Revised Code.

(C) As used in this section: 10418

(1) "Law enforcement agencies" includes, but is not limited to, the state board of pharmacy and the office of a prosecutor. 10419
10420
10421

(2) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 10422
10423

Sec. 2925.51. (A) In any criminal prosecution for a violation of this chapter or Chapter 3719. of the Revised Code, a laboratory report from the bureau of criminal identification and investigation, a laboratory operated by another law enforcement agency, or a laboratory established by or under the authority of an institution of higher education that has its main campus in this state and that is accredited by the association of American universities or the north central association of colleges and secondary schools, primarily for the purpose of providing scientific services to law enforcement agencies and signed by the person performing the analysis, stating that the substance that is the basis of the alleged offense has been weighed and analyzed and stating the findings as to the content, weight, and identity of the substance and

that it contains any amount of a controlled substance and the 10438
number and description of unit dosages, is prima-facie evidence 10439
of the content, identity, and weight or the existence and number 10440
of unit dosages of the substance. In any criminal prosecution 10441
for a violation of section 2925.041 of the Revised Code or a 10442
violation of this chapter or Chapter 3719. of the Revised Code 10443
that is based on the possession of chemicals sufficient to 10444
produce a compound, mixture, preparation, or substance included 10445
in schedule I, II, III, IV, or V, a laboratory report from the 10446
bureau or from any laboratory that is operated or established as 10447
described in this division that is signed by the person 10448
performing the analysis, stating that the substances that are 10449
the basis of the alleged offense have been weighed and analyzed 10450
and stating the findings as to the content, weight, and identity 10451
of each of the substances, is prima-facie evidence of the 10452
content, identity, and weight of the substances. 10453

Attached to that report shall be a copy of a notarized 10454
statement by the signer of the report giving the name of the 10455
signer and stating that the signer is an employee of the 10456
laboratory issuing the report and that performing the analysis 10457
is a part of the signer's regular duties, and giving an outline 10458
of the signer's education, training, and experience for 10459
performing an analysis of materials included under this section. 10460
The signer shall attest that scientifically accepted tests were 10461
performed with due caution, and that the evidence was handled in 10462
accordance with established and accepted procedures while in the 10463
custody of the laboratory. 10464

(B) The prosecuting attorney shall serve a copy of the 10465
report on the attorney of record for the accused, or on the 10466
accused if the accused has no attorney, prior to any proceeding 10467
in which the report is to be used against the accused other than 10468

at a preliminary hearing or grand jury proceeding where the 10469
report may be used without having been previously served upon 10470
the accused. 10471

(C) The report shall not be prima-facie evidence of the 10472
contents, identity, and weight or the existence and number of 10473
unit dosages of the substance if the accused or the accused's 10474
attorney demands the testimony of the person signing the report, 10475
by serving the demand upon the prosecuting attorney within seven 10476
days from the accused or the accused's attorney's receipt of the 10477
report. The time may be extended by a trial judge in the 10478
interests of justice. 10479

(D) Any report issued for use under this section shall 10480
contain notice of the right of the accused to demand, and the 10481
manner in which the accused shall demand, the testimony of the 10482
person signing the report. 10483

(E) Any person who is accused of a violation of this 10484
chapter or of Chapter 3719. of the Revised Code is entitled, 10485
upon written request made to the prosecuting attorney, to have a 10486
portion of the substance that is, or of each of the substances 10487
that are, the basis of the alleged violation preserved for the 10488
benefit of independent analysis performed by a laboratory 10489
analyst employed by the accused person, or, if the accused is 10490
indigent, by a qualified laboratory analyst appointed by the 10491
court. Such portion shall be a representative sample of the 10492
entire substance that is, or of each of the substances that are, 10493
the basis of the alleged violation and shall be of sufficient 10494
size, in the opinion of the court, to permit the accused's 10495
analyst to make a thorough scientific analysis concerning the 10496
identity of the substance or substances. The prosecuting 10497
attorney shall provide the accused's analyst with the sample 10498

portion at least fourteen days prior to trial, unless the trial 10499
is to be held in a court not of record or unless the accused 10500
person is charged with a minor misdemeanor, in which case the 10501
prosecuting attorney shall provide the accused's analyst with 10502
the sample portion at least three days prior to trial. If the 10503
prosecuting attorney determines that such a sample portion 10504
cannot be preserved and given to the accused's analyst, the 10505
prosecuting attorney shall so inform the accused person or his 10506
attorney. In such a circumstance, the accused person is 10507
entitled, upon written request made to the prosecuting attorney, 10508
to have the accused's privately employed or court appointed 10509
analyst present at an analysis of the substance that is, or the 10510
substances that are, the basis of the alleged violation, and, 10511
upon further written request, to receive copies of all recorded 10512
scientific data that result from the analysis and that can be 10513
used by an analyst in arriving at conclusions, findings, or 10514
opinions concerning the identity of the substance or substances 10515
subject to the analysis. 10516

(F) In addition to the rights provided under division (E) 10517
of this section, any person who is accused of a violation of 10518
this chapter or of Chapter 3719. of the Revised Code that 10519
involves a bulk amount of a controlled substance, or any 10520
multiple thereof, or who is accused of a violation of former 10521
section 2925.11 or section 2925.111 or 2925.112 of the Revised 10522
Code, other than a minor misdemeanor violation, that involves 10523
marihuana, is entitled, upon written request made to the 10524
prosecuting attorney, to have a laboratory analyst of the 10525
accused's choice, or, if the accused is indigent, a qualified 10526
laboratory analyst appointed by the court present at a 10527
measurement or weighing of the substance that is the basis of 10528
the alleged violation. Also, the accused person is entitled, 10529

upon further written request, to receive copies of all recorded 10530
scientific data that result from the measurement or weighing and 10531
that can be used by an analyst in arriving at conclusions, 10532
findings, or opinions concerning the weight, volume, or number 10533
of unit doses of the substance subject to the measurement or 10534
weighing. 10535

Sec. 2927.21. (A) As used in this section: 10536

(1) "Offense subject to forfeiture proceedings" means any 10537
of the following: 10538

(a) A violation of section 2903.01, 2903.02, 2903.03, 10539
2903.04, 2903.041, 2903.05, 2903.06, 2903.08, 2903.09, 2903.11, 10540
2903.12, 2903.13, 2903.14, 2903.15, 2903.16, 2903.21, or 10541
2903.211 of the Revised Code; 10542

(b) A violation of section 2905.01, 2905.02, 2905.03, 10543
2905.05, 2905.11, 2905.32, or 2905.33 of the Revised Code; 10544

(c) A violation of section 2907.02, 2907.03, 2907.04, 10545
2907.05, 2907.06, 2907.07, 2907.19, 2907.21, 2907.22, 2907.321, 10546
2907.322, or 2907.323 of the Revised Code; 10547

(d) A violation of section 2909.02, 2909.03, 2909.22, 10548
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, or 2909.29 of the 10549
Revised Code; 10550

(e) A violation of section 2911.01, 2911.02, 2911.11, 10551
2911.12, or 2911.13 of the Revised Code; 10552

(f) A violation of section 2915.02, 2915.03, 2915.04, or 10553
2915.05 of the Revised Code; 10554

(g) A violation of section 2921.02, 2921.03, 2921.04, 10555
2921.05, 2921.11, 2921.12, or 2921.41 of the Revised Code; 10556

(h) A violation of section 2925.02, 2925.03, 2925.031, 10557
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, ~~or~~ 10558
2925.11, 2925.111, or 2925.112 of the Revised Code; 10559

(i) A conspiracy or attempt to commit, or complicity in 10560
committing, any offense under division (A) (1) (a), (b), (c), (d), 10561
(e), (f), (g), or (h) of this section. 10562

(2) "Proceeds" has the same meaning as in section 2981.01 10563
of the Revised Code. 10564

(3) "Vehicle" has the same meaning as in section 4501.01 10565
of the Revised Code. 10566

(B) No person shall receive, retain, possess, or dispose 10567
of proceeds knowing or having reasonable cause to believe that 10568
the proceeds were derived from the commission of an offense 10569
subject to forfeiture proceedings. 10570

(C) It is not a defense to a charge of receiving proceeds 10571
of an offense subject to forfeiture proceedings in violation of 10572
this section that the proceeds were derived by means other than 10573
the commission of an offense subject to forfeiture proceedings 10574
if the property was explicitly represented to the accused person 10575
as having been derived from the commission of an offense subject 10576
to forfeiture proceedings. 10577

(D) A person shall be considered to have received, 10578
retained, possessed, or disposed of proceeds if the proceeds are 10579
found anywhere in a vehicle and the person was the last person 10580
who operated the vehicle immediately prior to the search of the 10581
vehicle by the law enforcement officer who found the proceeds. 10582

(E) Whoever violates this section is guilty of receiving 10583
proceeds of an offense subject to forfeiture proceedings. If the 10584
value of the proceeds involved is less than one thousand 10585

dollars, receiving proceeds of an offense subject to forfeiture 10586
proceedings is a misdemeanor of the first degree. If the value 10587
of the proceeds involved is one thousand dollars or more and is 10588
less than twenty-five thousand dollars, receiving proceeds of an 10589
offense subject to forfeiture proceedings is a felony of the 10590
fifth degree. If the value of the proceeds involved is twenty- 10591
five thousand dollars or more and is less than one hundred fifty 10592
thousand dollars, receiving proceeds of an offense subject to 10593
forfeiture proceedings is a felony of the fourth degree. If the 10594
value of the proceeds involved is one hundred fifty thousand 10595
dollars or more, receiving proceeds of an offense subject to 10596
forfeiture proceedings is a felony of the third degree. 10597

Sec. 2929.141. (A) Upon the conviction of or plea of 10598
guilty to a felony by a person on post-release control at the 10599
time of the commission of the felony, the court may terminate 10600
the term of post-release control, and the court may do either of 10601
the following regardless of whether the sentencing court or 10602
another court of this state imposed the original prison term for 10603
which the person is on post-release control: 10604

(1) In addition to any prison term for the new felony, 10605
impose a prison term for the post-release control violation. The 10606
maximum prison term for the violation shall be the greater of 10607
twelve months or the period of post-release control for the 10608
earlier felony minus any time the person has spent under post- 10609
release control for the earlier felony. In all cases, any prison 10610
term imposed for the violation shall be reduced by any prison 10611
term that is administratively imposed by the parole board as a 10612
post-release control sanction. A prison term imposed for the 10613
violation shall be served consecutively to any prison term 10614
imposed for the new felony. The imposition of a prison term for 10615
the post-release control violation shall terminate the period of 10616

post-release control for the earlier felony. 10617

(2) Impose a sanction under sections 2929.15 to 2929.18 of 10618
the Revised Code for the violation that shall be served 10619
concurrently or consecutively, as specified by the court, with 10620
any community control sanctions for the new felony. 10621

(B) If a person on post-release control was acting 10622
pursuant to division (B) (2) (b) of section 2925.11 or a related 10623
provision under section 2925.111 or 2925.112 of the Revised Code 10624
and in so doing violated the conditions of a post-release 10625
control sanction based on a minor drug possession offense, as 10626
defined in section ~~2925.11~~ 2925.01 of the Revised Code, the 10627
court may consider the person's conduct in seeking or obtaining 10628
medical assistance for another in good faith or for self or may 10629
consider the person being the subject of another person seeking 10630
or obtaining medical assistance in accordance with that division 10631
as a mitigating factor before imposing any of the penalties 10632
described in division (A) of this section. 10633

(C) Upon the conviction of or plea of guilty to a felony 10634
by a person on transitional control under section 2967.26 of the 10635
Revised Code at the time of the commission of the felony, the 10636
court may, in addition to any prison term for the new felony, 10637
impose a prison term not exceeding twelve months for having 10638
committed the felony while on transitional control. An 10639
additional prison term imposed pursuant to this section shall be 10640
served consecutively to any prison term imposed for the new 10641
felony. The sentencing court may impose the additional prison 10642
term authorized by this section regardless of whether the 10643
sentencing court or another court of this state imposed the 10644
original prison term for which the person is on transitional 10645
control. 10646

Sec. 2929.18. (A) Except as otherwise provided in this 10647
division and in addition to imposing court costs pursuant to 10648
section 2947.23 of the Revised Code, the court imposing a 10649
sentence upon an offender for a felony may sentence the offender 10650
to any financial sanction or combination of financial sanctions 10651
authorized under this section or, in the circumstances specified 10652
in section 2929.32 of the Revised Code, may impose upon the 10653
offender a fine in accordance with that section. Financial 10654
sanctions that may be imposed pursuant to this section include, 10655
but are not limited to, the following: 10656

(1) Restitution by the offender to the victim of the 10657
offender's crime or any survivor of the victim, in an amount 10658
based on the victim's economic loss. If the court imposes 10659
restitution, the court shall order that the restitution be made 10660
to the victim in open court, to the adult probation department 10661
that serves the county on behalf of the victim, to the clerk of 10662
courts, or to another agency designated by the court. If the 10663
court imposes restitution, at sentencing, the court shall 10664
determine the amount of restitution to be made by the offender. 10665
If the court imposes restitution, the court may base the amount 10666
of restitution it orders on an amount recommended by the victim, 10667
the offender, a presentence investigation report, estimates or 10668
receipts indicating the cost of repairing or replacing property, 10669
and other information, provided that the amount the court orders 10670
as restitution shall not exceed the amount of the economic loss 10671
suffered by the victim as a direct and proximate result of the 10672
commission of the offense. If the court decides to impose 10673
restitution, the court shall hold a hearing on restitution if 10674
the offender, victim, or survivor disputes the amount. All 10675
restitution payments shall be credited against any recovery of 10676
economic loss in a civil action brought by the victim or any 10677

survivor of the victim against the offender. 10678

If the court imposes restitution, the court may order that 10679
the offender pay a surcharge of not more than five per cent of 10680
the amount of the restitution otherwise ordered to the entity 10681
responsible for collecting and processing restitution payments. 10682

The victim or survivor may request that the prosecutor in 10683
the case file a motion, or the offender may file a motion, for 10684
modification of the payment terms of any restitution ordered. If 10685
the court grants the motion, it may modify the payment terms as 10686
it determines appropriate. 10687

(2) Except as provided in division (B) (1), (3), or (4) of 10688
this section, a fine payable by the offender to the state, to a 10689
political subdivision, or as described in division (B) (2) of 10690
this section to one or more law enforcement agencies, with the 10691
amount of the fine based on a standard percentage of the 10692
offender's daily income over a period of time determined by the 10693
court and based upon the seriousness of the offense. A fine 10694
ordered under this division shall not exceed the maximum 10695
conventional fine amount authorized for the level of the offense 10696
under division (A) (3) of this section. 10697

(3) Except as provided in division (B) (1), (3), or (4) of 10698
this section, a fine payable by the offender to the state, to a 10699
political subdivision when appropriate for a felony, or as 10700
described in division (B) (2) of this section to one or more law 10701
enforcement agencies, in the following amount: 10702

(a) For a felony of the first degree, not more than twenty 10703
thousand dollars; 10704

(b) For a felony of the second degree, not more than 10705
fifteen thousand dollars; 10706

(c) For a felony of the third degree, not more than ten thousand dollars;	10707 10708
(d) For a felony of the fourth degree, not more than five thousand dollars;	10709 10710
(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.	10711 10712
(4) A state fine or costs as defined in section 2949.111 of the Revised Code.	10713 10714
(5) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:	10715 10716 10717
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;	10718 10719 10720
(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement;	10721 10722 10723 10724 10725 10726 10727
(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.	10728 10729 10730 10731 10732
(b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the	10733 10734

Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, if, pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, the board, legislative authority, or other local governmental entity requires prisoners to reimburse the county, municipal corporation, or other entity for its expenses incurred by reason of the prisoner's confinement, and if the court does not impose a financial sanction under division (A) (5) (a) (ii) of this section, confinement costs may be assessed pursuant to section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section.

(c) Reimbursement by the offender for costs pursuant to section 2929.71 of the Revised Code.

(B) (1) For a first, second, or third degree felony violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code, the sentencing court shall impose upon the offender a mandatory fine of at least one-half of, but not more than, the maximum statutory fine amount authorized for the level of the offense pursuant to division (A) (3) of this section. If an offender alleges in an affidavit filed with the court prior to sentencing that the offender is indigent and unable to pay the mandatory fine and if the court determines the offender is an indigent person and is unable to pay the mandatory fine described in this division, the court shall not impose the mandatory fine upon the offender.

(2) Any mandatory fine imposed upon an offender under

division (B) (1) of this section and any fine imposed upon an 10765
offender under division (A) (2) or (3) of this section for any 10766
fourth or fifth degree felony violation of any provision of 10767
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 10768
to law enforcement agencies pursuant to division ~~(F)~~(N) of 10769
section 2925.03 of the Revised Code. 10770

(3) For a fourth degree felony OVI offense and for a third 10771
degree felony OVI offense, the sentencing court shall impose 10772
upon the offender a mandatory fine in the amount specified in 10773
division (G) (1) (d) or (e) of section 4511.19 of the Revised 10774
Code, whichever is applicable. The mandatory fine so imposed 10775
shall be disbursed as provided in the division pursuant to which 10776
it is imposed. 10777

(4) Notwithstanding any fine otherwise authorized or 10778
required to be imposed under division (A) (2) or (3) or (B) (1) of 10779
this section or section 2929.31 of the Revised Code for a 10780
violation of section 2925.03, 2925.031, or 2925.032 of the 10781
Revised Code, in addition to any penalty or sanction imposed for 10782
that offense under section 2925.03, 2925.031, or 2925.032 or 10783
sections 2929.11 to 2929.18 of the Revised Code and in addition 10784
to the forfeiture of property in connection with the offense as 10785
prescribed in Chapter 2981. of the Revised Code, the court that 10786
sentences an offender for a violation of section 2925.03 of the 10787
Revised Code may impose upon the offender a fine in addition to 10788
any fine imposed under division (A) (2) or (3) of this section 10789
and in addition to any mandatory fine imposed under division (B) 10790
(1) of this section. The fine imposed under division (B) (4) of 10791
this section shall be used as provided in division (H) of 10792
section 2925.03 of the Revised Code. A fine imposed under 10793
division (B) (4) of this section shall not exceed whichever of 10794
the following is applicable: 10795

(a) The total value of any personal or real property in 10796
which the offender has an interest and that was used in the 10797
course of, intended for use in the course of, derived from, or 10798
realized through conduct in violation of section 2925.03, 10799
2925.031, or 2925.032 of the Revised Code, including any 10800
property that constitutes proceeds derived from that offense; 10801

(b) If the offender has no interest in any property of the 10802
type described in division (B) (4) (a) of this section or if it is 10803
not possible to ascertain whether the offender has an interest 10804
in any property of that type in which the offender may have an 10805
interest, the amount of the mandatory fine for the offense 10806
imposed under division (B) (1) of this section or, if no 10807
mandatory fine is imposed under division (B) (1) of this section, 10808
the amount of the fine authorized for the level of the offense 10809
imposed under division (A) (3) of this section. 10810

(5) Prior to imposing a fine under division (B) (4) of this 10811
section, the court shall determine whether the offender has an 10812
interest in any property of the type described in division (B) 10813
(4) (a) of this section. Except as provided in division (B) (6) or 10814
(7) of this section, a fine that is authorized and imposed under 10815
division (B) (4) of this section does not limit or affect the 10816
imposition of the penalties and sanctions for a violation of 10817
section 2925.03, 2925.031, or 2925.032 of the Revised Code 10818
prescribed under those sections or sections 2929.11 to 2929.18 10819
of the Revised Code and does not limit or affect a forfeiture of 10820
property in connection with the offense as prescribed in Chapter 10821
2981. of the Revised Code. 10822

(6) If the sum total of a mandatory fine amount imposed 10823
for a first, second, or third degree felony violation of section 10824
2925.03 of the Revised Code under division (B) (1) of this 10825

section plus the amount of any fine imposed under division (B) 10826
(4) of this section does not exceed the maximum statutory fine 10827
amount authorized for the level of the offense under division 10828
(A) (3) of this section or section 2929.31 of the Revised Code, 10829
the court may impose a fine for the offense in addition to the 10830
mandatory fine and the fine imposed under division (B) (4) of 10831
this section. The sum total of the amounts of the mandatory 10832
fine, the fine imposed under division (B) (4) of this section, 10833
and the additional fine imposed under division (B) (6) of this 10834
section shall not exceed the maximum statutory fine amount 10835
authorized for the level of the offense under division (A) (3) of 10836
this section or section 2929.31 of the Revised Code. The clerk 10837
of the court shall pay any fine that is imposed under division 10838
(B) (6) of this section to the county, township, municipal 10839
corporation, park district as created pursuant to section 511.18 10840
or 1545.04 of the Revised Code, or state law enforcement 10841
agencies in this state that primarily were responsible for or 10842
involved in making the arrest of, and in prosecuting, the 10843
offender pursuant to division ~~(F)~~ (N) of section 2925.03 of the 10844
Revised Code. 10845

(7) If the sum total of the amount of a mandatory fine 10846
imposed for a first, second, or third degree felony violation of 10847
section 2925.03, 2925.031, or 2925.032 of the Revised Code plus 10848
the amount of any fine imposed under division (B) (4) of this 10849
section exceeds the maximum statutory fine amount authorized for 10850
the level of the offense under division (A) (3) of this section 10851
or section 2929.31 of the Revised Code, the court shall not 10852
impose a fine under division (B) (6) of this section. 10853

(8) (a) If an offender who is convicted of or pleads guilty 10854
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 10855
2923.32, division (A) (1) or (2) of section 2907.323 involving a 10856

minor, or division (B) (1), (2), (3), (4), or (5) of section 10857
2919.22 of the Revised Code also is convicted of or pleads 10858
guilty to a specification of the type described in section 10859
2941.1422 of the Revised Code that charges that the offender 10860
knowingly committed the offense in furtherance of human 10861
trafficking, the sentencing court shall sentence the offender to 10862
a financial sanction of restitution by the offender to the 10863
victim or any survivor of the victim, with the restitution 10864
including the costs of housing, counseling, and medical and 10865
legal assistance incurred by the victim as a direct result of 10866
the offense and the greater of the following: 10867

(i) The gross income or value to the offender of the 10868
victim's labor or services; 10869

(ii) The value of the victim's labor as guaranteed under 10870
the minimum wage and overtime provisions of the "Federal Fair 10871
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 10872
state labor laws. 10873

(b) If a court imposing sentence upon an offender for a 10874
felony is required to impose upon the offender a financial 10875
sanction of restitution under division (B) (8) (a) of this 10876
section, in addition to that financial sanction of restitution, 10877
the court may sentence the offender to any other financial 10878
sanction or combination of financial sanctions authorized under 10879
this section, including a restitution sanction under division 10880
(A) (1) of this section. 10881

(9) In addition to any other fine that is or may be 10882
imposed under this section, the court imposing sentence upon an 10883
offender for a felony that is a sexually oriented offense or a 10884
child-victim oriented offense, as those terms are defined in 10885
section 2950.01 of the Revised Code, may impose a fine of not 10886

less than fifty nor more than five hundred dollars. 10887

(10) For a felony violation of division (A) of section 10888
2921.321 of the Revised Code that results in the death of the 10889
police dog or horse that is the subject of the violation, the 10890
sentencing court shall impose upon the offender a mandatory fine 10891
from the range of fines provided under division (A) (3) of this 10892
section for a felony of the third degree. A mandatory fine 10893
imposed upon an offender under division (B) (10) of this section 10894
shall be paid to the law enforcement agency that was served by 10895
the police dog or horse that was killed in the felony violation 10896
of division (A) of section 2921.321 of the Revised Code to be 10897
used as provided in division (E) (1) (b) of that section. 10898

(11) In addition to any other fine that is or may be 10899
imposed under this section, the court imposing sentence upon an 10900
offender for any of the following offenses that is a felony may 10901
impose a fine of not less than seventy nor more than five 10902
hundred dollars, which shall be transmitted to the treasurer of 10903
state to be credited to the address confidentiality program fund 10904
created by section 111.48 of the Revised Code: 10905

(a) Domestic violence; 10906

(b) Menacing by stalking; 10907

(c) Rape; 10908

(d) Sexual battery; 10909

(e) Trafficking in persons; 10910

(f) A violation of section 2905.01, 2905.02, 2907.21, 10911
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 10912
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 10913
section 2919.22 of the Revised Code, if the offender also is 10914

convicted of a specification of the type described in section 10915
2941.1422 of the Revised Code that charges that the offender 10916
knowingly committed the offense in furtherance of human 10917
trafficking. 10918

(C) (1) Except as provided in section 2951.021 of the 10919
Revised Code, the offender shall pay reimbursements imposed upon 10920
the offender pursuant to division (A) (5) (a) of this section to 10921
pay the costs incurred by a county pursuant to any sanction 10922
imposed under this section or section 2929.16 or 2929.17 of the 10923
Revised Code or in operating a facility used to confine 10924
offenders pursuant to a sanction imposed under section 2929.16 10925
of the Revised Code to the county treasurer. The county 10926
treasurer shall deposit the reimbursements in the sanction cost 10927
reimbursement fund that each board of county commissioners shall 10928
create in its county treasury. The county shall use the amounts 10929
deposited in the fund to pay the costs incurred by the county 10930
pursuant to any sanction imposed under this section or section 10931
2929.16 or 2929.17 of the Revised Code or in operating a 10932
facility used to confine offenders pursuant to a sanction 10933
imposed under section 2929.16 of the Revised Code. 10934

(2) Except as provided in section 2951.021 of the Revised 10935
Code, the offender shall pay reimbursements imposed upon the 10936
offender pursuant to division (A) (5) (a) of this section to pay 10937
the costs incurred by a municipal corporation pursuant to any 10938
sanction imposed under this section or section 2929.16 or 10939
2929.17 of the Revised Code or in operating a facility used to 10940
confine offenders pursuant to a sanction imposed under section 10941
2929.16 of the Revised Code to the treasurer of the municipal 10942
corporation. The treasurer shall deposit the reimbursements in a 10943
special fund that shall be established in the treasury of each 10944
municipal corporation. The municipal corporation shall use the 10945

amounts deposited in the fund to pay the costs incurred by the 10946
municipal corporation pursuant to any sanction imposed under 10947
this section or section 2929.16 or 2929.17 of the Revised Code 10948
or in operating a facility used to confine offenders pursuant to 10949
a sanction imposed under section 2929.16 of the Revised Code. 10950

(3) Except as provided in section 2951.021 of the Revised 10951
Code, the offender shall pay reimbursements imposed pursuant to 10952
division (A) (5) (a) of this section for the costs incurred by a 10953
private provider pursuant to a sanction imposed under this 10954
section or section 2929.16 or 2929.17 of the Revised Code to the 10955
provider. 10956

(D) Except as otherwise provided in this division, a 10957
financial sanction imposed pursuant to division (A) or (B) of 10958
this section is a judgment in favor of the state or a political 10959
subdivision in which the court that imposed the financial 10960
sanction is located, and the offender subject to the financial 10961
sanction is the judgment debtor. A financial sanction of 10962
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 10963
section upon an offender who is incarcerated in a state facility 10964
or a municipal jail is a judgment in favor of the state or the 10965
municipal corporation, and the offender subject to the financial 10966
sanction is the judgment debtor. A financial sanction of 10967
reimbursement imposed upon an offender pursuant to this section 10968
for costs incurred by a private provider of sanctions is a 10969
judgment in favor of the private provider, and the offender 10970
subject to the financial sanction is the judgment debtor. A 10971
financial sanction of a mandatory fine imposed under division 10972
(B) (10) of this section that is required under that division to 10973
be paid to a law enforcement agency is a judgment in favor of 10974
the specified law enforcement agency, and the offender subject 10975
to the financial sanction is the judgment debtor. A financial 10976

sanction of restitution imposed pursuant to division (A) (1) or 10977
(B) (8) of this section is an order in favor of the victim of the 10978
offender's criminal act that can be collected through a 10979
certificate of judgment as described in division (D) (1) of this 10980
section, through execution as described in division (D) (2) of 10981
this section, or through an order as described in division (D) 10982
(3) of this section, and the offender shall be considered for 10983
purposes of the collection as the judgment debtor. Imposition of 10984
a financial sanction and execution on the judgment does not 10985
preclude any other power of the court to impose or enforce 10986
sanctions on the offender. Once the financial sanction is 10987
imposed as a judgment or order under this division, the victim, 10988
private provider, state, or political subdivision may do any of 10989
the following: 10990

(1) Obtain from the clerk of the court in which the 10991
judgment was entered a certificate of judgment that shall be in 10992
the same manner and form as a certificate of judgment issued in 10993
a civil action; 10994

(2) Obtain execution of the judgment or order through any 10995
available procedure, including: 10996

(a) An execution against the property of the judgment 10997
debtor under Chapter 2329. of the Revised Code; 10998

(b) An execution against the person of the judgment debtor 10999
under Chapter 2331. of the Revised Code; 11000

(c) A proceeding in aid of execution under Chapter 2333. 11001
of the Revised Code, including: 11002

(i) A proceeding for the examination of the judgment 11003
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 11004
2333.27 of the Revised Code; 11005

(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	11006 11007
(iii) A creditor's suit under section 2333.01 of the Revised Code.	11008 11009
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	11010 11011
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	11012 11013
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	11014 11015
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	11016 11017 11018 11019
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code, a court shall comply with sections 307.86 to 307.92 of the Revised Code.	11020 11021 11022 11023 11024 11025 11026 11027 11028 11029 11030 11031 11032
(G) If a court that imposes a financial sanction under division (A) or (B) of this section finds that an offender	11033 11034

satisfactorily has completed all other sanctions imposed upon 11035
the offender and that all restitution that has been ordered has 11036
been paid as ordered, the court may suspend any financial 11037
sanctions imposed pursuant to this section or section 2929.32 of 11038
the Revised Code that have not been paid. 11039

(H) No financial sanction imposed under this section or 11040
section 2929.32 of the Revised Code shall preclude a victim from 11041
bringing a civil action against the offender. 11042

Sec. 2929.25. (A) (1) Except as provided in sections 11043
2929.22 and 2929.23 of the Revised Code or when a jail term is 11044
required by law, in sentencing an offender for a misdemeanor, 11045
other than a minor misdemeanor, the sentencing court may do 11046
either of the following: 11047

(a) Directly impose a sentence that consists of one or 11048
more community control sanctions authorized by section 2929.26, 11049
2929.27, or 2929.28 of the Revised Code. The court may impose 11050
any other conditions of release under a community control 11051
sanction that the court considers appropriate. If the court 11052
imposes a jail term upon the offender, the court may impose any 11053
community control sanction or combination of community control 11054
sanctions in addition to the jail term. 11055

(b) Impose a jail term under section 2929.24 of the 11056
Revised Code from the range of jail terms authorized under that 11057
section for the offense, suspend all or a portion of the jail 11058
term imposed, and place the offender under a community control 11059
sanction or combination of community control sanctions 11060
authorized under section 2929.26, 2929.27, or 2929.28 of the 11061
Revised Code. 11062

(2) The duration of all community control sanctions 11063

imposed upon an offender and in effect for an offender at any 11064
time shall not exceed five years. 11065

(3) At sentencing, if a court directly imposes a community 11066
control sanction or combination of community control sanctions 11067
pursuant to division (A)(1)(a) or (B) of this section, the court 11068
shall state the duration of the community control sanctions 11069
imposed and shall notify the offender that if any of the 11070
conditions of the community control sanctions are violated the 11071
court may do any of the following: 11072

(a) Impose a longer time under the same community control 11073
sanction if the total time under all of the offender's community 11074
control sanctions does not exceed the five-year limit specified 11075
in division (A)(2) of this section; 11076

(b) Impose a more restrictive community control sanction 11077
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 11078
but the court is not required to impose any particular sanction 11079
or sanctions; 11080

(c) Impose a definite jail term from the range of jail 11081
terms authorized for the offense under section 2929.24 of the 11082
Revised Code. 11083

(B) If a court sentences an offender to any community 11084
control sanction or combination of community control sanctions 11085
pursuant to division (A)(1)(a) of this section, the sentencing 11086
court retains jurisdiction over the offender and the period of 11087
community control for the duration of the period of community 11088
control. Upon the motion of either party or on the court's own 11089
motion, the court, in the court's sole discretion and as the 11090
circumstances warrant, may modify the community control 11091
sanctions or conditions of release previously imposed, 11092

substitute a community control sanction or condition of release 11093
for another community control sanction or condition of release 11094
previously imposed, or impose an additional community control 11095
sanction or condition of release. 11096

(C) (1) If a court sentences an offender to any community 11097
control sanction or combination of community control sanctions 11098
authorized under section 2929.26, 2929.27, or 2929.28 of the 11099
Revised Code, the court shall place the offender under the 11100
general control and supervision of the court or of a department 11101
of probation in the jurisdiction that serves the court for 11102
purposes of reporting to the court a violation of any of the 11103
conditions of the sanctions imposed. If the offender resides in 11104
another jurisdiction and a department of probation has been 11105
established to serve the municipal court or county court in that 11106
jurisdiction, the sentencing court may request the municipal 11107
court or the county court to receive the offender into the 11108
general control and supervision of that department of probation 11109
for purposes of reporting to the sentencing court a violation of 11110
any of the conditions of the sanctions imposed. The sentencing 11111
court retains jurisdiction over any offender whom it sentences 11112
for the duration of the sanction or sanctions imposed. 11113

(2) The sentencing court shall require as a condition of 11114
any community control sanction that the offender abide by the 11115
law and not leave the state without the permission of the court 11116
or the offender's probation officer. In the interests of doing 11117
justice, rehabilitating the offender, and ensuring the 11118
offender's good behavior, the court may impose additional 11119
requirements on the offender. The offender's compliance with the 11120
additional requirements also shall be a condition of the 11121
community control sanction imposed upon the offender. 11122

(D) (1) If the court imposing sentence upon an offender 11123
sentences the offender to any community control sanction or 11124
combination of community control sanctions authorized under 11125
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 11126
the offender violates any of the conditions of the sanctions, 11127
the public or private person or entity that supervises or 11128
administers the program or activity that comprises the sanction 11129
shall report the violation directly to the sentencing court or 11130
to the department of probation or probation officer with general 11131
control and supervision over the offender. If the public or 11132
private person or entity reports the violation to the department 11133
of probation or probation officer, the department or officer 11134
shall report the violation to the sentencing court. 11135

(2) If an offender violates any condition of a community 11136
control sanction, the sentencing court may impose upon the 11137
violator one or more of the following penalties: 11138

(a) A longer time under the same community control 11139
sanction if the total time under all of the community control 11140
sanctions imposed on the violator does not exceed the five-year 11141
limit specified in division (A) (2) of this section; 11142

(b) A more restrictive community control sanction; 11143

(c) A combination of community control sanctions, 11144
including a jail term. 11145

(3) If an offender was acting pursuant to division (B) (2) 11146
(b) of section 2925.11 or a related provision under section 11147
2925.111 or 2925.112 of the Revised Code and in so doing 11148
violated the conditions of a community control sanction based on 11149
a minor drug possession offense, as defined in section ~~2925.11~~ 11150
2925.01 of the Revised Code, the sentencing court may consider 11151

the offender's conduct in seeking or obtaining medical 11152
assistance for another in good faith or for self or may consider 11153
the offender being the subject of another person seeking or 11154
obtaining medical assistance in accordance with that division as 11155
a mitigating factor before imposing any of the penalties 11156
described in division (D) (2) of this section. 11157

(4) If the court imposes a jail term upon a violator 11158
pursuant to division (D) (2) of this section, the total time 11159
spent in jail for the misdemeanor offense and the violation of a 11160
condition of the community control sanction shall not exceed the 11161
maximum jail term available for the offense for which the 11162
sanction that was violated was imposed. The court may reduce the 11163
longer period of time that the violator is required to spend 11164
under the longer sanction or the more restrictive sanction 11165
imposed under division (D) (2) of this section by all or part of 11166
the time the violator successfully spent under the sanction that 11167
was initially imposed. 11168

(E) Except as otherwise provided in this division, if an 11169
offender, for a significant period of time, fulfills the 11170
conditions of a community control sanction imposed pursuant to 11171
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 11172
exemplary manner, the court may reduce the period of time under 11173
the community control sanction or impose a less restrictive 11174
community control sanction. Fulfilling the conditions of a 11175
community control sanction does not relieve the offender of a 11176
duty to make restitution under section 2929.28 of the Revised 11177
Code. 11178

Sec. 2929.34. (A) A person who is convicted of or pleads 11179
guilty to aggravated murder, murder, or an offense punishable by 11180
life imprisonment and who is sentenced to a term of life 11181

imprisonment or a prison term pursuant to that conviction shall 11182
serve that term in an institution under the control of the 11183
department of rehabilitation and correction. 11184

(B) (1) A person who is convicted of or pleads guilty to a 11185
felony other than aggravated murder, murder, or an offense 11186
punishable by life imprisonment and who is sentenced to a term 11187
of imprisonment or a prison term pursuant to that conviction 11188
shall serve that term as follows: 11189

(a) Subject to divisions (B) (1) (b), (B) (2), and (B) (3) of 11190
this section, in an institution under the control of the 11191
department of rehabilitation and correction if the term is a 11192
prison term or as otherwise determined by the sentencing court 11193
pursuant to section 2929.16 of the Revised Code if the term is 11194
not a prison term; 11195

(b) In a facility of a type described in division (G) (1) 11196
of section 2929.13 of the Revised Code, if the offender is 11197
sentenced pursuant to that division. 11198

(2) If the term is a prison term, the person may be 11199
imprisoned in a jail that is not a minimum security jail 11200
pursuant to agreement under section 5120.161 of the Revised Code 11201
between the department of rehabilitation and correction and the 11202
local authority that operates the jail. 11203

(3) (a) As used in divisions (B) (3) (a) to (d) of this 11204
section: 11205

(i) "Target county" means Franklin county, Cuyahoga 11206
county, Hamilton county, Summit county, Montgomery county, Lucas 11207
county, Butler county, Stark county, Lorain county, and Mahoning 11208
county. 11209

(ii) "Voluntary county" means any county in which the 11210

board of county commissioners of the county and the 11211
administrative judge of the general division of the court of 11212
common pleas of the county enter into an agreement of the type 11213
described in division (B) (3) (b) of this section and in which the 11214
agreement has not been terminated as described in that division. 11215

(b) In any county other than a target county, the board of 11216
county commissioners of the county and the administrative judge 11217
of the general division of the court of common pleas of the 11218
county may agree to having the county participate in the 11219
procedures regarding local and state confinement established 11220
under division (B) (3) (c) of this section. A board of county 11221
commissioners and an administrative judge of a court of common 11222
pleas that enter into an agreement of the type described in this 11223
division may terminate the agreement, but a termination under 11224
this division shall take effect only at the end of the state 11225
fiscal biennium in which the termination decision is made. 11226

(c) Except as provided in division (B) (3) (d) of this 11227
section, on and after July 1, 2018, no person sentenced by the 11228
court of common pleas of a target county or of a voluntary 11229
county to a prison term that is twelve months or less for a 11230
felony of the fifth degree shall serve the term in an 11231
institution under the control of the department of 11232
rehabilitation and correction. The person shall instead serve 11233
the sentence as a term of confinement in a facility of a type 11234
described in division (C) or (D) of this section. Nothing in 11235
this division relieves the state of its obligation to pay for 11236
the cost of confinement of the person in a community-based 11237
correctional facility under division (D) of this section. 11238

(d) Division (B) (3) (c) of this section does not apply to 11239
any person to whom any of the following apply: 11240

(i) The felony of the fifth degree was an offense of 11241
violence, as defined in section 2901.01 of the Revised Code, a 11242
sex offense under Chapter 2907. of the Revised Code, a violation 11243
of section 2925.03, 2925.031, or 2925.032 of the Revised Code, 11244
or any offense for which a mandatory prison term is required. 11245

(ii) The person previously has been convicted of or 11246
pleaded guilty to any felony offense of violence, as defined in 11247
section 2901.01 of the Revised Code, unless the felony of the 11248
fifth degree for which the person is being sentenced is a 11249
violation of division (I) (1) of section 2903.43 of the Revised 11250
Code. 11251

(iii) The person previously has been convicted of or 11252
pleaded guilty to any felony sex offense under Chapter 2907. of 11253
the Revised Code. 11254

(iv) The person's sentence is required to be served 11255
concurrently to any other sentence imposed upon the person for a 11256
felony that is required to be served in an institution under the 11257
control of the department of rehabilitation and correction. 11258

(C) A person who is convicted of or pleads guilty to one 11259
or more misdemeanors and who is sentenced to a jail term or term 11260
of imprisonment pursuant to the conviction or convictions shall 11261
serve that term in a county, multicounty, municipal, municipal- 11262
county, or multicounty-municipal jail or workhouse; in a 11263
community alternative sentencing center or district community 11264
alternative sentencing center when authorized by section 307.932 11265
of the Revised Code; or, if the misdemeanor or misdemeanors are 11266
not offenses of violence, in a minimum security jail. 11267

(D) Nothing in this section prohibits the commitment, 11268
referral, or sentencing of a person who is convicted of or 11269

pleads guilty to a felony to a community-based correctional 11270
facility. 11271

Sec. 2933.51. As used in sections 2933.51 to 2933.66 of 11272
the Revised Code: 11273

(A) "Wire communication" means an aural transfer that is 11274
made in whole or in part through the use of facilities for the 11275
transmission of communications by the aid of wires or similar 11276
methods of connecting the point of origin of the communication 11277
and the point of reception of the communication, including the 11278
use of a method of connecting the point of origin and the point 11279
of reception of the communication in a switching station, if the 11280
facilities are furnished or operated by a person engaged in 11281
providing or operating the facilities for the transmission of 11282
communications. "Wire communication" includes an electronic 11283
storage of a wire communication. 11284

(B) "Oral communication" means an oral communication 11285
uttered by a person exhibiting an expectation that the 11286
communication is not subject to interception under circumstances 11287
justifying that expectation. "Oral communication" does not 11288
include an electronic communication. 11289

(C) "Intercept" means the aural or other acquisition of 11290
the contents of any wire, oral, or electronic communication 11291
through the use of an interception device. 11292

(D) "Interception device" means an electronic, mechanical, 11293
or other device or apparatus that can be used to intercept a 11294
wire, oral, or electronic communication. "Interception device" 11295
does not mean any of the following: 11296

(1) A telephone or telegraph instrument, equipment, or 11297
facility, or any of its components, if the instrument, 11298

equipment, facility, or component is any of the following:	11299
(a) Furnished to the subscriber or user by a provider of wire or electronic communication service in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business;	11300 11301 11302 11303
(b) Furnished by a subscriber or user for connection to the facilities of a provider of wire or electronic communication service and used in the ordinary course of that subscriber's or user's business;	11304 11305 11306 11307
(c) Being used by a provider of wire or electronic communication service in the ordinary course of its business or by an investigative or law enforcement officer in the ordinary course of the officer's duties that do not involve the interception of wire, oral, or electronic communications.	11308 11309 11310 11311 11312
(2) A hearing aid or similar device being used to correct subnormal hearing to not better than normal.	11313 11314
(E) "Investigative officer" means any of the following:	11315
(1) An officer of this state or a political subdivision of this state, who is empowered by law to conduct investigations or to make arrests for a designated offense;	11316 11317 11318
(2) A person described in divisions (A) (11) (a) and (b) of section 2901.01 of the Revised Code;	11319 11320
(3) An attorney authorized by law to prosecute or participate in the prosecution of a designated offense;	11321 11322
(4) A secret service officer appointed pursuant to section 309.07 of the Revised Code;	11323 11324
(5) An officer of the United States, a state, or a	11325

political subdivision of a state who is authorized to conduct 11326
investigations pursuant to the "Electronic Communications 11327
Privacy Act of 1986," 100 Stat. 1848-1857, 18 U.S.C. 2510-2521 11328
(1986), as amended. 11329

(F) "Interception warrant" means a court order that 11330
authorizes the interception of wire, oral, or electronic 11331
communications and that is issued pursuant to sections 2933.53 11332
to 2933.56 of the Revised Code. 11333

(G) "Contents," when used with respect to a wire, oral, or 11334
electronic communication, includes any information concerning 11335
the substance, purport, or meaning of the communication. 11336

(H) "Communications common carrier" means a person who is 11337
engaged as a common carrier for hire in intrastate, interstate, 11338
or foreign communications by wire, radio, or radio transmission 11339
of energy. "Communications common carrier" does not include, to 11340
the extent that the person is engaged in radio broadcasting, a 11341
person engaged in radio broadcasting. 11342

(I) "Designated offense" means any of the following: 11343

(1) A felony violation of section 1315.53, 1315.55, 11344
2903.01, 2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 11345
2905.32, 2907.02, 2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 11346
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 11347
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.04, 2913.42, 11348
2913.51, 2915.02, 2915.03, 2917.01, 2917.02, 2921.02, 2921.03, 11349
2921.04, 2921.32, 2921.34, 2923.20, 2923.32, 2925.03, 2925.031, 11350
2925.032, 2925.04, 2925.05, or 2925.06 or of division (B) of 11351
section 2915.05 or of division (E) or (G) of section 3772.99 of 11352
the Revised Code; 11353

(2) A violation of section 2919.23 of the Revised Code 11354

that, had it occurred prior to July 1, 1996, would have been a 11355
violation of section 2905.04 of the Revised Code as it existed 11356
prior to that date; 11357

(3) A felony violation of section 2925.11, 2925.111, or 11358
2925.112 of the Revised Code that is not a minor drug possession 11359
offense, as defined in section 2925.01 of the Revised Code; 11360

(4) Complicity in the commission of a felony violation of 11361
a section listed in division (I) (1), (2), or (3) of this 11362
section; 11363

(5) An attempt to commit, or conspiracy in the commission 11364
of, a felony violation of a section listed in division (I) (1), 11365
(2), or (3) of this section, if the attempt or conspiracy is 11366
punishable by a term of imprisonment of more than one year. 11367

(J) "Aggrieved person" means a person who was a party to 11368
an intercepted wire, oral, or electronic communication or a 11369
person against whom the interception of the communication was 11370
directed. 11371

(K) "Person" means a person, as defined in section 1.59 of 11372
the Revised Code, or a governmental officer, employee, or 11373
entity. 11374

(L) "Special need" means a showing that a licensed 11375
physician, licensed practicing psychologist, attorney, 11376
practicing cleric, journalist, or either spouse is personally 11377
engaging in continuing criminal activity, was engaged in 11378
continuing criminal activity over a period of time, or is 11379
committing, has committed, or is about to commit, a designated 11380
offense, or a showing that specified public facilities are being 11381
regularly used by someone who is personally engaging in 11382
continuing criminal activity, was engaged in continuing criminal 11383

activity over a period of time, or is committing, has committed, 11384
or is about to commit, a designated offense. 11385

(M) "Journalist" means a person engaged in, connected 11386
with, or employed by, any news media, including a newspaper, 11387
magazine, press association, news agency, or wire service, a 11388
radio or television station, or a similar media, for the purpose 11389
of gathering, processing, transmitting, compiling, editing, or 11390
disseminating news for the general public. 11391

(N) "Electronic communication" means a transfer of a sign, 11392
signal, writing, image, sound, datum, or intelligence of any 11393
nature that is transmitted in whole or in part by a wire, radio, 11394
electromagnetic, photoelectronic, or photo-optical system. 11395

"Electronic communication" does not mean any of the following: 11396

(1) A wire or oral communication; 11397

(2) A communication made through a tone-only paging 11398
device; 11399

(3) A communication from an electronic or mechanical 11400
tracking device that permits the tracking of the movement of a 11401
person or object. 11402

(O) "User" means a person or entity that uses an 11403
electronic communication service and is duly authorized by the 11404
provider of the service to engage in the use of the electronic 11405
communication service. 11406

(P) "Electronic communications system" means a wire, 11407
radio, electromagnetic, photoelectronic, or photo-optical 11408
facility for the transmission of electronic communications, and 11409
a computer facility or related electronic equipment for the 11410
electronic storage of electronic communications. 11411

(Q) "Electronic communication service" means a service 11412
that provides to users of the service the ability to send or 11413
receive wire or electronic communications. 11414

(R) "Readily accessible to the general public" means, with 11415
respect to a radio communication, that the communication is none 11416
of the following: 11417

(1) Scrambled or encrypted; 11418

(2) Transmitted using a modulation technique, the 11419
essential parameters of which have been withheld from the public 11420
with the intention of preserving the privacy of the 11421
communication; 11422

(3) Carried on a subcarrier or other signal subsidiary to 11423
a radio transmission; 11424

(4) Transmitted over a communications system provided by a 11425
communications common carrier, unless the communication is a 11426
tone-only paging system communication; 11427

(5) Transmitted on a frequency allocated under part 25, 11428
subpart D, E, or F of part 74, or part 94 of the Rules of the 11429
Federal Communications Commission, as those provisions existed 11430
on July 1, 1996, unless, in the case of a communication 11431
transmitted on a frequency allocated under part 74 that is not 11432
exclusively allocated to broadcast auxiliary services, the 11433
communication is a two-way voice communication by radio. 11434

(S) "Electronic storage" means a temporary, intermediate 11435
storage of a wire or electronic communication that is incidental 11436
to the electronic transmission of the communication, and a 11437
storage of a wire or electronic communication by an electronic 11438
communication service for the purpose of backup protection of 11439
the communication. 11440

(T) "Aural transfer" means a transfer containing the human voice at a point between and including the point of origin and the point of reception.

(U) "Pen register" means a device that records or decodes electronic impulses that identify the numbers dialed, pulsed, or otherwise transmitted on telephone lines to which the device is attached.

(V) "Trap and trace device" means a device that captures the incoming electronic or other impulses that identify the originating number of an instrument or device from which a wire communication or electronic communication was transmitted but that does not intercept the contents of the wire communication or electronic communication.

(W) "Judge of a court of common pleas" means a judge of that court who is elected or appointed as a judge of general jurisdiction or as a judge who exercises both general jurisdiction and probate, domestic relations, or juvenile jurisdiction. "Judge of a court of common pleas" does not mean a judge of that court who is elected or appointed specifically as a probate, domestic relations, or juvenile judge.

Sec. 2935.36. (A) The prosecuting attorney may establish pre-trial diversion programs for adults who are accused of committing criminal offenses and whom the prosecuting attorney believes probably will not offend again. The prosecuting attorney may require, as a condition of an accused's participation in the program, the accused to pay a reasonable fee for supervision services that include, but are not limited to, monitoring and drug testing. The programs shall be operated pursuant to written standards approved by journal entry by the presiding judge or, in courts with only one judge, the judge of

the court of common pleas and shall not be applicable to any of 11471
the following: 11472

(1) Repeat offenders or dangerous offenders; 11473

(2) Persons accused of an offense of violence, of a 11474
violation of section 2903.06, 2907.04, 2907.05, 2907.21, 11475
2907.22, 2907.31, 2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 11476
2919.22, 2921.02, 2921.11, 2921.12, 2921.32, or 2923.20 of the 11477
Revised Code, or of a violation of section 2905.01, 2905.02, or 11478
2919.23 of the Revised Code that, had it occurred prior to July 11479
1, 1996, would have been a violation of section 2905.04 of the 11480
Revised Code as it existed prior to that date, with the 11481
exception that the prosecuting attorney may permit persons 11482
accused of any such offense to enter a pre-trial diversion 11483
program, if the prosecuting attorney finds any of the following: 11484

(a) The accused did not cause, threaten, or intend serious 11485
physical harm to any person; 11486

(b) The offense was the result of circumstances not likely 11487
to recur; 11488

(c) The accused has no history of prior delinquency or 11489
criminal activity; 11490

(d) The accused has led a law-abiding life for a 11491
substantial time before commission of the alleged offense; 11492

(e) Substantial grounds tending to excuse or justify the 11493
alleged offense. 11494

(3) Persons accused of a violation of Chapter 2925. or 11495
3719. of the Revised Code, with the exception that the 11496
prosecuting attorney may permit persons accused of any of the 11497
following to enter a pre-trial diversion program: 11498

(a) A misdemeanor, fifth degree felony, or fourth degree felony violation of section 2925.11, 2925.111, or 2925.112 of the Revised Code; 11499
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11501

(b) A misdemeanor violation of section 2925.12, 2925.13, or division (C) (1) of section 2925.14 of the Revised Code. 11502
11503

(4) Persons accused of a violation of section 4511.19 of the Revised Code or a violation of any substantially similar municipal ordinance; 11504
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11506

(5) (a) Persons who are accused of an offense while operating a commercial motor vehicle or persons who hold a commercial driver's license and are accused of any offense, if conviction of the offense would disqualify the person from operating a commercial motor vehicle under Chapter 4506. of the Revised Code or would subject the person to any other sanction under that chapter; 11507
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(b) As used in division (A) (5) of this section, "commercial driver's license" and "commercial motor vehicle" have the same meanings as in section 4506.01 of the Revised Code. 11514
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(B) An accused who enters a diversion program shall do all of the following: 11518
11519

(1) Waive, in writing and contingent upon the accused's successful completion of the program, the accused's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the accused, and arraignment, unless the hearing, indictment, or arraignment has already occurred; 11520
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(2) Agree, in writing, to the tolling while in the program of all periods of limitation established by statutes or rules of 11526
11527

court, that are applicable to the offense with which the accused 11528
is charged and to the conditions of the diversion program 11529
established by the prosecuting attorney; 11530

(3) Agree, in writing, to pay any reasonable fee for 11531
supervision services established by the prosecuting attorney. 11532

(C) The trial court, upon the application of the 11533
prosecuting attorney, shall order the release from confinement 11534
of any accused who has agreed to enter a pre-trial diversion 11535
program and shall discharge and release any existing bail and 11536
release any sureties on recognizances and shall release the 11537
accused on a recognizance bond conditioned upon the accused's 11538
compliance with the terms of the diversion program. The 11539
prosecuting attorney shall notify every victim of the crime and 11540
the arresting officers of the prosecuting attorney's intent to 11541
permit the accused to enter a pre-trial diversion program. The 11542
victim of the crime and the arresting officers shall have the 11543
opportunity to file written objections with the prosecuting 11544
attorney prior to the commencement of the pre-trial diversion 11545
program. 11546

(D) If the accused satisfactorily completes the diversion 11547
program, the prosecuting attorney shall recommend to the trial 11548
court that the charges against the accused be dismissed, and the 11549
court, upon the recommendation of the prosecuting attorney, 11550
shall dismiss the charges. If the accused chooses not to enter 11551
the prosecuting attorney's diversion program, or if the accused 11552
violates the conditions of the agreement pursuant to which the 11553
accused has been released, the accused may be brought to trial 11554
upon the charges in the manner provided by law, and the waiver 11555
executed pursuant to division (B) (1) of this section shall be 11556
void on the date the accused is removed from the program for the 11557

violation. 11558

(E) As used in this section: 11559

(1) "Repeat offender" means a person who has a history of 11560
persistent criminal activity and whose character and condition 11561
reveal a substantial risk that the person will commit another 11562
offense. It is prima-facie evidence that a person is a repeat 11563
offender if any of the following applies: 11564

(a) Having been convicted of one or more offenses of 11565
violence and having been imprisoned pursuant to sentence for any 11566
such offense, the person commits a subsequent offense of 11567
violence; 11568

(b) Having been convicted of one or more sexually oriented 11569
offenses or child-victim oriented offenses, both as defined in 11570
section 2950.01 of the Revised Code, and having been imprisoned 11571
pursuant to sentence for one or more of those offenses, the 11572
person commits a subsequent sexually oriented offense or child- 11573
victim oriented offense; 11574

(c) Having been convicted of one or more theft offenses as 11575
defined in section 2913.01 of the Revised Code and having been 11576
imprisoned pursuant to sentence for one or more of those theft 11577
offenses, the person commits a subsequent theft offense; 11578

(d) Having been convicted of one or more felony drug abuse 11579
offenses as defined in section 2925.01 of the Revised Code and 11580
having been imprisoned pursuant to sentence for one or more of 11581
those felony drug abuse offenses, the person commits a 11582
subsequent felony drug abuse offense; 11583

(e) Having been convicted of two or more felonies and 11584
having been imprisoned pursuant to sentence for one or more 11585
felonies, the person commits a subsequent offense; 11586

(f) Having been convicted of three or more offenses of any 11587
type or degree other than traffic offenses, alcoholic 11588
intoxication offenses, or minor misdemeanors and having been 11589
imprisoned pursuant to sentence for any such offense, the person 11590
commits a subsequent offense. 11591

(2) "Dangerous offender" means a person who has committed 11592
an offense, whose history, character, and condition reveal a 11593
substantial risk that the person will be a danger to others, and 11594
whose conduct has been characterized by a pattern of repetitive, 11595
compulsive, or aggressive behavior with heedless indifference to 11596
the consequences. 11597

Sec. 2951.041. (A) (1) If an offender is charged with a 11598
criminal offense, including but not limited to a violation of 11599
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 11600
of the Revised Code, and the court has reason to believe that 11601
drug or alcohol usage by the offender was a factor leading to 11602
the criminal offense with which the offender is charged or that, 11603
at the time of committing that offense, the offender had a 11604
mental illness, was a person with an intellectual disability, or 11605
was a victim of a violation of section 2905.32 or 2907.21 of the 11606
Revised Code and that the mental illness, status as a person 11607
with an intellectual disability, or fact that the offender was a 11608
victim of a violation of section 2905.32 or 2907.21 of the 11609
Revised Code was a factor leading to the offender's criminal 11610
behavior, the court may accept, prior to the entry of a guilty 11611
plea, the offender's request for intervention in lieu of 11612
conviction. The request shall include a statement from the 11613
offender as to whether the offender is alleging that drug or 11614
alcohol usage by the offender was a factor leading to the 11615
criminal offense with which the offender is charged or is 11616
alleging that, at the time of committing that offense, the 11617

offender had a mental illness, was a person with an intellectual 11618
disability, or was a victim of a violation of section 2905.32 or 11619
2907.21 of the Revised Code and that the mental illness, status 11620
as a person with an intellectual disability, or fact that the 11621
offender was a victim of a violation of section 2905.32 or 11622
2907.21 of the Revised Code was a factor leading to the criminal 11623
offense with which the offender is charged. The request also 11624
shall include a waiver of the defendant's right to a speedy 11625
trial, the preliminary hearing, the time period within which the 11626
grand jury may consider an indictment against the offender, and 11627
arraignment, unless the hearing, indictment, or arraignment has 11628
already occurred. The court may reject an offender's request 11629
without a hearing. If the court elects to consider an offender's 11630
request, the court shall conduct a hearing to determine whether 11631
the offender is eligible under this section for intervention in 11632
lieu of conviction and shall stay all criminal proceedings 11633
pending the outcome of the hearing. If the court schedules a 11634
hearing, the court shall order an assessment of the offender for 11635
the purpose of determining the offender's program eligibility 11636
for intervention in lieu of conviction and recommending an 11637
appropriate intervention plan. 11638

If the offender alleges that drug or alcohol usage by the 11639
offender was a factor leading to the criminal offense with which 11640
the offender is charged, the court may order that the offender 11641
be assessed by a community addiction services provider or a 11642
properly credentialed professional for the purpose of 11643
determining the offender's program eligibility for intervention 11644
in lieu of conviction and recommending an appropriate 11645
intervention plan. The community addiction services provider or 11646
the properly credentialed professional shall provide a written 11647
assessment of the offender to the court. 11648

(2) The victim notification provisions of division (C) of 11649
section 2930.06 of the Revised Code apply in relation to any 11650
hearing held under division (A) (1) of this section. 11651

(B) An offender is eligible for intervention in lieu of 11652
conviction if the court finds all of the following: 11653

(1) The offender previously has not been convicted of or 11654
pleaded guilty to any felony offense of violence. 11655

(2) The offense is not a felony of the first, second, or 11656
third degree, is not an offense of violence, is not a violation 11657
of division (A) (1) or (2) of section 2903.06 of the Revised 11658
Code, is not a violation of division (A) (1) of section 2903.08 11659
of the Revised Code, is not a violation of division (A) of 11660
section 4511.19 of the Revised Code or a municipal ordinance 11661
that is substantially similar to that division, and is not an 11662
offense for which a sentencing court is required to impose a 11663
mandatory prison term. 11664

(3) The offender is not charged with a violation of 11665
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 11666
charged with a violation of section 2925.03, 2925.031, or 11667
2925.032 of the Revised Code that is a felony of the first, 11668
second, third, or fourth degree, and is not charged with a 11669
violation of section 2925.11, 2925.111, or 2925.112 of the 11670
Revised Code that is a felony of the first or second degree. 11671

(4) If an offender alleges that drug or alcohol usage by 11672
the offender was a factor leading to the criminal offense with 11673
which the offender is charged, the court has ordered that the 11674
offender be assessed by a community addiction services provider 11675
or a properly credentialed professional for the purpose of 11676
determining the offender's program eligibility for intervention 11677

in lieu of conviction and recommending an appropriate 11678
intervention plan, the offender has been assessed by a community 11679
addiction services provider of that nature or a properly 11680
credentialed professional in accordance with the court's order, 11681
and the community addiction services provider or properly 11682
credentialed professional has filed the written assessment of 11683
the offender with the court. 11684

(5) If an offender alleges that, at the time of committing 11685
the criminal offense with which the offender is charged, the 11686
offender had a mental illness, was a person with an intellectual 11687
disability, or was a victim of a violation of section 2905.32 or 11688
2907.21 of the Revised Code and that the mental illness, status 11689
as a person with an intellectual disability, or fact that the 11690
offender was a victim of a violation of section 2905.32 or 11691
2907.21 of the Revised Code was a factor leading to that 11692
offense, the offender has been assessed by a psychiatrist, 11693
psychologist, independent social worker, licensed professional 11694
clinical counselor, or independent marriage and family therapist 11695
for the purpose of determining the offender's program 11696
eligibility for intervention in lieu of conviction and 11697
recommending an appropriate intervention plan. 11698

(6) The offender's drug usage, alcohol usage, mental 11699
illness, or intellectual disability, or the fact that the 11700
offender was a victim of a violation of section 2905.32 or 11701
2907.21 of the Revised Code, whichever is applicable, was a 11702
factor leading to the criminal offense with which the offender 11703
is charged, intervention in lieu of conviction would demean 11704
the seriousness of the offense, and intervention would 11705
substantially reduce the likelihood of any future criminal 11706
activity. 11707

(7) The alleged victim of the offense was not sixty-five 11708
years of age or older, permanently and totally disabled, under 11709
thirteen years of age, or a peace officer engaged in the 11710
officer's official duties at the time of the alleged offense. 11711

(8) If the offender is charged with a violation of section 11712
2925.24 of the Revised Code, the alleged violation did not 11713
result in physical harm to any person. 11714

(9) The offender is willing to comply with all terms and 11715
conditions imposed by the court pursuant to division (D) of this 11716
section. 11717

(10) The offender is not charged with an offense that 11718
would result in the offender being disqualified under Chapter 11719
4506. of the Revised Code from operating a commercial motor 11720
vehicle or would subject the offender to any other sanction 11721
under that chapter. 11722

(C) At the conclusion of a hearing held pursuant to 11723
division (A) of this section, the court shall enter its 11724
determination as to whether the offender will be granted 11725
intervention in lieu of conviction. If the court finds under 11726
this division and division (B) of this section that the offender 11727
is eligible for intervention in lieu of conviction and grants 11728
the offender's request, the court shall accept the offender's 11729
plea of guilty and waiver of the defendant's right to a speedy 11730
trial, the preliminary hearing, the time period within which the 11731
grand jury may consider an indictment against the offender, and 11732
arraignment, unless the hearing, indictment, or arraignment has 11733
already occurred. In addition, the court then may stay all 11734
criminal proceedings and order the offender to comply with all 11735
terms and conditions imposed by the court pursuant to division 11736
(D) of this section. If the court finds that the offender is not 11737

eligible or does not grant the offender's request, the criminal 11738
proceedings against the offender shall proceed as if the 11739
offender's request for intervention in lieu of conviction had 11740
not been made. 11741

(D) If the court grants an offender's request for 11742
intervention in lieu of conviction, the court shall place the 11743
offender under the general control and supervision of the county 11744
probation department, the adult parole authority, or another 11745
appropriate local probation or court services agency, if one 11746
exists, as if the offender was subject to a community control 11747
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 11748
the Revised Code. The court shall establish an intervention plan 11749
for the offender. The terms and conditions of the intervention 11750
plan shall require the offender, for at least one year from the 11751
date on which the court grants the order of intervention in lieu 11752
of conviction, to abstain from the use of illegal drugs and 11753
alcohol, to participate in treatment and recovery support 11754
services, and to submit to regular random testing for drug and 11755
alcohol use and may include any other treatment terms and 11756
conditions, or terms and conditions similar to community control 11757
sanctions, which may include community service or restitution, 11758
that are ordered by the court. 11759

(E) If the court grants an offender's request for 11760
intervention in lieu of conviction and the court finds that the 11761
offender has successfully completed the intervention plan for 11762
the offender, including the requirement that the offender 11763
abstain from using illegal drugs and alcohol for a period of at 11764
least one year from the date on which the court granted the 11765
order of intervention in lieu of conviction, the requirement 11766
that the offender participate in treatment and recovery support 11767
services, and all other terms and conditions ordered by the 11768

court, the court shall dismiss the proceedings against the 11769
offender. Successful completion of the intervention plan and 11770
period of abstinence under this section shall be without 11771
adjudication of guilt and is not a criminal conviction for 11772
purposes of any disqualification or disability imposed by law 11773
and upon conviction of a crime, and the court may order the 11774
sealing of records related to the offense in question in the 11775
manner provided in sections 2953.31 to 2953.36 of the Revised 11776
Code. 11777

(F) If the court grants an offender's request for 11778
intervention in lieu of conviction and the offender fails to 11779
comply with any term or condition imposed as part of the 11780
intervention plan for the offender, the supervising authority 11781
for the offender promptly shall advise the court of this 11782
failure, and the court shall hold a hearing to determine whether 11783
the offender failed to comply with any term or condition imposed 11784
as part of the plan. If the court determines that the offender 11785
has failed to comply with any of those terms and conditions, it 11786
may continue the offender on intervention in lieu of conviction, 11787
continue the offender on intervention in lieu of conviction with 11788
additional terms, conditions, and sanctions, or enter a finding 11789
of guilty and impose an appropriate sanction under Chapter 2929. 11790
of the Revised Code. If the court sentences the offender to a 11791
prison term, the court, after consulting with the department of 11792
rehabilitation and correction regarding the availability of 11793
services, may order continued court-supervised activity and 11794
treatment of the offender during the prison term and, upon 11795
consideration of reports received from the department concerning 11796
the offender's progress in the program of activity and 11797
treatment, may consider judicial release under section 2929.20 11798
of the Revised Code. 11799

(G) As used in this section:	11800
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	11801 11802
(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	11803 11804
(3) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section.	11805 11806
(4) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.	11807 11808
(5) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	11809 11810
(6) "Mental illness" and "psychiatrist" have the same meanings as in section 5122.01 of the Revised Code.	11811 11812
(7) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	11813 11814
Sec. 2967.18. (A) Whenever the director of rehabilitation and correction determines that the total population of the state correctional institutions for males and females, the total population of the state correctional institutions for males, or the total population of the state correctional institutions for females exceeds the capacity of those institutions and that an overcrowding emergency exists, the director shall notify the correctional institution inspection committee of the emergency and provide the committee with information in support of the director's determination. The director shall not notify the committee that an overcrowding emergency exists unless the director determines that no other reasonable method is available to resolve the overcrowding emergency.	11815 11816 11817 11818 11819 11820 11821 11822 11823 11824 11825 11826 11827

(B) On receipt of the notice given pursuant to division 11828
(A) of this section, the correctional institution inspection 11829
committee promptly shall review the determination of the 11830
director of rehabilitation and correction. Notwithstanding any 11831
other provision of the Revised Code or the Administrative Code 11832
that governs the lengths of criminal sentences, sets forth the 11833
time within which a prisoner is eligible for parole or within 11834
which a prisoner may apply for release, or regulates the 11835
procedure for granting parole or release to prisoners confined 11836
in state correctional institutions, the committee may recommend 11837
to the governor that the prison terms of eligible male, female, 11838
or all prisoners, as determined under division (E) of this 11839
section, be reduced by thirty, sixty, or ninety days, in the 11840
manner prescribed in that division. 11841

(C) If the correctional institution inspection committee 11842
disagrees with the determination of the director of 11843
rehabilitation and correction that an overcrowding emergency 11844
exists, if the committee finds that an overcrowding emergency 11845
exists but does not make a recommendation pursuant to division 11846
(B) of this section, or if the committee does not make a finding 11847
or a recommendation pursuant to that division within thirty days 11848
of receipt of the notice given pursuant to division (A) of this 11849
section, the director may recommend to the governor that the 11850
action set forth in division (B) of this section be taken. 11851

(D) Upon receipt of a recommendation from the correctional 11852
institution inspection committee or the director of 11853
rehabilitation and correction made pursuant to this section, the 11854
governor may declare in writing that an overcrowding emergency 11855
exists in all of the institutions within the control of the 11856
department in which men are confined, in which women are 11857
confined, or both. The declaration shall state that the adult 11858

parole authority shall take the action set forth in division (B) 11859
of this section. After the governor makes the declaration, the 11860
director shall file a copy of it with the secretary of state, 11861
and the copy is a public record. 11862

The department may begin to implement the declaration of 11863
the governor made pursuant to this section on the date that it 11864
is filed with the secretary of state. The department shall begin 11865
to implement the declaration within thirty days after the date 11866
of filing. The declaration shall be implemented in accordance 11867
with division (E) of this section. 11868

(E) (1) No reduction of sentence pursuant to division (B) 11869
of this section shall be granted to any of the following: 11870

(a) A person who is serving a term of imprisonment for 11871
aggravated murder, murder, voluntary manslaughter, involuntary 11872
manslaughter, felonious assault, kidnapping, rape, aggravated 11873
arson, aggravated robbery, or any other offense punishable by 11874
life imprisonment or by an indefinite term of a specified number 11875
of years to life, or for conspiracy in, complicity in, or 11876
attempt to commit any of those offenses; 11877

(b) A person who is serving a term of imprisonment for any 11878
felony other than carrying a concealed weapon that was committed 11879
while the person had a firearm, as defined in section 2923.11 of 11880
the Revised Code, on or about the offender's person or under the 11881
offender's control; 11882

(c) A person who is serving a term of imprisonment for a 11883
violation of section 2925.03, 2925.031, or 2925.032 of the 11884
Revised Code; 11885

(d) A person who is serving a term of imprisonment for 11886
engaging in a pattern of corrupt activity; 11887

(e) A person who is serving a prison term or term of life imprisonment without parole imposed pursuant to section 2971.03 of the Revised Code; 11888
11889
11890

(f) A person who was denied parole or release pursuant to section 2929.20 of the Revised Code during the term of imprisonment the person currently is serving. 11891
11892
11893

(2) A declaration of the governor that requires the adult parole authority to take the action set forth in division (B) of this section shall be implemented only by reducing the prison terms of prisoners who are not in any of the categories set forth in division (E) (1) of this section, and only by granting reductions of prison terms in the following order: 11894
11895
11896
11897
11898
11899

(a) Under any such declaration, prison terms initially shall be reduced only for persons who are not in any of the categories set forth in division (E) (1) of this section and who are not serving a term of imprisonment for any of the following offenses: 11900
11901
11902
11903
11904

(i) An offense of violence that is a felony of the first, second, or third degree or that, under the law in existence prior to ~~the effective date of this amendment~~ July 1, 1996, was an aggravated felony of the first, second, or third degree or a felony of the first or second degree; 11905
11906
11907
11908
11909

(ii) An offense set forth in Chapter 2925. of the Revised Code that is a felony of the first or second degree. 11910
11911

(b) If every person serving a term of imprisonment at the time of the implementation of any such declaration who is in the class of persons eligible for the initial reduction of prison terms, as described in division (E) (2) (a) of this section, has received a total of ninety days of term reduction for each three 11912
11913
11914
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11916

years of imprisonment actually served, then prison terms may be 11917
reduced for all other persons serving a term of imprisonment at 11918
that time who are not in any of the categories set forth in 11919
division (E) (1) of this section. 11920

(F) An offender who is released from a state correctional 11921
institution pursuant to this section is subject to post-release 11922
control sanctions imposed by the adult parole authority as if 11923
the offender was a prisoner described in division (B) of section 11924
2967.28 of the Revised Code who was being released from 11925
imprisonment. 11926

(G) If more than one overcrowding emergency is declared 11927
while a prisoner is serving a prison term, the total term 11928
reduction for that prisoner as the result of multiple 11929
declarations shall not exceed ninety days for each three years 11930
of imprisonment actually served. 11931

Sec. 2967.19. (A) As used in this section: 11932

(1) "Deadly weapon" and "dangerous ordnance" have the same 11933
meanings as in section 2923.11 of the Revised Code. 11934

(2) "Disqualifying prison term" means any of the 11935
following: 11936

(a) A prison term imposed for aggravated murder, murder, 11937
voluntary manslaughter, involuntary manslaughter, felonious 11938
assault, kidnapping, rape, aggravated arson, aggravated 11939
burglary, or aggravated robbery; 11940

(b) A prison term imposed for complicity in, an attempt to 11941
commit, or conspiracy to commit any offense listed in division 11942
(A) (2) (a) of this section; 11943

(c) A prison term of life imprisonment, including any term 11944

of life imprisonment that has parole eligibility; 11945

(d) A prison term imposed for any felony other than 11946
carrying a concealed weapon an essential element of which is any 11947
conduct or failure to act expressly involving any deadly weapon 11948
or dangerous ordnance; 11949

(e) A prison term imposed for any violation of section 11950
2925.03, 2925.031, or 2925.032 of the Revised Code that is a 11951
felony of the first or second degree; 11952

(f) A prison term imposed for engaging in a pattern of 11953
corrupt activity in violation of section 2923.32 of the Revised 11954
Code; 11955

(g) A prison term imposed pursuant to section 2971.03 of 11956
the Revised Code; 11957

(h) A prison term imposed for any sexually oriented 11958
offense. 11959

(3) "Eligible prison term" means any prison term that is 11960
not a disqualifying prison term and is not a restricting prison 11961
term. 11962

(4) "Restricting prison term" means any of the following: 11963

(a) A mandatory prison term imposed under division (B) (1) 11964
(a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of 11965
section 2929.14 of the Revised Code for a specification of the 11966
type described in that division; 11967

(b) In the case of an offender who has been sentenced to a 11968
mandatory prison term for a specification of the type described 11969
in division (A) (4) (a) of this section, the prison term imposed 11970
for the felony offense for which the specification was stated at 11971
the end of the body of the indictment, count in the indictment, 11972

or information charging the offense;	11973
(c) A prison term imposed for trafficking in persons;	11974
(d) A prison term imposed for any offense that is	11975
described in division (A) (4) (d) (i) of this section if division	11976
(A) (4) (d) (ii) of this section applies to the offender:	11977
(i) The offense is a felony of the first or second degree	11978
that is an offense of violence and that is not described in	11979
division (A) (2) (a) or (b) of this section, an attempt to commit	11980
a felony of the first or second degree that is an offense of	11981
violence and that is not described in division (A) (2) (a) or (b)	11982
of this section if the attempt is a felony of the first or	11983
second degree, or an offense under an existing or former law of	11984
this state, another state, or the United States that is or was	11985
substantially equivalent to any other offense described in this	11986
division.	11987
(ii) The offender previously was convicted of or pleaded	11988
guilty to any offense listed in division (A) (2) or (A) (4) (d) (i)	11989
of this section.	11990
(5) "Sexually oriented offense" has the same meaning as in	11991
section 2950.01 of the Revised Code.	11992
(6) "Stated prison term of one year or more" means a	11993
definite prison term of one year or more imposed as a stated	11994
prison term, or a minimum prison term of one year or more	11995
imposed as part of a stated prison term that is a non-life	11996
felony indefinite prison term.	11997
(B) The director of the department of rehabilitation and	11998
correction may recommend in writing to the sentencing court that	11999
the court consider releasing from prison any offender who, on or	12000
after September 30, 2011, is confined in a state correctional	12001

institution, who is serving a stated prison term of one year or 12002
more, and who is eligible under division (C) of this section for 12003
a release under this section. If the director wishes to 12004
recommend that the sentencing court consider releasing an 12005
offender under this section, the director shall notify the 12006
sentencing court in writing of the offender's eligibility not 12007
earlier than ninety days prior to the date on which the offender 12008
becomes eligible as described in division (C) of this section. 12009
The director's submission of the written notice constitutes a 12010
recommendation by the director that the court strongly consider 12011
release of the offender consistent with the purposes and 12012
principles of sentencing set forth in sections 2929.11 and 12013
2929.13 of the Revised Code. Only an offender recommended by the 12014
director under division (B) of this section may be considered 12015
for early release under this section. 12016

(C) (1) An offender serving a stated prison term of one 12017
year or more and who has commenced service of that stated prison 12018
term becomes eligible for release from prison under this section 12019
only as described in this division. An offender serving a stated 12020
prison term that includes a disqualifying prison term is not 12021
eligible for release from prison under this section. An offender 12022
serving a stated prison term that consists solely of one or more 12023
restricting prison terms is not eligible for release under this 12024
section. An offender serving a stated prison term of one year or 12025
more that includes one or more restricting prison terms and one 12026
or more eligible prison terms becomes eligible for release under 12027
this section after having fully served all restricting prison 12028
terms and having served eighty per cent of that stated prison 12029
term that remains to be served after all restricting prison 12030
terms have been fully served. An offender serving a stated 12031
prison term of one year or more that consists solely of one or 12032

more eligible prison terms becomes eligible for release under 12033
this section after having served eighty per cent of that stated 12034
prison term. For purposes of determining an offender's 12035
eligibility for release under this section, if the offender's 12036
stated prison term includes consecutive prison terms, any 12037
restricting prison terms shall be deemed served prior to any 12038
eligible prison terms that run consecutively to the restricting 12039
prison terms, and the eligible prison terms are deemed to 12040
commence after all of the restricting prison terms have been 12041
fully served. 12042

An offender serving a stated prison term of one year or 12043
more that includes a mandatory prison term that is not a 12044
disqualifying prison term and is not a restricting prison term 12045
is not automatically ineligible as a result of the offender's 12046
service of that mandatory term for release from prison under 12047
this section, and the offender's eligibility for release from 12048
prison under this section is determined in accordance with this 12049
division. 12050

(2) If an offender confined in a state correctional 12051
institution under a stated prison term is eligible for release 12052
under this section as described in division (C) (1) of this 12053
section, the director of the department of rehabilitation and 12054
correction may recommend in writing that the sentencing court 12055
consider releasing the offender from prison under this section 12056
by submitting to the sentencing court the written notice 12057
described in division (B) of this section. 12058

(D) The director shall include with any notice submitted 12059
to the sentencing court under division (B) of this section an 12060
institutional summary report that covers the offender's 12061
participation while confined in a state correctional institution 12062

in school, training, work, treatment, and other rehabilitative 12063
activities and any disciplinary action taken against the 12064
offender while so confined. The director shall include with the 12065
notice any other documentation requested by the court, if 12066
available. 12067

(E) (1) When the director submits a written notice to a 12068
sentencing court that an offender is eligible to be considered 12069
for early release under this section, the department promptly 12070
shall provide to the prosecuting attorney of the county in which 12071
the offender was indicted a copy of the written notice, a copy 12072
of the institutional summary report, and any other information 12073
provided to the court and shall provide a copy of the 12074
institutional summary report to any law enforcement agency that 12075
requests the report. The department also promptly shall do 12076
whichever of the following is applicable: 12077

(a) Subject to division (E) (1) (b) of this section, give 12078
written notice of the submission to any victim of the offender 12079
or victim's representative of any victim of the offender who is 12080
registered with the office of victim's services. 12081

(b) If the offense was aggravated murder, murder, an 12082
offense of violence that is a felony of the first, second, or 12083
third degree, or an offense punished by a sentence of life 12084
imprisonment, except as otherwise provided in this division, 12085
notify the victim or the victim's representative of the filing 12086
of the petition regardless of whether the victim or victim's 12087
representative has registered with the office of victim's 12088
services. The notice of the filing of the petition shall not be 12089
given under this division to a victim or victim's representative 12090
if the victim or victim's representative has requested pursuant 12091
to division (B) (2) of section 2930.03 of the Revised Code that 12092

the victim or the victim's representative not be provided the 12093
notice. If notice is to be provided to a victim or victim's 12094
representative under this division, the department may give the 12095
notice by any reasonable means, including regular mail, 12096
telephone, and electronic mail, in accordance with division (D) 12097
(1) of section 2930.16 of the Revised Code. If the notice is 12098
based on an offense committed prior to March 22, 2013, the 12099
notice also shall include the opt-out information described in 12100
division (D) (1) of section 2930.16 of the Revised Code. The 12101
department, in accordance with division (D) (2) of section 12102
2930.16 of the Revised Code, shall keep a record of all attempts 12103
to provide the notice, and of all notices provided, under this 12104
division. 12105

Division (E) (1) (b) of this section, and the notice-related 12106
provisions of divisions (E) (2) and (K) of section 2929.20, 12107
division (D) (1) of section 2930.16, division (H) of section 12108
2967.12, division (A) (3) (b) of section 2967.26, division (D) (1) 12109
of section 2967.28, and division (A) (2) of section 5149.101 of 12110
the Revised Code enacted in the act in which division (E) (2) of 12111
this section was enacted, shall be known as "Roberta's Law." 12112

(2) When the director submits a petition under this 12113
section, the department also promptly shall post a copy of the 12114
written notice on the database it maintains under section 12115
5120.66 of the Revised Code and include information on where a 12116
person may send comments regarding the recommendation of early 12117
release. 12118

The information provided to the court, the prosecutor, and 12119
the victim or victim's representative under divisions (D) and 12120
(E) of this section shall include the name and contact 12121
information of a specific department of rehabilitation and 12122

correction employee who is available to answer questions about 12123
the offender who is the subject of the written notice submitted 12124
by the director, including, but not limited to, the offender's 12125
institutional conduct and rehabilitative activities while 12126
incarcerated. 12127

(F) Upon receipt of a written notice submitted by the 12128
director under division (B) of this section, the court either 12129
shall, on its own motion, schedule a hearing to consider 12130
releasing the offender who is the subject of the notice or shall 12131
inform the department that it will not be conducting a hearing 12132
relative to the offender. The court shall not grant an early 12133
release to an offender without holding a hearing. If a court 12134
declines to hold a hearing relative to an offender with respect 12135
to a written notice submitted by the director, the court may 12136
later consider release of that offender under this section on 12137
its own motion by scheduling a hearing for that purpose. Within 12138
thirty days after the written notice is submitted, the court 12139
shall inform the department whether or not the court is 12140
scheduling a hearing on the offender who is the subject of the 12141
notice. 12142

(G) If the court schedules a hearing upon receiving a 12143
written notice submitted under division (B) of this section or 12144
upon its own motion under division (F) of this section, the 12145
court shall notify the head of the state correctional 12146
institution in which the offender is confined of the hearing 12147
prior to the hearing. If the court makes a journal entry 12148
ordering the offender to be conveyed to the hearing, except as 12149
otherwise provided in this division, the head of the 12150
correctional institution shall deliver the offender to the 12151
sheriff of the county in which the hearing is to be held, and 12152
the sheriff shall convey the offender to and from the hearing. 12153

Upon the court's own motion or the motion of the offender or the prosecuting attorney of the county in which the offender was indicted, the court may permit the offender to appear at the hearing by video conferencing equipment if equipment of that nature is available and compatible.

Upon receipt of notice from a court of a hearing on the release of an offender under this division, the head of the state correctional institution in which the offender is confined immediately shall notify the appropriate person at the department of rehabilitation and correction of the hearing, and the department within twenty-four hours after receipt of the notice shall post on the database it maintains pursuant to section 5120.66 of the Revised Code the offender's name and all of the information specified in division (A) (1) (c) (i) of that section. If the court schedules a hearing under this section, the court promptly shall give notice of the hearing to the prosecuting attorney of the county in which the offender was indicted. Upon receipt of the notice from the court, the prosecuting attorney shall notify pursuant to section 2930.16 of the Revised Code any victim of the offender or the victim's representative of the hearing.

(H) If the court schedules a hearing under this section, at the hearing, the court shall afford the offender and the offender's attorney an opportunity to present written information and, if present, oral information relevant to the offender's early release. The court shall afford a similar opportunity to the prosecuting attorney, victim or victim's representative, as defined in section 2930.01 of the Revised Code, and any other person the court determines is likely to present additional relevant information. If the court pursuant to division (G) of this section permits the offender to appear

at the hearing by video conferencing equipment, the offender's 12185
opportunity to present oral information shall be as a part of 12186
the video conferencing. The court shall consider any statement 12187
of a victim made under section 2930.14 or 2930.17 of the Revised 12188
Code, any victim impact statement prepared under section 12189
2947.051 of the Revised Code, and any report and other 12190
documentation submitted by the director under division (D) of 12191
this section. After ruling on whether to grant the offender 12192
early release, the court shall notify the victim in accordance 12193
with sections 2930.03 and 2930.16 of the Revised Code. 12194

(I) If the court grants an offender early release under 12195
this section, it shall order the release of the offender, shall 12196
place the offender under one or more appropriate community 12197
control sanctions, under appropriate conditions, and under the 12198
supervision of the department of probation that serves the 12199
court, and shall reserve the right to reimpose the sentence that 12200
it reduced and from which the offender was released if the 12201
offender violates the sanction. The court shall not make a 12202
release under this section effective prior to the date on which 12203
the offender becomes eligible as described in division (C) of 12204
this section. If the sentence under which the offender is 12205
confined in a state correctional institution and from which the 12206
offender is being released was imposed for a felony of the first 12207
or second degree, the court shall consider ordering that the 12208
offender be monitored by means of a global positioning device. 12209
If the court reimposes the sentence that it reduced and from 12210
which the offender was released and if the violation of the 12211
sanction is a new offense, the court may order that the 12212
reimposed sentence be served either concurrently with, or 12213
consecutive to, any new sentence imposed upon the offender as a 12214
result of the violation that is a new offense. The period of all 12215

community control sanctions imposed under this division shall 12216
not exceed five years. The court, in its discretion, may reduce 12217
the period of community control sanctions by the amount of time 12218
the offender spent in jail or prison for the offense. 12219

If the court grants an offender early release under this 12220
section, it shall notify the appropriate person at the 12221
department of rehabilitation and correction of the release, and 12222
the department shall post notice of the release on the database 12223
it maintains pursuant to section 5120.66 of the Revised Code. 12224

(J) The department shall adopt under Chapter 119. of the 12225
Revised Code any rules necessary to implement this section. 12226

Sec. 2967.28. (A) As used in this section: 12227

(1) "Monitored time" means the monitored time sanction 12228
specified in section 2929.17 of the Revised Code. 12229

(2) "Deadly weapon" and "dangerous ordnance" have the same 12230
meanings as in section 2923.11 of the Revised Code. 12231

(3) "Felony sex offense" means a violation of a section 12232
contained in Chapter 2907. of the Revised Code that is a felony. 12233

(4) "Risk reduction sentence" means a prison term imposed 12234
by a court, when the court recommends pursuant to section 12235
2929.143 of the Revised Code that the offender serve the 12236
sentence under section 5120.036 of the Revised Code, and the 12237
offender may potentially be released from imprisonment prior to 12238
the expiration of the prison term if the offender successfully 12239
completes all assessment and treatment or programming required 12240
by the department of rehabilitation and correction under section 12241
5120.036 of the Revised Code. 12242

(5) "Victim's immediate family" has the same meaning as in 12243

section 2967.12 of the Revised Code. 12244

(6) "Minor drug possession offense" has the same meaning 12245
as in section ~~2925.11~~2925.01 of the Revised Code. 12246

(B) Each sentence to a prison term, other than a term of 12247
life imprisonment, for a felony of the first degree, for a 12248
felony of the second degree, for a felony sex offense, or for a 12249
felony of the third degree that is an offense of violence and is 12250
not a felony sex offense shall include a requirement that the 12251
offender be subject to a period of post-release control imposed 12252
by the parole board after the offender's release from 12253
imprisonment. This division applies with respect to all prison 12254
terms of a type described in this division, including a term of 12255
any such type that is a risk reduction sentence. If a court 12256
imposes a sentence including a prison term of a type described 12257
in this division on or after July 11, 2006, the failure of a 12258
sentencing court to notify the offender pursuant to division (B) 12259
(2) (d) of section 2929.19 of the Revised Code of this 12260
requirement or to include in the judgment of conviction entered 12261
on the journal a statement that the offender's sentence includes 12262
this requirement does not negate, limit, or otherwise affect the 12263
mandatory period of supervision that is required for the 12264
offender under this division. This division applies with respect 12265
to all prison terms of a type described in this division, 12266
including a non-life felony indefinite prison term. Section 12267
2929.191 of the Revised Code applies if, prior to July 11, 2006, 12268
a court imposed a sentence including a prison term of a type 12269
described in this division and failed to notify the offender 12270
pursuant to division (B) (2) (d) of section 2929.19 of the Revised 12271
Code regarding post-release control or to include in the 12272
judgment of conviction entered on the journal or in the sentence 12273
pursuant to division (D) (1) of section 2929.14 of the Revised 12274

Code a statement regarding post-release control. Unless reduced 12275
by the parole board pursuant to division (D) of this section 12276
when authorized under that division, a period of post-release 12277
control required by this division for an offender shall be of 12278
one of the following periods: 12279

(1) For a felony of the first degree or for a felony sex 12280
offense, five years; 12281

(2) For a felony of the second degree that is not a felony 12282
sex offense, three years; 12283

(3) For a felony of the third degree that is an offense of 12284
violence and is not a felony sex offense, three years. 12285

(C) Any sentence to a prison term for a felony of the 12286
third, fourth, or fifth degree that is not subject to division 12287
(B) (1) or (3) of this section shall include a requirement that 12288
the offender be subject to a period of post-release control of 12289
up to three years after the offender's release from 12290
imprisonment, if the parole board, in accordance with division 12291
(D) of this section, determines that a period of post-release 12292
control is necessary for that offender. This division applies 12293
with respect to all prison terms of a type described in this 12294
division, including a term of any such type that is a risk 12295
reduction sentence. Section 2929.191 of the Revised Code applies 12296
if, prior to July 11, 2006, a court imposed a sentence including 12297
a prison term of a type described in this division and failed to 12298
notify the offender pursuant to division (B) (2) (e) of section 12299
2929.19 of the Revised Code regarding post-release control or to 12300
include in the judgment of conviction entered on the journal or 12301
in the sentence pursuant to division (D) (2) of section 2929.14 12302
of the Revised Code a statement regarding post-release control. 12303
Pursuant to an agreement entered into under section 2967.29 of 12304

the Revised Code, a court of common pleas or parole board may 12305
impose sanctions or conditions on an offender who is placed on 12306
post-release control under this division. 12307

(D) (1) Before the prisoner is released from imprisonment, 12308
the parole board or, pursuant to an agreement under section 12309
2967.29 of the Revised Code, the court shall impose upon a 12310
prisoner described in division (B) of this section, shall impose 12311
upon a prisoner described in division (C) of this section who is 12312
to be released before the expiration of the prisoner's stated 12313
prison term under a risk reduction sentence, may impose upon a 12314
prisoner described in division (C) of this section who is not to 12315
be released before the expiration of the prisoner's stated 12316
prison term under a risk reduction sentence, and shall impose 12317
upon a prisoner described in division (B) (2) (b) of section 12318
5120.031 or in division (B) (1) of section 5120.032 of the 12319
Revised Code, one or more post-release control sanctions to 12320
apply during the prisoner's period of post-release control. 12321
Whenever the board or court imposes one or more post-release 12322
control sanctions upon a prisoner, the board or court, in 12323
addition to imposing the sanctions, also shall include as a 12324
condition of the post-release control that the offender not 12325
leave the state without permission of the court or the 12326
offender's parole or probation officer and that the offender 12327
abide by the law. The board or court may impose any other 12328
conditions of release under a post-release control sanction that 12329
the board or court considers appropriate, and the conditions of 12330
release may include any community residential sanction, 12331
community nonresidential sanction, or financial sanction that 12332
the sentencing court was authorized to impose pursuant to 12333
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 12334
Prior to the release of a prisoner for whom it will impose one 12335

or more post-release control sanctions under this division, the 12336
parole board or court shall review the prisoner's criminal 12337
history, results from the single validated risk assessment tool 12338
selected by the department of rehabilitation and correction 12339
under section 5120.114 of the Revised Code, all juvenile court 12340
adjudications finding the prisoner, while a juvenile, to be a 12341
delinquent child, and the record of the prisoner's conduct while 12342
imprisoned. The parole board or court shall consider any 12343
recommendation regarding post-release control sanctions for the 12344
prisoner made by the office of victims' services. After 12345
considering those materials, the board or court shall determine, 12346
for a prisoner described in division (B) of this section, 12347
division (B) (2) (b) of section 5120.031, or division (B) (1) of 12348
section 5120.032 of the Revised Code and for a prisoner 12349
described in division (C) of this section who is to be released 12350
before the expiration of the prisoner's stated prison term under 12351
a risk reduction sentence, which post-release control sanction 12352
or combination of post-release control sanctions is reasonable 12353
under the circumstances or, for a prisoner described in division 12354
(C) of this section who is not to be released before the 12355
expiration of the prisoner's stated prison term under a risk 12356
reduction sentence, whether a post-release control sanction is 12357
necessary and, if so, which post-release control sanction or 12358
combination of post-release control sanctions is reasonable 12359
under the circumstances. In the case of a prisoner convicted of 12360
a felony of the fourth or fifth degree other than a felony sex 12361
offense, the board or court shall presume that monitored time is 12362
the appropriate post-release control sanction unless the board 12363
or court determines that a more restrictive sanction is 12364
warranted. A post-release control sanction imposed under this 12365
division takes effect upon the prisoner's release from 12366
imprisonment. 12367

Regardless of whether the prisoner was sentenced to the 12368
prison term prior to, on, or after July 11, 2006, prior to the 12369
release of a prisoner for whom it will impose one or more post- 12370
release control sanctions under this division, the parole board 12371
shall notify the prisoner that, if the prisoner violates any 12372
sanction so imposed or any condition of post-release control 12373
described in division (B) of section 2967.131 of the Revised 12374
Code that is imposed on the prisoner, the parole board may 12375
impose a prison term of up to one-half of the stated prison term 12376
originally imposed upon the prisoner. 12377

At least thirty days before the prisoner is released from 12378
imprisonment under post-release control, except as otherwise 12379
provided in this paragraph, the department of rehabilitation and 12380
correction shall notify the victim and the victim's immediate 12381
family of the date on which the prisoner will be released, the 12382
period for which the prisoner will be under post-release control 12383
supervision, and the terms and conditions of the prisoner's 12384
post-release control regardless of whether the victim or 12385
victim's immediate family has requested the notification. The 12386
notice described in this paragraph shall not be given to a 12387
victim or victim's immediate family if the victim or the 12388
victim's immediate family has requested pursuant to division (B) 12389
(2) of section 2930.03 of the Revised Code that the notice not 12390
be provided to the victim or the victim's immediate family. At 12391
least thirty days before the prisoner is released from 12392
imprisonment and regardless of whether the victim or victim's 12393
immediate family has requested that the notice described in this 12394
paragraph be provided or not be provided to the victim or the 12395
victim's immediate family, the department also shall provide 12396
notice of that nature to the prosecuting attorney in the case 12397
and the law enforcement agency that arrested the prisoner if any 12398

officer of that agency was a victim of the offense. 12399

If the notice given under the preceding paragraph to the 12400
victim or the victim's immediate family is based on an offense 12401
committed prior to March 22, 2013, and if the department of 12402
rehabilitation and correction has not previously successfully 12403
provided any notice to the victim or the victim's immediate 12404
family under division (B), (C), or (D) of section 2930.16 of the 12405
Revised Code with respect to that offense and the offender who 12406
committed it, the notice also shall inform the victim or the 12407
victim's immediate family that the victim or the victim's 12408
immediate family may request that the victim or the victim's 12409
immediate family not be provided any further notices with 12410
respect to that offense and the offender who committed it and 12411
shall describe the procedure for making that request. The 12412
department may give the notices to which the preceding paragraph 12413
applies by any reasonable means, including regular mail, 12414
telephone, and electronic mail. If the department attempts to 12415
provide notice to any specified person under the preceding 12416
paragraph but the attempt is unsuccessful because the department 12417
is unable to locate the specified person, is unable to provide 12418
the notice by its chosen method because it cannot determine the 12419
mailing address, electronic mail address, or telephone number at 12420
which to provide the notice, or, if the notice is sent by mail, 12421
the notice is returned, the department shall make another 12422
attempt to provide the notice to the specified person. If the 12423
second attempt is unsuccessful, the department shall make at 12424
least one more attempt to provide the notice. If the notice is 12425
based on an offense committed prior to March 22, 2013, in each 12426
attempt to provide the notice to the victim or victim's 12427
immediate family, the notice shall include the opt-out 12428
information described in this paragraph. The department, in the 12429

manner described in division (D) (2) of section 2930.16 of the Revised Code, shall keep a record of all attempts to provide the notice, and of all notices provided, under this paragraph and the preceding paragraph. The record shall be considered as if it was kept under division (D) (2) of section 2930.16 of the Revised Code. This paragraph, the preceding paragraph, and the notice-related provisions of divisions (E) (2) and (K) of section 2929.20, division (D) (1) of section 2930.16, division (H) of section 2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) (b) of section 2967.26, and division (A) (2) of section 5149.101 of the Revised Code enacted in the act in which this paragraph and the preceding paragraph were enacted, shall be known as "Roberta's Law."

(2) If a prisoner who is placed on post-release control under this section is released before the expiration of the definite term that is the prisoner's stated prison term or the expiration of the minimum term that is part of the prisoner's indefinite prison term imposed under a non-life felony indefinite prison term by reason of credit earned under section 2967.193 or a reduction under division (F) of section 2967.271 of the Revised Code and if the prisoner earned sixty or more days of credit, the adult parole authority shall supervise the offender with an active global positioning system device for the first fourteen days after the offender's release from imprisonment. This division does not prohibit or limit the imposition of any post-release control sanction otherwise authorized by this section.

(3) At any time after a prisoner is released from imprisonment and during the period of post-release control applicable to the releasee, the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised

Code, the court may review the releasee's behavior under the 12461
post-release control sanctions imposed upon the releasee under 12462
this section. The authority or court may determine, based upon 12463
the review and in accordance with the standards established 12464
under division (E) of this section, that a more restrictive or a 12465
less restrictive sanction is appropriate and may impose a 12466
different sanction. The authority also may recommend that the 12467
parole board or court increase or reduce the duration of the 12468
period of post-release control imposed by the court. If the 12469
authority recommends that the board or court increase the 12470
duration of post-release control, the board or court shall 12471
review the releasee's behavior and may increase the duration of 12472
the period of post-release control imposed by the court up to 12473
eight years. If the authority recommends that the board or court 12474
reduce the duration of control for an offense described in 12475
division (B) or (C) of this section, the board or court shall 12476
review the releasee's behavior and, subject to divisions (D) (3) 12477
(a) to (c) of this section, may reduce the duration of the 12478
period of control imposed by the court or, if the period of 12479
control was imposed for a non-life felony indefinite prison 12480
term, reduce the duration of or terminate the period of control 12481
imposed by the court. In no case shall the board or court do any 12482
of the following: 12483

(a) Reduce the duration of the period of control imposed 12484
for an offense described in division (B) (1) of this section to a 12485
period less than the length of the definite prison term included 12486
in the stated prison term originally imposed on the offender as 12487
part of the sentence or, with respect to a stated non-life 12488
felony indefinite prison term, to a period less than the length 12489
of the minimum prison term imposed as part of that stated prison 12490
term; 12491

(b) Consider any reduction or termination of the duration 12492
of the period of control imposed on a releasee prior to the 12493
expiration of one year after the commencement of the period of 12494
control, if the period of control was imposed for a non-life 12495
felony indefinite prison term and the releasee's minimum prison 12496
term or presumptive earned early release date under that term 12497
was extended for any length of time under division (C) or (D) of 12498
section 2967.271 of the Revised Code. 12499

(c) Permit the releasee to leave the state without 12500
permission of the court or the releasee's parole or probation 12501
officer. 12502

(4) The department of rehabilitation and correction shall 12503
develop factors that the parole board or court shall consider in 12504
determining under division (D) (3) of this section whether to 12505
terminate the period of control imposed on a releasee for a non- 12506
life felony indefinite prison term. 12507

(E) The department of rehabilitation and correction, in 12508
accordance with Chapter 119. of the Revised Code, shall adopt 12509
rules that do all of the following: 12510

(1) Establish standards for the imposition by the parole 12511
board of post-release control sanctions under this section that 12512
are consistent with the overriding purposes and sentencing 12513
principles set forth in section 2929.11 of the Revised Code and 12514
that are appropriate to the needs of releasees; 12515

(2) Establish standards that provide for a period of post- 12516
release control of up to three years for all prisoners described 12517
in division (C) of this section who are to be released before 12518
the expiration of their stated prison term under a risk 12519
reduction sentence and standards by which the parole board can 12520

determine which prisoners described in division (C) of this 12521
section who are not to be released before the expiration of 12522
their stated prison term under a risk reduction sentence should 12523
be placed under a period of post-release control; 12524

(3) Establish standards to be used by the parole board in 12525
reducing the duration of the period of post-release control 12526
imposed by the court when authorized under division (D) of this 12527
section, in imposing a more restrictive post-release control 12528
sanction than monitored time upon a prisoner convicted of a 12529
felony of the fourth or fifth degree other than a felony sex 12530
offense, or in imposing a less restrictive control sanction upon 12531
a releasee based on the releasee's activities including, but not 12532
limited to, remaining free from criminal activity and from the 12533
abuse of alcohol or other drugs, successfully participating in 12534
approved rehabilitation programs, maintaining employment, and 12535
paying restitution to the victim or meeting the terms of other 12536
financial sanctions; 12537

(4) Establish standards to be used by the adult parole 12538
authority in modifying a releasee's post-release control 12539
sanctions pursuant to division (D)(2) of this section; 12540

(5) Establish standards to be used by the adult parole 12541
authority or parole board in imposing further sanctions under 12542
division (F) of this section on releasees who violate post- 12543
release control sanctions, including standards that do the 12544
following: 12545

(a) Classify violations according to the degree of 12546
seriousness; 12547

(b) Define the circumstances under which formal action by 12548
the parole board is warranted; 12549

(c) Govern the use of evidence at violation hearings;	12550
(d) Ensure procedural due process to an alleged violator;	12551
(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations;	12552 12553
(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.	12554 12555
(F) (1) Whenever the parole board imposes one or more post- release control sanctions upon an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation directly to the adult parole authority or to the officer of the authority who supervises the offender. The authority's officers may treat the offender as if the offender were on parole and in violation of the parole, and otherwise shall comply with this section.	12556 12557 12558 12559 12560 12561 12562 12563 12564 12565 12566 12567 12568 12569 12570 12571 12572 12573
(2) If the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised Code, the court determines that a releasee has violated a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code imposed upon the releasee and that	12574 12575 12576 12577 12578

a more restrictive sanction is appropriate, the authority or 12579
court may impose a more restrictive sanction upon the releasee, 12580
in accordance with the standards established under division (E) 12581
of this section or in accordance with the agreement made under 12582
section 2967.29 of the Revised Code, or may report the violation 12583
to the parole board for a hearing pursuant to division (F) (3) of 12584
this section. The authority or court may not, pursuant to this 12585
division, increase the duration of the releasee's post-release 12586
control or impose as a post-release control sanction a 12587
residential sanction that includes a prison term, but the 12588
authority or court may impose on the releasee any other 12589
residential sanction, nonresidential sanction, or financial 12590
sanction that the sentencing court was authorized to impose 12591
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 12592
Revised Code. 12593

(3) The parole board or, pursuant to an agreement under 12594
section 2967.29 of the Revised Code, the court may hold a 12595
hearing on any alleged violation by a releasee of a post-release 12596
control sanction or any conditions described in division (A) of 12597
section 2967.131 of the Revised Code that are imposed upon the 12598
releasee. If after the hearing the board or court finds that the 12599
releasee violated the sanction or condition, the board or court 12600
may increase the duration of the releasee's post-release control 12601
up to the maximum duration authorized by division (B) or (C) of 12602
this section or impose a more restrictive post-release control 12603
sanction. If a releasee was acting pursuant to division (B) (2) 12604
(b) of section 2925.11 or a related provision of section 12605
2925.111 or 2925.112 of the Revised Code and in so doing 12606
violated the conditions of a post-release control sanction based 12607
on a minor drug possession offense as defined in ~~that~~ section 12608
2925.01 of the Revised Code, the board or the court may consider 12609

the releasee's conduct in seeking or obtaining medical 12610
assistance for another in good faith or for self or may consider 12611
the releasee being the subject of another person seeking or 12612
obtaining medical assistance in accordance with that division as 12613
a mitigating factor before imposing any of the penalties 12614
described in this division. When appropriate, the board or court 12615
may impose as a post-release control sanction a residential 12616
sanction that includes a prison term. The board or court shall 12617
consider a prison term as a post-release control sanction 12618
imposed for a violation of post-release control when the 12619
violation involves a deadly weapon or dangerous ordnance, 12620
physical harm or attempted serious physical harm to a person, or 12621
sexual misconduct. Unless a releasee's stated prison term was 12622
reduced pursuant to section 5120.032 of the Revised Code, the 12623
period of a prison term that is imposed as a post-release 12624
control sanction under this division shall not exceed nine 12625
months, and the maximum cumulative prison term for all 12626
violations under this division shall not exceed one-half of the 12627
definite prison term that was the stated prison term originally 12628
imposed upon the offender as part of this sentence or, with 12629
respect to a stated non-life felony indefinite prison term, one- 12630
half of the minimum prison term that was imposed as part of that 12631
stated prison term originally imposed upon the offender. If a 12632
releasee's stated prison term was reduced pursuant to section 12633
5120.032 of the Revised Code, the period of a prison term that 12634
is imposed as a post-release control sanction under this 12635
division and the maximum cumulative prison term for all 12636
violations under this division shall not exceed the period of 12637
time not served in prison under the sentence imposed by the 12638
court. The period of a prison term that is imposed as a post- 12639
release control sanction under this division shall not count as, 12640
or be credited toward, the remaining period of post-release 12641

control. 12642

If an offender is imprisoned for a felony committed while 12643
under post-release control supervision and is again released on 12644
post-release control for a period of time determined by division 12645
(F) (4) (d) of this section, the maximum cumulative prison term 12646
for all violations under this division shall not exceed one-half 12647
of the total stated prison terms of the earlier felony, reduced 12648
by any prison term administratively imposed by the parole board 12649
or court, plus one-half of the total stated prison term of the 12650
new felony. 12651

(4) Any period of post-release control shall commence upon 12652
an offender's actual release from prison. If an offender is 12653
serving an indefinite prison term or a life sentence in addition 12654
to a stated prison term, the offender shall serve the period of 12655
post-release control in the following manner: 12656

(a) If a period of post-release control is imposed upon 12657
the offender and if the offender also is subject to a period of 12658
parole under a life sentence or an indefinite sentence, and if 12659
the period of post-release control ends prior to the period of 12660
parole, the offender shall be supervised on parole. The offender 12661
shall receive credit for post-release control supervision during 12662
the period of parole. The offender is not eligible for final 12663
release under section 2967.16 of the Revised Code until the 12664
post-release control period otherwise would have ended. 12665

(b) If a period of post-release control is imposed upon 12666
the offender and if the offender also is subject to a period of 12667
parole under an indefinite sentence, and if the period of parole 12668
ends prior to the period of post-release control, the offender 12669
shall be supervised on post-release control. The requirements of 12670
parole supervision shall be satisfied during the post-release 12671

control period. 12672

(c) If an offender is subject to more than one period of 12673
post-release control, the period of post-release control for all 12674
of the sentences shall be the period of post-release control 12675
that expires last, as determined by the parole board or court. 12676
Periods of post-release control shall be served concurrently and 12677
shall not be imposed consecutively to each other. 12678

(d) The period of post-release control for a releasee who 12679
commits a felony while under post-release control for an earlier 12680
felony shall be the longer of the period of post-release control 12681
specified for the new felony under division (B) or (C) of this 12682
section or the time remaining under the period of post-release 12683
control imposed for the earlier felony as determined by the 12684
parole board or court. 12685

Sec. 3301.32. (A) (1) The chief administrator of any head 12686
start agency shall request the superintendent of the bureau of 12687
criminal identification and investigation to conduct a criminal 12688
records check with respect to any applicant who has applied to 12689
the head start agency for employment as a person responsible for 12690
the care, custody, or control of a child. If the applicant does 12691
not present proof that the applicant has been a resident of this 12692
state for the five-year period immediately prior to the date 12693
upon which the criminal records check is requested or does not 12694
provide evidence that within that five-year period the 12695
superintendent has requested information about the applicant 12696
from the federal bureau of investigation in a criminal records 12697
check, the chief administrator shall request that the 12698
superintendent obtain information from the federal bureau of 12699
investigation as a part of the criminal records check for the 12700
applicant. If the applicant presents proof that the applicant 12701

has been a resident of this state for that five-year period, the 12702
chief administrator may request that the superintendent include 12703
information from the federal bureau of investigation in the 12704
criminal records check. 12705

(2) Any person required by division (A)(1) of this section 12706
to request a criminal records check shall provide to each 12707
applicant a copy of the form prescribed pursuant to division (C) 12708
(1) of section 109.572 of the Revised Code, provide to each 12709
applicant a standard impression sheet to obtain fingerprint 12710
impressions prescribed pursuant to division (C)(2) of section 12711
109.572 of the Revised Code, obtain the completed form and 12712
impression sheet from each applicant, and forward the completed 12713
form and impression sheet to the superintendent of the bureau of 12714
criminal identification and investigation at the time the chief 12715
administrator requests a criminal records check pursuant to 12716
division (A)(1) of this section. 12717

(3) Any applicant who receives pursuant to division (A)(2) 12718
of this section a copy of the form prescribed pursuant to 12719
division (C)(1) of section 109.572 of the Revised Code and a 12720
copy of an impression sheet prescribed pursuant to division (C) 12721
(2) of that section and who is requested to complete the form 12722
and provide a set of fingerprint impressions shall complete the 12723
form or provide all the information necessary to complete the 12724
form and shall provide the impression sheets with the 12725
impressions of the applicant's fingerprints. If an applicant, 12726
upon request, fails to provide the information necessary to 12727
complete the form or fails to provide impressions of the 12728
applicant's fingerprints, the head start agency shall not employ 12729
that applicant for any position for which a criminal records 12730
check is required by division (A)(1) of this section. 12731

(B) (1) Except as provided in rules adopted by the director 12732
of job and family services in accordance with division (E) of 12733
this section, no head start agency shall employ a person as a 12734
person responsible for the care, custody, or control of a child 12735
if the person previously has been convicted of or pleaded guilty 12736
to any of the following: 12737

(a) A violation of section 2903.01, 2903.02, 2903.03, 12738
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 12739
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 12740
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 12741
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 12742
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 12743
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 12744
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 12745
Code, a violation of section 2905.04 of the Revised Code as it 12746
existed prior to July 1, 1996, a violation of section 2919.23 of 12747
the Revised Code that would have been a violation of section 12748
2905.04 of the Revised Code as it existed prior to July 1, 1996, 12749
had the violation occurred prior to that date, a violation of 12750
section 2925.11, 2925.111, or 2925.112 of the Revised Code that 12751
is not a minor drug possession offense, or felonious sexual 12752
penetration in violation of former section 2907.12 of the 12753
Revised Code; 12754

(b) A violation of an existing or former law of this 12755
state, any other state, or the United States that is 12756
substantially equivalent to any of the offenses or violations 12757
described in division (B) (1) (a) of this section. 12758

(2) A head start agency may employ an applicant 12759
conditionally until the criminal records check required by this 12760
section is completed and the agency receives the results of the 12761

criminal records check. If the results of the criminal records 12762
check indicate that, pursuant to division (B) (1) of this 12763
section, the applicant does not qualify for employment, the 12764
agency shall release the applicant from employment. 12765

(C) (1) Each head start agency shall pay to the bureau of 12766
criminal identification and investigation the fee prescribed 12767
pursuant to division (C) (3) of section 109.572 of the Revised 12768
Code for each criminal records check conducted in accordance 12769
with that section upon the request pursuant to division (A) (1) 12770
of this section of the chief administrator of the head start 12771
agency. 12772

(2) A head start agency may charge an applicant a fee for 12773
the costs it incurs in obtaining a criminal records check under 12774
this section. A fee charged under this division shall not exceed 12775
the amount of fees the agency pays under division (C) (1) of this 12776
section. If a fee is charged under this division, the agency 12777
shall notify the applicant at the time of the applicant's 12778
initial application for employment of the amount of the fee and 12779
that, unless the fee is paid, the head start agency will not 12780
consider the applicant for employment. 12781

(D) The report of any criminal records check conducted by 12782
the bureau of criminal identification and investigation in 12783
accordance with section 109.572 of the Revised Code and pursuant 12784
to a request made under division (A) (1) of this section is not a 12785
public record for the purposes of section 149.43 of the Revised 12786
Code and shall not be made available to any person other than 12787
the applicant who is the subject of the criminal records check 12788
or the applicant's representative, the head start agency 12789
requesting the criminal records check or its representative, and 12790
any court, hearing officer, or other necessary individual 12791

involved in a case dealing with the denial of employment to the applicant. 12792
12793

(E) The director of job and family services shall adopt 12794
rules pursuant to Chapter 119. of the Revised Code to implement 12795
this section, including rules specifying circumstances under 12796
which a head start agency may hire a person who has been 12797
convicted of an offense listed in division (B) (1) of this 12798
section but who meets standards in regard to rehabilitation set 12799
by the director. 12800

(F) Any person required by division (A) (1) of this section 12801
to request a criminal records check shall inform each person, at 12802
the time of the person's initial application for employment, 12803
that the person is required to provide a set of impressions of 12804
the person's fingerprints and that a criminal records check is 12805
required to be conducted and satisfactorily completed in 12806
accordance with section 109.572 of the Revised Code if the 12807
person comes under final consideration for appointment or 12808
employment as a precondition to employment for that position. 12809

(G) As used in this section: 12810

(1) "Applicant" means a person who is under final 12811
consideration for appointment or employment in a position with a 12812
head start agency as a person responsible for the care, custody, 12813
or control of a child. 12814

(2) "Head start agency" means an entity in this state that 12815
has been approved to be an agency for purposes of the "Head 12816
Start Act," 95 State 489 (1981), 42 U.S.C. 9831, as amended. 12817

(3) "Criminal records check" has the same meaning as in 12818
section 109.572 of the Revised Code. 12819

(4) "Minor drug possession offense" has the same meaning 12820

as in section 2925.01 of the Revised Code. 12821

Sec. 3301.541. (A) (1) The director, head teacher, 12822
elementary principal, or site administrator of a preschool 12823
program shall request the superintendent of the bureau of 12824
criminal identification and investigation to conduct a criminal 12825
records check with respect to any applicant who has applied to 12826
the preschool program for employment as a person responsible for 12827
the care, custody, or control of a child. If the applicant does 12828
not present proof that the applicant has been a resident of this 12829
state for the five-year period immediately prior to the date 12830
upon which the criminal records check is requested or does not 12831
provide evidence that within that five-year period the 12832
superintendent has requested information about the applicant 12833
from the federal bureau of investigation in a criminal records 12834
check, the director, head teacher, or elementary principal shall 12835
request that the superintendent obtain information from the 12836
federal bureau of investigation as a part of the criminal 12837
records check for the applicant. If the applicant presents proof 12838
that the applicant has been a resident of this state for that 12839
five-year period, the director, head teacher, or elementary 12840
principal may request that the superintendent include 12841
information from the federal bureau of investigation in the 12842
criminal records check. 12843

(2) Any director, head teacher, elementary principal, or 12844
site administrator required by division (A) (1) of this section 12845
to request a criminal records check shall provide to each 12846
applicant a copy of the form prescribed pursuant to division (C) 12847
(1) of section 109.572 of the Revised Code, provide to each 12848
applicant a standard impression sheet to obtain fingerprint 12849
impressions prescribed pursuant to division (C) (2) of section 12850
109.572 of the Revised Code, obtain the completed form and 12851

impression sheet from each applicant, and forward the completed 12852
form and impression sheet to the superintendent of the bureau of 12853
criminal identification and investigation at the time the person 12854
requests a criminal records check pursuant to division (A) (1) of 12855
this section. 12856

(3) Any applicant who receives pursuant to division (A) (2) 12857
of this section a copy of the form prescribed pursuant to 12858
division (C) (1) of section 109.572 of the Revised Code and a 12859
copy of an impression sheet prescribed pursuant to division (C) 12860
(2) of that section and who is requested to complete the form 12861
and provide a set of fingerprint impressions shall complete the 12862
form or provide all the information necessary to complete the 12863
form and provide the impression sheet with the impressions of 12864
the applicant's fingerprints. If an applicant, upon request, 12865
fails to provide the information necessary to complete the form 12866
or fails to provide impressions of the applicant's fingerprints, 12867
the preschool program shall not employ that applicant for any 12868
position for which a criminal records check is required by 12869
division (A) (1) of this section. 12870

(B) (1) Except as provided in rules adopted by the 12871
department of education in accordance with division (E) of this 12872
section, no preschool program shall employ a person as a person 12873
responsible for the care, custody, or control of a child if the 12874
person previously has been convicted of or pleaded guilty to any 12875
of the following: 12876

(a) A violation of section 2903.01, 2903.02, 2903.03, 12877
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 12878
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 12879
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 12880
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 12881

2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 12882
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 12883
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 12884
Code, a violation of section 2905.04 of the Revised Code as it 12885
existed prior to July 1, 1996, a violation of section 2919.23 of 12886
the Revised Code that would have been a violation of section 12887
2905.04 of the Revised Code as it existed prior to July 1, 1996, 12888
had the violation occurred prior to that date, a violation of 12889
section 2925.11, 2925.111, or 2925.112 of the Revised Code that 12890
is not a minor drug possession offense, or felonious sexual 12891
penetration in violation of former section 2907.12 of the 12892
Revised Code; 12893

(b) A violation of an existing or former law of this 12894
state, any other state, or the United States that is 12895
substantially equivalent to any of the offenses or violations 12896
described in division (B) (1) (a) of this section. 12897

(2) A preschool program may employ an applicant 12898
conditionally until the criminal records check required by this 12899
section is completed and the preschool program receives the 12900
results of the criminal records check. If the results of the 12901
criminal records check indicate that, pursuant to division (B) 12902
(1) of this section, the applicant does not qualify for 12903
employment, the preschool program shall release the applicant 12904
from employment. 12905

(C) (1) Each preschool program shall pay to the bureau of 12906
criminal identification and investigation the fee prescribed 12907
pursuant to division (C) (3) of section 109.572 of the Revised 12908
Code for each criminal records check conducted in accordance 12909
with that section upon the request pursuant to division (A) (1) 12910
of this section of the director, head teacher, elementary 12911

principal, or site administrator of the preschool program. 12912

(2) A preschool program may charge an applicant a fee for 12913
the costs it incurs in obtaining a criminal records check under 12914
this section. A fee charged under this division shall not exceed 12915
the amount of fees the preschool program pays under division (C) 12916
(1) of this section. If a fee is charged under this division, 12917
the preschool program shall notify the applicant at the time of 12918
the applicant's initial application for employment of the amount 12919
of the fee and that, unless the fee is paid, the applicant will 12920
not be considered for employment. 12921

(D) The report of any criminal records check conducted by 12922
the bureau of criminal identification and investigation in 12923
accordance with section 109.572 of the Revised Code and pursuant 12924
to a request under division (A) (1) of this section is not a 12925
public record for the purposes of section 149.43 of the Revised 12926
Code and shall not be made available to any person other than 12927
the applicant who is the subject of the criminal records check 12928
or the applicant's representative, the preschool program 12929
requesting the criminal records check or its representative, and 12930
any court, hearing officer, or other necessary individual in a 12931
case dealing with the denial of employment to the applicant. 12932

(E) The department of education shall adopt rules pursuant 12933
to Chapter 119. of the Revised Code to implement this section, 12934
including rules specifying circumstances under which a preschool 12935
program may hire a person who has been convicted of an offense 12936
listed in division (B) (1) of this section but who meets 12937
standards in regard to rehabilitation set by the department. 12938

(F) Any person required by division (A) (1) of this section 12939
to request a criminal records check shall inform each person, at 12940
the time of the person's initial application for employment, 12941

that the person is required to provide a set of impressions of 12942
the person's fingerprints and that a criminal records check is 12943
required to be conducted and satisfactorily completed in 12944
accordance with section 109.572 of the Revised Code if the 12945
person comes under final consideration for appointment or 12946
employment as a precondition to employment for that position. 12947

(G) As used in this section: 12948

(1) "Applicant" means a person who is under final 12949
consideration for appointment or employment in a position with a 12950
preschool program as a person responsible for the care, custody, 12951
or control of a child, except that "applicant" does not include 12952
a person already employed by a board of education, community 12953
school, or chartered nonpublic school in a position of care, 12954
custody, or control of a child who is under consideration for a 12955
different position with such board or school. 12956

(2) "Criminal records check" has the same meaning as in 12957
section 109.572 of the Revised Code. 12958

(3) "Minor drug possession offense" has the same meaning 12959
as in section 2925.01 of the Revised Code. 12960

(H) If the board of education of a local school district 12961
adopts a resolution requesting the assistance of the educational 12962
service center in which the local district has territory in 12963
conducting criminal records checks of substitute teachers under 12964
this section, the appointing or hiring officer of such 12965
educational service center governing board shall serve for 12966
purposes of this section as the appointing or hiring officer of 12967
the local board in the case of hiring substitute teachers for 12968
employment in the local district. 12969

Sec. 3313.662. (A) The superintendent of public 12970

instruction, pursuant to this section and the adjudication 12971
procedures of section 3301.121 of the Revised Code, may issue an 12972
adjudication order that permanently excludes a pupil from 12973
attending any of the public schools of this state if the pupil 12974
is convicted of, or adjudicated a delinquent child for, 12975
committing, when the pupil was sixteen years of age or older, an 12976
act that would be a criminal offense if committed by an adult 12977
and if the act is any of the following: 12978

(1) A violation of section 2923.122 of the Revised Code; 12979

(2) A violation of section 2923.12 of the Revised Code, of 12980
a substantially similar municipal ordinance, or of section 12981
2925.03, 2925.031, or 2925.032 of the Revised Code that was 12982
committed on property owned or controlled by, or at an activity 12983
held under the auspices of, a board of education of a city, 12984
local, exempted village, or joint vocational school district; 12985

(3) A violation of section 2925.11, 2925.111, or 2925.112 12986
of the Revised Code, other than a violation of that section that 12987
would be a minor drug possession offense, that was committed on 12988
property owned or controlled by, or at an activity held under 12989
the auspices of, the board of education of a city, local, 12990
exempted village, or joint vocational school district; 12991

(4) A violation of section 2903.01, 2903.02, 2903.03, 12992
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former 12993
section 2907.12 of the Revised Code that was committed on 12994
property owned or controlled by, or at an activity held under 12995
the auspices of, a board of education of a city, local, exempted 12996
village, or joint vocational school district, if the victim at 12997
the time of the commission of the act was an employee of that 12998
board of education; 12999

(5) Complicity in any violation described in division (A) 13000
(1), (2), (3), or (4) of this section that was alleged to have 13001
been committed in the manner described in division (A) (1), (2), 13002
(3), or (4) of this section, regardless of whether the act of 13003
complicity was committed on property owned or controlled by, or 13004
at an activity held under the auspices of, a board of education 13005
of a city, local, exempted village, or joint vocational school 13006
district. 13007

(B) A pupil may be suspended or expelled in accordance 13008
with section 3313.66 of the Revised Code prior to being 13009
permanently excluded from public school attendance under this 13010
section and section 3301.121 of the Revised Code. 13011

(C) (1) If the superintendent of a city, local, exempted 13012
village, or joint vocational school district in which a pupil 13013
attends school obtains or receives proof that the pupil has been 13014
convicted of committing when the pupil was sixteen years of age 13015
or older a violation listed in division (A) of this section or 13016
adjudicated a delinquent child for the commission when the pupil 13017
was sixteen years of age or older of a violation listed in 13018
division (A) of this section, the superintendent may issue to 13019
the board of education of the school district a request that the 13020
pupil be permanently excluded from public school attendance, if 13021
both of the following apply: 13022

(a) After obtaining or receiving proof of the conviction 13023
or adjudication, the superintendent or the superintendent's 13024
designee determines that the pupil's continued attendance in 13025
school may endanger the health and safety of other pupils or 13026
school employees and gives the pupil and the pupil's parent, 13027
guardian, or custodian written notice that the superintendent 13028
intends to recommend to the board of education that the board 13029

adopt a resolution requesting the superintendent of public 13030
instruction to permanently exclude the pupil from public school 13031
attendance. 13032

(b) The superintendent or the superintendent's designee 13033
forwards to the board of education the superintendent's written 13034
recommendation that includes the determinations the 13035
superintendent or designee made pursuant to division (C) (1) (a) 13036
of this section and a copy of the proof the superintendent 13037
received showing that the pupil has been convicted of or 13038
adjudicated a delinquent child for a violation listed in 13039
division (A) of this section that was committed when the pupil 13040
was sixteen years of age or older. 13041

(2) Within fourteen days after receipt of a recommendation 13042
from the superintendent pursuant to division (C) (1) (b) of this 13043
section that a pupil be permanently excluded from public school 13044
attendance, the board of education of a city, local, exempted 13045
village, or joint vocational school district, after review and 13046
consideration of all of the following available information, may 13047
adopt a resolution requesting the superintendent of public 13048
instruction to permanently exclude the pupil who is the subject 13049
of the recommendation from public school attendance: 13050

(a) The academic record of the pupil and a record of any 13051
extracurricular activities in which the pupil previously was 13052
involved; 13053

(b) The disciplinary record of the pupil and any available 13054
records of the pupil's prior behavioral problems other than the 13055
behavioral problems contained in the disciplinary record; 13056

(c) The social history of the pupil; 13057

(d) The pupil's response to the imposition of prior 13058

discipline and sanctions imposed for behavioral problems;	13059
(e) Evidence regarding the seriousness of and any	13060
aggravating factors related to the offense that is the basis of	13061
the resolution seeking permanent exclusion;	13062
(f) Any mitigating circumstances surrounding the offense	13063
that gave rise to the request for permanent exclusion;	13064
(g) Evidence regarding the probable danger posed to the	13065
health and safety of other pupils or of school employees by the	13066
continued presence of the pupil in a public school setting;	13067
(h) Evidence regarding the probable disruption of the	13068
teaching of any school district's graded course of study by the	13069
continued presence of the pupil in a public school setting;	13070
(i) Evidence regarding the availability of alternative	13071
sanctions of a less serious nature than permanent exclusion that	13072
would enable the pupil to remain in a public school setting	13073
without posing a significant danger to the health and safety of	13074
other pupils or of school employees and without posing a threat	13075
of the disruption of the teaching of any district's graded	13076
course of study.	13077
(3) If the board does not adopt a resolution requesting	13078
the superintendent of public instruction to permanently exclude	13079
the pupil, it immediately shall send written notice of that fact	13080
to the superintendent who sought the resolution, to the pupil	13081
who was the subject of the proposed resolution, and to that	13082
pupil's parent, guardian, or custodian.	13083
(D) (1) Upon adoption of a resolution under division (C) of	13084
this section, the board of education immediately shall forward	13085
to the superintendent of public instruction the written	13086
resolution, proof of the conviction or adjudication that is the	13087

basis of the resolution, a copy of the pupil's entire school record, and any other relevant information and shall forward a copy of the resolution to the pupil who is the subject of the recommendation and to that pupil's parent, guardian, or custodian.

(2) The board of education that adopted and forwarded the resolution requesting the permanent exclusion of the pupil to the superintendent of public instruction promptly shall designate a representative of the school district to present the case for permanent exclusion to the superintendent or the referee appointed by the superintendent. The representative of the school district may be an attorney admitted to the practice of law in this state. At the adjudication hearing held pursuant to section 3301.121 of the Revised Code, the representative of the school district shall present evidence in support of the requested permanent exclusion.

(3) Upon receipt of a board of education's resolution requesting the permanent exclusion of a pupil from public school attendance, the superintendent of public instruction, in accordance with the adjudication procedures of section 3301.121 of the Revised Code, promptly shall issue an adjudication order that either permanently excludes the pupil from attending any of the public schools of this state or that rejects the resolution of the board of education.

(E) Notwithstanding any provision of section 3313.64 of the Revised Code or an order of any court of this state that otherwise requires the admission of the pupil to a school, no school official in a city, local, exempted village, or joint vocational school district knowingly shall admit to any school in the school district a pupil who has been permanently excluded

from public school attendance by the superintendent of public 13118
instruction. 13119

(F) (1) (a) Upon determining that the school attendance of a 13120
pupil who has been permanently excluded from public school 13121
attendance no longer will endanger the health and safety of 13122
other students or school employees, the superintendent of any 13123
city, local, exempted village, or joint vocational school 13124
district in which the pupil desires to attend school may issue 13125
to the board of education of the school district a 13126
recommendation, including the reasons for the recommendation, 13127
that the permanent exclusion of a pupil be revoked and the pupil 13128
be allowed to return to the public schools of the state. 13129

If any violation which in whole or in part gave rise to 13130
the permanent exclusion of any pupil involved the pupil's 13131
bringing a firearm to a school operated by the board of 13132
education of a school district or onto any other property owned 13133
or operated by such a board, no superintendent shall recommend 13134
under this division an effective date for the revocation of the 13135
pupil's permanent exclusion that is less than one year after the 13136
date on which the last such firearm incident occurred. However, 13137
on a case-by-case basis, a superintendent may recommend an 13138
earlier effective date for such a revocation for any of the 13139
reasons for which the superintendent may reduce the one-year 13140
expulsion requirement in division (B) (2) of section 3313.66 of 13141
the Revised Code. 13142

(b) Upon receipt of the recommendation of the 13143
superintendent that a permanent exclusion of a pupil be revoked, 13144
the board of education of a city, local, exempted village, or 13145
joint vocational school district may adopt a resolution by a 13146
majority vote of its members requesting the superintendent of 13147

public instruction to revoke the permanent exclusion of the 13148
pupil. Upon adoption of the resolution, the board of education 13149
shall forward a copy of the resolution, the reasons for the 13150
resolution, and any other relevant information to the 13151
superintendent of public instruction. 13152

(c) Upon receipt of a resolution of a board of education 13153
requesting the revocation of a permanent exclusion of a pupil, 13154
the superintendent of public instruction, in accordance with the 13155
adjudication procedures of Chapter 119. of the Revised Code, 13156
shall issue an adjudication order that revokes the permanent 13157
exclusion of the pupil from public school attendance or that 13158
rejects the resolution of the board of education. 13159

(2) (a) A pupil who has been permanently excluded pursuant 13160
to this section and section 3301.121 of the Revised Code may 13161
request the superintendent of any city, local, exempted village, 13162
or joint vocational school district in which the pupil desires 13163
to attend school to admit the pupil on a probationary basis for 13164
a period not to exceed ninety school days. Upon receiving the 13165
request, the superintendent may enter into discussions with the 13166
pupil and with the pupil's parent, guardian, or custodian or a 13167
person designated by the pupil's parent, guardian, or custodian 13168
to develop a probationary admission plan designed to assist the 13169
pupil's probationary admission to the school. The plan may 13170
include a treatment program, a behavioral modification program, 13171
or any other program reasonably designed to meet the educational 13172
needs of the child and the disciplinary requirements of the 13173
school. 13174

If any violation which in whole or in part gave rise to 13175
the permanent exclusion of the pupil involved the pupil's 13176
bringing a firearm to a school operated by the board of 13177

education of any school district or onto any other property 13178
owned or operated by such a board, no plan developed under this 13179
division for the pupil shall include an effective date for the 13180
probationary admission of the pupil that is less than one year 13181
after the date on which the last such firearm incident occurred 13182
except that on a case-by-case basis, a plan may include an 13183
earlier effective date for such an admission for any of the 13184
reasons for which the superintendent of the district may reduce 13185
the one-year expulsion requirement in division (B) (2) of section 13186
3313.66 of the Revised Code. 13187

(b) If the superintendent of a school district, a pupil, 13188
and the pupil's parent, guardian, or custodian or a person 13189
designated by the pupil's parent, guardian, or custodian agree 13190
upon a probationary admission plan prepared pursuant to division 13191
(F) (2) (a) of this section, the superintendent of the school 13192
district shall issue to the board of education of the school 13193
district a recommendation that the pupil be allowed to attend 13194
school within the school district under probationary admission, 13195
the reasons for the recommendation, and a copy of the agreed 13196
upon probationary admission plan. Within fourteen days after the 13197
board of education receives the recommendation, reasons, and 13198
plan, the board may adopt the recommendation by a majority vote 13199
of its members. If the board adopts the recommendation, the 13200
pupil may attend school under probationary admission within that 13201
school district for a period not to exceed ninety days or any 13202
additional probationary period permitted under divisions (F) (2) 13203
(d) and (e) of this section in accordance with the probationary 13204
admission plan prepared pursuant to division (F) (2) (a) of this 13205
section. 13206

(c) If a pupil who is permitted to attend school under 13207
probationary admission pursuant to division (F) (2) (b) of this 13208

section fails to comply with the probationary admission plan 13209
prepared pursuant to division (F) (2) (a) of this section, the 13210
superintendent of the school district immediately may remove the 13211
pupil from the school and issue to the board of education of the 13212
school district a recommendation that the probationary admission 13213
be revoked. Within five days after the board of education 13214
receives the recommendation, the board may adopt the 13215
recommendation to revoke the pupil's probationary admission by a 13216
majority vote of its members. If a majority of the board does 13217
not adopt the recommendation to revoke the pupil's probationary 13218
admission, the pupil shall continue to attend school in 13219
compliance with the pupil's probationary admission plan. 13220

(d) If a pupil who is permitted to attend school under 13221
probationary admission pursuant to division (F) (2) (b) of this 13222
section complies with the probationary admission plan prepared 13223
pursuant to division (F) (2) (a) of this section, the pupil or the 13224
pupil's parent, guardian, or custodian, at any time before the 13225
expiration of the ninety-day probationary admission period, may 13226
request the superintendent of the school district to extend the 13227
terms and period of the pupil's probationary admission for a 13228
period not to exceed ninety days or to issue a recommendation 13229
pursuant to division (F) (1) of this section that the pupil's 13230
permanent exclusion be revoked and the pupil be allowed to 13231
return to the public schools of this state. 13232

(e) If a pupil is granted an extension of the pupil's 13233
probationary admission pursuant to division (F) (2) (d) of this 13234
section, the pupil or the pupil's parent, guardian, or 13235
custodian, in the manner described in that division, may 13236
request, and the superintendent and board, in the manner 13237
described in that division, may recommend and grant, subsequent 13238
probationary admission periods not to exceed ninety days each. 13239

If a pupil who is permitted to attend school under an extension 13240
of a probationary admission plan complies with the probationary 13241
admission plan prepared pursuant to the extension, the pupil or 13242
the pupil's parent, guardian, or custodian may request a 13243
revocation of the pupil's permanent exclusion in the manner 13244
described in division (F) (2) (d) of this section. 13245

(f) Any extension of a probationary admission requested by 13246
a pupil or a pupil's parent, guardian, or custodian pursuant to 13247
divisions (F) (2) (d) or (e) of this section shall be subject to 13248
the adoption and approval of a probationary admission plan in 13249
the manner described in divisions (F) (2) (a) and (b) of this 13250
section and may be terminated as provided in division (F) (2) (c) 13251
of this section. 13252

(g) If the pupil has complied with any probationary 13253
admission plan and the superintendent issues a recommendation 13254
that seeks revocation of the pupil's permanent exclusion 13255
pursuant to division (F) (1) of this section, the pupil's 13256
compliance with any probationary admission plan may be 13257
considered along with other relevant factors in any 13258
determination or adjudication conducted pursuant to division (F) 13259
(1) of this section. 13260

(G) (1) Except as provided in division (G) (2) of this 13261
section, any information regarding the permanent exclusion of a 13262
pupil shall be included in the pupil's official records and 13263
shall be included in any records sent to any school district 13264
that requests the pupil's records. 13265

(2) When a pupil who has been permanently excluded from 13266
public school attendance reaches the age of twenty-two or when 13267
the permanent exclusion of a pupil has been revoked, all school 13268
districts that maintain records regarding the pupil's permanent 13269

exclusion shall remove all references to the exclusion from the 13270
pupil's file and shall destroy them. 13271

A pupil who has reached the age of twenty-two or whose 13272
permanent exclusion has been revoked may send a written notice 13273
to the superintendent of any school district maintaining records 13274
of the pupil's permanent exclusion requesting the superintendent 13275
to ensure that the records are removed from the pupil's file and 13276
destroyed. Upon receipt of the request and a determination that 13277
the pupil is twenty-two years of age or older or that the 13278
pupil's permanent exclusion has been revoked, the superintendent 13279
shall ensure that the records are removed from the pupil's file 13280
and destroyed. 13281

(H) (1) This section does not apply to any of the 13282
following: 13283

(a) An institution that is a residential facility, that 13284
receives and cares for children, that is maintained by the 13285
department of youth services, and that operates a school 13286
chartered by the state board of education under section 3301.16 13287
of the Revised Code; 13288

(b) Any on-premises school operated by an out-of-home care 13289
entity, other than a school district, that is chartered by the 13290
state board of education under section 3301.16 of the Revised 13291
Code; 13292

(c) Any school operated in connection with an out-of-home 13293
care entity or a nonresidential youth treatment program that 13294
enters into a contract or agreement with a school district for 13295
the provision of educational services in a setting other than a 13296
setting that is a building or structure owned or controlled by 13297
the board of education of the school district during normal 13298

school hours.	13299
(2) This section does not prohibit any person who has been permanently excluded pursuant to this section and section 3301.121 of the Revised Code from seeking a certificate of high school equivalence. A person who has been permanently excluded may be permitted to participate in a course of study in preparation for a high school equivalency test approved by the department of education pursuant to division (B) of section 3301.80 of the Revised Code, except that the person shall not participate during normal school hours in that course of study in any building or structure owned or controlled by the board of education of a school district.	13300 13301 13302 13303 13304 13305 13306 13307 13308 13309 13310
(3) This section does not relieve any school district from any requirement under section 2151.362 or 3313.64 of the Revised Code to pay for the cost of educating any child who has been permanently excluded pursuant to this section and section 3301.121 of the Revised Code.	13311 13312 13313 13314 13315
(I) As used in this section:	13316
(1) "Permanently exclude" means to forever prohibit an individual from attending any public school in this state that is operated by a city, local, exempted village, or joint vocational school district.	13317 13318 13319 13320
(2) "Permanent exclusion" means the prohibition of a pupil forever from attending any public school in this state that is operated by a city, local, exempted village, or joint vocational school district.	13321 13322 13323 13324
(3) "Out-of-home care" has the same meaning as in section 2151.011 of the Revised Code.	13325 13326
(4) "Certificate of high school equivalence" has the same	13327

meaning as in section 4109.06 of the Revised Code. 13328

(5) "Nonresidential youth treatment program" means a 13329
program designed to provide services to persons under the age of 13330
eighteen in a setting that does not regularly provide long-term 13331
overnight care, including settlement houses, diversion and 13332
prevention programs, run-away centers, and alternative education 13333
programs. 13334

(6) "Firearm" has the same meaning as provided pursuant to 13335
the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 13336
8001(a)(2). 13337

(7) "Minor drug possession offense" has the same meaning 13338
as in section 2925.01 of the Revised Code. 13339

Sec. 3319.31. (A) As used in this section and sections 13340
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 13341
means a certificate, license, or permit described in this 13342
chapter or in division (B) of section 3301.071 or in section 13343
3301.074 of the Revised Code. 13344

(B) For any of the following reasons, the state board of 13345
education, in accordance with Chapter 119. and section 3319.311 13346
of the Revised Code, may refuse to issue a license to an 13347
applicant; may limit a license it issues to an applicant; may 13348
suspend, revoke, or limit a license that has been issued to any 13349
person; or may revoke a license that has been issued to any 13350
person and has expired: 13351

(1) Engaging in an immoral act, incompetence, negligence, 13352
or conduct that is unbecoming to the applicant's or person's 13353
position; 13354

(2) A plea of guilty to, a finding of guilt by a jury or 13355
court of, or a conviction of any of the following: 13356

(a) A felony other than a felony listed in division (C) of this section;	13357 13358
(b) An offense of violence other than an offense of violence listed in division (C) of this section;	13359 13360
(c) A theft offense, as defined in section 2913.01 of the Revised Code, other than a theft offense listed in division (C) of this section;	13361 13362 13363
(d) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor, other than a drug abuse offense listed in division (C) of this section;	13364 13365 13366
(e) A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in divisions (B) (2) (a) to (d) of this section.	13367 13368 13369
(3) A judicial finding of eligibility for intervention in lieu of conviction under section 2951.041 of the Revised Code, or agreeing to participate in a pre-trial diversion program under section 2935.36 of the Revised Code, or a similar diversion program under rules of a court, for any offense listed in division (B) (2) or (C) of this section;	13370 13371 13372 13373 13374 13375
(4) Failure to comply with section 3313.536, 3314.40, 3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code.	13376 13377
(C) Upon learning of a plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the offenses listed in this division by a person who holds a current or expired license or is an applicant for a license or renewal of a license, the state board or the superintendent of public instruction, if the state board has delegated the duty pursuant to division (D) of this section, shall by a written order revoke the person's license or deny issuance or renewal of the license	13378 13379 13380 13381 13382 13383 13384 13385

to the person. The state board or the superintendent shall 13386
revoke a license that has been issued to a person to whom this 13387
division applies and has expired in the same manner as a license 13388
that has not expired. 13389

Revocation of a license or denial of issuance or renewal 13390
of a license under this division is effective immediately at the 13391
time and date that the board or superintendent issues the 13392
written order and is not subject to appeal in accordance with 13393
Chapter 119. of the Revised Code. Revocation of a license or 13394
denial of issuance or renewal of license under this division 13395
remains in force during the pendency of an appeal by the person 13396
of the plea of guilty, finding of guilt, or conviction that is 13397
the basis of the action taken under this division. 13398

The state board or superintendent shall take the action 13399
required by this division for a violation of division (B) (1), 13400
(2), (3), or (4) of section 2919.22 of the Revised Code; a 13401
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 13402
2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 13403
2905.11, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 13404
2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 13405
2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 13406
2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 13407
2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 13408
2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 2921.04, 13409
2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 13410
2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.031, 13411
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 13412
2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 2927.24, or 3716.11 13413
of the Revised Code; a violation of section 2905.04 of the 13414
Revised Code as it existed prior to July 1, 1996; a violation of 13415
section 2919.23 of the Revised Code that would have been a 13416

violation of section 2905.04 of the Revised Code as it existed 13417
prior to July 1, 1996, had the violation been committed prior to 13418
that date; felonious sexual penetration in violation of former 13419
section 2907.12 of the Revised Code; or a violation of an 13420
ordinance of a municipal corporation that is substantively 13421
comparable to an offense listed in this paragraph. 13422

(D) The state board may delegate to the superintendent of 13423
public instruction the authority to revoke a person's license or 13424
to deny issuance or renewal of a license to a person under 13425
division (C) or (F) of this section. 13426

(E) (1) If the plea of guilty, finding of guilt, or 13427
conviction that is the basis of the action taken under division 13428
(B) (2) or (C) of this section, or under the version of division 13429
(F) of section 3319.311 of the Revised Code in effect prior to 13430
September 12, 2008, is overturned on appeal, upon exhaustion of 13431
the criminal appeal, the clerk of the court that overturned the 13432
plea, finding, or conviction or, if applicable, the clerk of the 13433
court that accepted an appeal from the court that overturned the 13434
plea, finding, or conviction, shall notify the state board that 13435
the plea, finding, or conviction has been overturned. Within 13436
thirty days after receiving the notification, the state board 13437
shall initiate proceedings to reconsider the revocation or 13438
denial of the person's license in accordance with division (E) 13439
(2) of this section. In addition, the person whose license was 13440
revoked or denied may file with the state board a petition for 13441
reconsideration of the revocation or denial along with 13442
appropriate court documents. 13443

(2) Upon receipt of a court notification or a petition and 13444
supporting court documents under division (E) (1) of this 13445
section, the state board, after offering the person an 13446

opportunity for an adjudication hearing under Chapter 119. of 13447
the Revised Code, shall determine whether the person committed 13448
the act in question in the prior criminal action against the 13449
person that is the basis of the revocation or denial and may 13450
continue the revocation or denial, may reinstate the person's 13451
license, with or without limits, or may grant the person a new 13452
license, with or without limits. The decision of the board shall 13453
be based on grounds for revoking, denying, suspending, or 13454
limiting a license adopted by rule under division (G) of this 13455
section and in accordance with the evidentiary standards the 13456
board employs for all other licensure hearings. The decision of 13457
the board under this division is subject to appeal under Chapter 13458
119. of the Revised Code. 13459

(3) A person whose license is revoked or denied under 13460
division (C) of this section shall not apply for any license if 13461
the plea of guilty, finding of guilt, or conviction that is the 13462
basis of the revocation or denial, upon completion of the 13463
criminal appeal, either is upheld or is overturned but the state 13464
board continues the revocation or denial under division (E) (2) 13465
of this section and that continuation is upheld on final appeal. 13466

(F) The state board may take action under division (B) of 13467
this section, and the state board or the superintendent shall 13468
take the action required under division (C) of this section, on 13469
the basis of substantially comparable conduct occurring in a 13470
jurisdiction outside this state or occurring before a person 13471
applies for or receives any license. 13472

(G) The state board may adopt rules in accordance with 13473
Chapter 119. of the Revised Code to carry out this section and 13474
section 3319.311 of the Revised Code. 13475

Sec. 3319.39. (A) (1) Except as provided in division (F) (2) 13476

(b) of section 109.57 of the Revised Code, the appointing or hiring officer of the board of education of a school district, the governing board of an educational service center, or of a chartered nonpublic school shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the school district, educational service center, or school for employment in any position. The appointing or hiring officer shall request that the superintendent include information from the federal bureau of investigation in the criminal records check, unless all of the following apply to the applicant:

(a) The applicant is applying to be an instructor of adult education.

(b) The duties of the position for which the applicant is applying do not involve routine interaction with a child or regular responsibility for the care, custody, or control of a child or, if the duties do involve such interaction or responsibility, during any period of time in which the applicant, if hired, has such interaction or responsibility, another employee of the school district, educational service center, or chartered nonpublic school will be present in the same room with the child or, if outdoors, will be within a thirty-yard radius of the child or have visual contact with the child.

(c) The applicant presents proof that the applicant has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or provides evidence that within that five-year period the superintendent has requested information about

the applicant from the federal bureau of investigation in a 13507
criminal records check. 13508

(2) A person required by division (A) (1) of this section 13509
to request a criminal records check shall provide to each 13510
applicant a copy of the form prescribed pursuant to division (C) 13511
(1) of section 109.572 of the Revised Code, provide to each 13512
applicant a standard impression sheet to obtain fingerprint 13513
impressions prescribed pursuant to division (C) (2) of section 13514
109.572 of the Revised Code, obtain the completed form and 13515
impression sheet from each applicant, and forward the completed 13516
form and impression sheet to the superintendent of the bureau of 13517
criminal identification and investigation at the time the person 13518
requests a criminal records check pursuant to division (A) (1) of 13519
this section. 13520

(3) An applicant who receives pursuant to division (A) (2) 13521
of this section a copy of the form prescribed pursuant to 13522
division (C) (1) of section 109.572 of the Revised Code and a 13523
copy of an impression sheet prescribed pursuant to division (C) 13524
(2) of that section and who is requested to complete the form 13525
and provide a set of fingerprint impressions shall complete the 13526
form or provide all the information necessary to complete the 13527
form and shall provide the impression sheet with the impressions 13528
of the applicant's fingerprints. If an applicant, upon request, 13529
fails to provide the information necessary to complete the form 13530
or fails to provide impressions of the applicant's fingerprints, 13531
the board of education of a school district, governing board of 13532
an educational service center, or governing authority of a 13533
chartered nonpublic school shall not employ that applicant for 13534
any position. 13535

(4) Notwithstanding any provision of this section to the 13536

contrary, an applicant who meets the conditions prescribed in 13537
divisions (A) (1) (a) and (b) of this section and who, within the 13538
two-year period prior to the date of application, was the 13539
subject of a criminal records check under this section prior to 13540
being hired for short-term employment with the school district, 13541
educational service center, or chartered nonpublic school to 13542
which application is being made shall not be required to undergo 13543
a criminal records check prior to the applicant's rehiring by 13544
that district, service center, or school. 13545

(B) (1) Except as provided in rules adopted by the 13546
department of education in accordance with division (E) of this 13547
section and as provided in division (B) (3) of this section, no 13548
board of education of a school district, no governing board of 13549
an educational service center, and no governing authority of a 13550
chartered nonpublic school shall employ a person if the person 13551
previously has been convicted of or pleaded guilty to any of the 13552
following: 13553

(a) A violation of section 2903.01, 2903.02, 2903.03, 13554
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 13555
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 13556
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 13557
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 13558
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 13559
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 13560
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 13561
Code, a violation of section 2905.04 of the Revised Code as it 13562
existed prior to July 1, 1996, a violation of section 2919.23 of 13563
the Revised Code that would have been a violation of section 13564
2905.04 of the Revised Code as it existed prior to July 1, 1996, 13565
had the violation been committed prior to that date, a violation 13566
of section 2925.11, 2925.111, or 2925.112 of the Revised Code 13567

that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former law of this state, another state, or the United States that is substantially equivalent to any of the offenses or violations described in division (B)(1)(a) of this section.

(2) A board, governing board of an educational service center, or a governing authority of a chartered nonpublic school may employ an applicant conditionally until the criminal records check required by this section is completed and the board or governing authority receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B)(1) of this section, the applicant does not qualify for employment, the board or governing authority shall release the applicant from employment.

(3) No board and no governing authority of a chartered nonpublic school shall employ a teacher who previously has been convicted of or pleaded guilty to any of the offenses listed in section 3319.31 of the Revised Code.

(C)(1) Each board and each governing authority of a chartered nonpublic school shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (A)(1) of this section of the appointing or hiring officer of the board or governing authority.

(2) A board and the governing authority of a chartered

nonpublic school may charge an applicant a fee for the costs it 13597
incurs in obtaining a criminal records check under this section. 13598
A fee charged under this division shall not exceed the amount of 13599
fees the board or governing authority pays under division (C) (1) 13600
of this section. If a fee is charged under this division, the 13601
board or governing authority shall notify the applicant at the 13602
time of the applicant's initial application for employment of 13603
the amount of the fee and that, unless the fee is paid, the 13604
board or governing authority will not consider the applicant for 13605
employment. 13606

(D) The report of any criminal records check conducted by 13607
the bureau of criminal identification and investigation in 13608
accordance with section 109.572 of the Revised Code and pursuant 13609
to a request under division (A) (1) of this section is not a 13610
public record for the purposes of section 149.43 of the Revised 13611
Code and shall not be made available to any person other than 13612
the applicant who is the subject of the criminal records check 13613
or the applicant's representative, the board or governing 13614
authority requesting the criminal records check or its 13615
representative, and any court, hearing officer, or other 13616
necessary individual involved in a case dealing with the denial 13617
of employment to the applicant. 13618

(E) The department of education shall adopt rules pursuant 13619
to Chapter 119. of the Revised Code to implement this section, 13620
including rules specifying circumstances under which the board 13621
or governing authority may hire a person who has been convicted 13622
of an offense listed in division (B) (1) or (3) of this section 13623
but who meets standards in regard to rehabilitation set by the 13624
department. 13625

The department shall amend rule 3301-83-23 of the Ohio 13626

Administrative Code that took effect August 27, 2009, and that 13627
specifies the offenses that disqualify a person for employment 13628
as a school bus or school van driver and establishes 13629
rehabilitation standards for school bus and school van drivers. 13630

(F) Any person required by division (A)(1) of this section 13631
to request a criminal records check shall inform each person, at 13632
the time of the person's initial application for employment, of 13633
the requirement to provide a set of fingerprint impressions and 13634
that a criminal records check is required to be conducted and 13635
satisfactorily completed in accordance with section 109.572 of 13636
the Revised Code if the person comes under final consideration 13637
for appointment or employment as a precondition to employment 13638
for the school district, educational service center, or school 13639
for that position. 13640

(G) As used in this section: 13641

(1) "Applicant" means a person who is under final 13642
consideration for appointment or employment in a position with a 13643
board of education, governing board of an educational service 13644
center, or a chartered nonpublic school, except that "applicant" 13645
does not include a person already employed by a board or 13646
chartered nonpublic school who is under consideration for a 13647
different position with such board or school. 13648

(2) "Teacher" means a person holding an educator license 13649
or permit issued under section 3319.22 or 3319.301 of the 13650
Revised Code and teachers in a chartered nonpublic school. 13651

(3) "Criminal records check" has the same meaning as in 13652
section 109.572 of the Revised Code. 13653

(4) "Minor drug possession offense" has the same meaning 13654
as in section 2925.01 of the Revised Code. 13655

(H) If the board of education of a local school district
adopts a resolution requesting the assistance of the educational
service center in which the local district has territory in
conducting criminal records checks of substitute teachers and
substitutes for other district employees under this section, the
appointing or hiring officer of such educational service center
shall serve for purposes of this section as the appointing or
hiring officer of the local board in the case of hiring
substitute teachers and other substitute employees for the local
district.

Sec. 3712.09. (A) As used in this section:

(1) "Applicant" means a person who is under final
consideration for employment with a hospice care program or
pediatric respite care program in a full-time, part-time, or
temporary position that involves providing direct care to an
older adult or pediatric respite care patient. "Applicant" does
not include a person who provides direct care as a volunteer
without receiving or expecting to receive any form of
remuneration other than reimbursement for actual expenses.

(2) "Criminal records check" has the same meaning as in
section 109.572 of the Revised Code.

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

(B) (1) Except as provided in division (I) of this section,
the chief administrator of a hospice care program or pediatric
respite care program shall request that the superintendent of
the bureau of criminal identification and investigation conduct
a criminal records check of each applicant. If an applicant for
whom a criminal records check request is required under this
division does not present proof of having been a resident of

this state for the five-year period immediately prior to the 13685
date the criminal records check is requested or provide evidence 13686
that within that five-year period the superintendent has 13687
requested information about the applicant from the federal 13688
bureau of investigation in a criminal records check, the chief 13689
administrator shall request that the superintendent obtain 13690
information from the federal bureau of investigation as part of 13691
the criminal records check of the applicant. Even if an 13692
applicant for whom a criminal records check request is required 13693
under this division presents proof of having been a resident of 13694
this state for the five-year period, the chief administrator may 13695
request that the superintendent include information from the 13696
federal bureau of investigation in the criminal records check. 13697

(2) A person required by division (B)(1) of this section 13698
to request a criminal records check shall do both of the 13699
following: 13700

(a) Provide to each applicant for whom a criminal records 13701
check request is required under that division a copy of the form 13702
prescribed pursuant to division (C)(1) of section 109.572 of the 13703
Revised Code and a standard fingerprint impression sheet 13704
prescribed pursuant to division (C)(2) of that section, and 13705
obtain the completed form and impression sheet from the 13706
applicant; 13707

(b) Forward the completed form and impression sheet to the 13708
superintendent of the bureau of criminal identification and 13709
investigation. 13710

(3) An applicant provided the form and fingerprint 13711
impression sheet under division (B)(2)(a) of this section who 13712
fails to complete the form or provide fingerprint impressions 13713
shall not be employed in any position for which a criminal 13714

records check is required by this section. 13715

(C) (1) Except as provided in rules adopted by the director 13716
of health in accordance with division (F) of this section and 13717
subject to division (C) (2) of this section, no hospice care 13718
program or pediatric respite care program shall employ a person 13719
in a position that involves providing direct care to an older 13720
adult or pediatric respite care patient if the person has been 13721
convicted of or pleaded guilty to any of the following: 13722

(a) A violation of section 2903.01, 2903.02, 2903.03, 13723
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 13724
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 13725
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 13726
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 13727
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 13728
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 13729
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 13730
2925.032, 2925.11, 2925.111, 2925.112, 2925.13, 2925.22, 13731
2925.23, or 3716.11 of the Revised Code. 13732

(b) A violation of an existing or former law of this 13733
state, any other state, or the United States that is 13734
substantially equivalent to any of the offenses listed in 13735
division (C) (1) (a) of this section. 13736

(2) (a) A hospice care program or pediatric respite care 13737
program may employ conditionally an applicant for whom a 13738
criminal records check request is required under division (B) of 13739
this section prior to obtaining the results of a criminal 13740
records check regarding the individual, provided that the 13741
program shall request a criminal records check regarding the 13742
individual in accordance with division (B) (1) of this section 13743
not later than five business days after the individual begins 13744

conditional employment. In the circumstances described in 13745
division (I)(2) of this section, a hospice care program or 13746
pediatric respite care program may employ conditionally an 13747
applicant who has been referred to the hospice care program or 13748
pediatric respite care program by an employment service that 13749
supplies full-time, part-time, or temporary staff for positions 13750
involving the direct care of older adults or pediatric respite 13751
care patients and for whom, pursuant to that division, a 13752
criminal records check is not required under division (B) of 13753
this section. 13754

(b) A hospice care program or pediatric respite care 13755
program that employs an individual conditionally under authority 13756
of division (C)(2)(a) of this section shall terminate the 13757
individual's employment if the results of the criminal records 13758
check requested under division (B) of this section or described 13759
in division (I)(2) of this section, other than the results of 13760
any request for information from the federal bureau of 13761
investigation, are not obtained within the period ending thirty 13762
days after the date the request is made. Regardless of when the 13763
results of the criminal records check are obtained, if the 13764
results indicate that the individual has been convicted of or 13765
pleaded guilty to any of the offenses listed or described in 13766
division (C)(1) of this section, the program shall terminate the 13767
individual's employment unless the program chooses to employ the 13768
individual pursuant to division (F) of this section. Termination 13769
of employment under this division shall be considered just cause 13770
for discharge for purposes of division (D)(2) of section 4141.29 13771
of the Revised Code if the individual makes any attempt to 13772
deceive the program about the individual's criminal record. 13773

(D)(1) Each hospice care program or pediatric respite care 13774
program shall pay to the bureau of criminal identification and 13775

investigation the fee prescribed pursuant to division (C) (3) of 13776
section 109.572 of the Revised Code for each criminal records 13777
check conducted pursuant to a request made under division (B) of 13778
this section. 13779

(2) A hospice care program or pediatric respite care 13780
program may charge an applicant a fee not exceeding the amount 13781
the program pays under division (D) (1) of this section. A 13782
program may collect a fee only if both of the following apply: 13783

(a) The program notifies the person at the time of initial 13784
application for employment of the amount of the fee and that, 13785
unless the fee is paid, the person will not be considered for 13786
employment; 13787

(b) The medicaid program does not reimburse the program 13788
the fee it pays under division (D) (1) of this section. 13789

(E) The report of a criminal records check conducted 13790
pursuant to a request made under this section is not a public 13791
record for the purposes of section 149.43 of the Revised Code 13792
and shall not be made available to any person other than the 13793
following: 13794

(1) The individual who is the subject of the criminal 13795
records check or the individual's representative; 13796

(2) The chief administrator of the program requesting the 13797
criminal records check or the administrator's representative; 13798

(3) The administrator of any other facility, agency, or 13799
program that provides direct care to older adults or pediatric 13800
respite care patients that is owned or operated by the same 13801
entity that owns or operates the hospice care program or 13802
pediatric respite care program; 13803

(4) A court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of the applicant;

(5) Any person to whom the report is provided pursuant to, and in accordance with, division (I) (1) or (2) of this section.

(F) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which a hospice care program or pediatric respite care program may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C) (1) of this section but meets personal character standards set by the director.

(G) The chief administrator of a hospice care program or pediatric respite care program shall inform each individual, at the time of initial application for a position that involves providing direct care to an older adult or pediatric respite care patient, that the individual is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the individual comes under final consideration for employment.

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an individual who a hospice care program or pediatric respite care program employs in a position that involves providing direct care to older adults or pediatric respite care patients, all of the following shall apply:

(1) If the program employed the individual in good faith and reasonable reliance on the report of a criminal records

check requested under this section, the program shall not be 13833
found negligent solely because of its reliance on the report, 13834
even if the information in the report is determined later to 13835
have been incomplete or inaccurate; 13836

(2) If the program employed the individual in good faith 13837
on a conditional basis pursuant to division (C)(2) of this 13838
section, the program shall not be found negligent solely because 13839
it employed the individual prior to receiving the report of a 13840
criminal records check requested under this section; 13841

(3) If the program in good faith employed the individual 13842
according to the personal character standards established in 13843
rules adopted under division (F) of this section, the program 13844
shall not be found negligent solely because the individual prior 13845
to being employed had been convicted of or pleaded guilty to an 13846
offense listed or described in division (C)(1) of this section. 13847

(I)(1) The chief administrator of a hospice care program 13848
or pediatric respite care program is not required to request 13849
that the superintendent of the bureau of criminal identification 13850
and investigation conduct a criminal records check of an 13851
applicant if the applicant has been referred to the program by 13852
an employment service that supplies full-time, part-time, or 13853
temporary staff for positions involving the direct care of older 13854
adults or pediatric respite care patients and both of the 13855
following apply: 13856

(a) The chief administrator receives from the employment 13857
service or the applicant a report of the results of a criminal 13858
records check regarding the applicant that has been conducted by 13859
the superintendent within the one-year period immediately 13860
preceding the applicant's referral; 13861

(b) The report of the criminal records check demonstrates 13862
that the person has not been convicted of or pleaded guilty to 13863
an offense listed or described in division (C)(1) of this 13864
section, or the report demonstrates that the person has been 13865
convicted of or pleaded guilty to one or more of those offenses, 13866
but the hospice care program or pediatric respite care program 13867
chooses to employ the individual pursuant to division (F) of 13868
this section. 13869

(2) The chief administrator of a hospice care program or 13870
pediatric respite care program is not required to request that 13871
the superintendent of the bureau of criminal identification and 13872
investigation conduct a criminal records check of an applicant 13873
and may employ the applicant conditionally as described in this 13874
division, if the applicant has been referred to the program by 13875
an employment service that supplies full-time, part-time, or 13876
temporary staff for positions involving the direct care of older 13877
adults or pediatric respite care patients and if the chief 13878
administrator receives from the employment service or the 13879
applicant a letter from the employment service that is on the 13880
letterhead of the employment service, dated, and signed by a 13881
supervisor or another designated official of the employment 13882
service and that states that the employment service has 13883
requested the superintendent to conduct a criminal records check 13884
regarding the applicant, that the requested criminal records 13885
check will include a determination of whether the applicant has 13886
been convicted of or pleaded guilty to any offense listed or 13887
described in division (C)(1) of this section, that, as of the 13888
date set forth on the letter, the employment service had not 13889
received the results of the criminal records check, and that, 13890
when the employment service receives the results of the criminal 13891
records check, it promptly will send a copy of the results to 13892

the hospice care program or pediatric respite care program. If a 13893
hospice care program or pediatric respite care program employs 13894
an applicant conditionally in accordance with this division, the 13895
employment service, upon its receipt of the results of the 13896
criminal records check, promptly shall send a copy of the 13897
results to the hospice care program or pediatric respite care 13898
program, and division (C) (2) (b) of this section applies 13899
regarding the conditional employment. 13900

Sec. 3719.013. Except as otherwise provided in section 13901
~~2925.03~~, 2925.031, 2925.032, 2925.11, 2925.111, or 2925.112 13902
of the Revised Code, a controlled substance analog, to the 13903
extent intended for human consumption, shall be treated for 13904
purposes of any provision of the Revised Code as a controlled 13905
substance in schedule I. 13906

Sec. 3719.21. Except as provided in division (C) of 13907
section 2923.42, division (B) of section 2923.44, divisions ~~(D)~~ 13908
(C) (1), ~~(F) (N), and ~~(H) (P)~~~~ of section 2925.03, division (D) (1) 13909
of section 2925.02, 2925.04, or 2925.05, division (E) (1) of 13910
section 2925.11 or related provisions of section 2925.111 or 13911
2925.112, division (E) of section 2925.13, division (F) of 13912
section 2925.36, division (D) of section 2925.22, division (H) 13913
of section 2925.23, division (M) of section 2925.37, division 13914
(B) of section 2925.42, division (B) of section 2929.18, 13915
division (D) of section 3719.99, division (B) (1) of section 13916
4729.65, division (E) (3) of section 4729.99, and division (I) (3) 13917
of section 4729.99 of the Revised Code, the clerk of the court 13918
shall pay all fines or forfeited bail assessed and collected 13919
under prosecutions or prosecutions commenced for violations of 13920
this chapter, section 2923.42 of the Revised Code, or Chapter 13921
2925. of the Revised Code, within thirty days, to the executive 13922
director of the state board of pharmacy, and the executive 13923

director shall deposit the fines into the state treasury to the 13924
credit of the occupational licensing and regulatory fund. 13925

Sec. 3719.99. (A) Whoever violates section 3719.16 or 13926
3719.161 of the Revised Code is guilty of a felony of the fifth 13927
degree. If the offender previously has been convicted of a 13928
violation of section 3719.16 or 3719.161 of the Revised Code or 13929
a drug abuse offense, a violation of section 3719.16 or 3719.161 13930
of the Revised Code is a felony of the fourth degree. If the 13931
violation involves the sale, offer to sell, or possession of a 13932
schedule I or II controlled substance, with the exception of 13933
marihuana, and if the offender, as a result of the violation, is 13934
a major drug offender, division (D) of this section applies. 13935

(B) Whoever violates division (C) or (D) of section 13936
3719.172 of the Revised Code is guilty of a felony of the fifth 13937
degree. If the offender previously has been convicted of a 13938
violation of division (C) or (D) of section 3719.172 of the 13939
Revised Code or a drug abuse offense, a violation of division 13940
(C) or (D) of section 3719.172 of the Revised Code is a felony 13941
of the fourth degree. If the violation involves the sale, offer 13942
to sell, or possession of a schedule I or II controlled 13943
substance, with the exception of marihuana, and if the offender, 13944
as a result of the violation, is a major drug offender, division 13945
(D) of this section applies. 13946

(C) Whoever violates section 3719.07 or 3719.08 of the 13947
Revised Code is guilty of a misdemeanor of the first degree. If 13948
the offender previously has been convicted of a violation of 13949
section 3719.07 or 3719.08 of the Revised Code or a drug abuse 13950
offense, a violation of section 3719.07 or 3719.08 of the 13951
Revised Code is a felony of the fifth degree. If the violation 13952
involves the sale, offer to sell, or possession of a schedule I 13953

or II controlled substance, with the exception of marihuana, and 13954
if the offender, as a result of the violation, is a major drug 13955
offender, division (D) of this section applies. 13956

(D) (1) If an offender is convicted of or pleads guilty to 13957
a felony violation of section 3719.07, 3719.08, 3719.16, or 13958
3719.161 or of division (C) or (D) of section 3719.172 of the 13959
Revised Code, if the violation involves the sale, offer to sell, 13960
or possession of a schedule I or II controlled substance, with 13961
the exception of marihuana, and if the court imposing sentence 13962
upon the offender finds that the offender as a result of the 13963
violation is a major drug offender and is guilty of a 13964
specification of the type described in division (A) of section 13965
2941.1410 of the Revised Code, the court, in lieu of the prison 13966
term authorized or required by division (A), (B), or (C) of this 13967
section and sections 2929.13 and 2929.14 of the Revised Code and 13968
in addition to any other sanction imposed for the offense under 13969
sections 2929.11 to 2929.18 of the Revised Code, shall impose 13970
upon the offender, in accordance with division (B) (3) of section 13971
2929.14 of the Revised Code, the mandatory prison term specified 13972
in that division. 13973

(2) Notwithstanding any contrary provision of section 13974
3719.21 of the Revised Code, the clerk of the court shall pay 13975
any fine imposed for a felony violation of section 3719.07, 13976
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 13977
section 3719.172 of the Revised Code pursuant to division (A) of 13978
section 2929.18 of the Revised Code in accordance with and 13979
subject to the requirements of division ~~(F)~~(N) of section 13980
2925.03 of the Revised Code. The agency that receives the fine 13981
shall use the fine as specified in division ~~(F)~~(N) of section 13982
2925.03 of the Revised Code. 13983

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code is guilty of a misdemeanor of the third degree. If the offender previously has been convicted of a violation of section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code or a drug abuse offense, a violation of section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code is a misdemeanor of the first degree.

(F) Whoever violates section 3719.30 of the Revised Code is guilty of a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of section 3719.30 of the Revised Code or a drug abuse offense, a violation of section 3719.30 of the Revised Code is a misdemeanor of the third degree.

(G) Whoever violates section 3719.32 or 3719.33 of the Revised Code is guilty of a minor misdemeanor.

(H) Whoever violates division (K) (2) (b) of section 3719.44 of the Revised Code is guilty of a felony of the fifth degree.

(I) Whoever violates division (K) (2) (c) of section 3719.44 of the Revised Code is guilty of a misdemeanor of the second degree.

(J) As used in this section, "major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

Sec. 3721.121. (A) As used in this section:

(1) "Adult day-care program" means a program operated pursuant to rules adopted by the director of health under section 3721.04 of the Revised Code and provided by and on the same site as homes licensed under this chapter.

(2) "Applicant" means a person who is under final 14013
consideration for employment with a home or adult day-care 14014
program in a full-time, part-time, or temporary position that 14015
involves providing direct care to an older adult. "Applicant" 14016
does not include a person who provides direct care as a 14017
volunteer without receiving or expecting to receive any form of 14018
remuneration other than reimbursement for actual expenses. 14019

(3) "Community-based long-term care services provider" 14020
means a provider as defined in section 173.39 of the Revised 14021
Code. 14022

(4) "Criminal records check" has the same meaning as in 14023
section 109.572 of the Revised Code. 14024

(5) "Home" means a home as defined in section 3721.10 of 14025
the Revised Code. 14026

(6) "Older adult" means a person age sixty or older. 14027

(B) (1) Except as provided in division (I) of this section, 14028
the chief administrator of a home or adult day-care program 14029
shall request that the superintendent of the bureau of criminal 14030
identification and investigation conduct a criminal records 14031
check of each applicant. If an applicant for whom a criminal 14032
records check request is required under this division does not 14033
present proof of having been a resident of this state for the 14034
five-year period immediately prior to the date the criminal 14035
records check is requested or provide evidence that within that 14036
five-year period the superintendent has requested information 14037
about the applicant from the federal bureau of investigation in 14038
a criminal records check, the chief administrator shall request 14039
that the superintendent obtain information from the federal 14040
bureau of investigation as part of the criminal records check of 14041

the applicant. Even if an applicant for whom a criminal records check request is required under this division presents proof of having been a resident of this state for the five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) A person required by division (B)(1) of this section to request a criminal records check shall do both of the following:

(a) Provide to each applicant for whom a criminal records check request is required under that division a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section, and obtain the completed form and impression sheet from the applicant;

(b) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation.

(3) An applicant provided the form and fingerprint impression sheet under division (B)(2)(a) of this section who fails to complete the form or provide fingerprint impressions shall not be employed in any position for which a criminal records check is required by this section.

(C)(1) Except as provided in rules adopted by the director of health in accordance with division (F) of this section and subject to division (C)(2) of this section, no home or adult day-care program shall employ a person in a position that involves providing direct care to an older adult if the person

has been convicted of or pleaded guilty to any of the following: 14071

(a) A violation of section 2903.01, 2903.02, 2903.03, 14072
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 14073
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 14074
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 14075
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 14076
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 14077
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 14078
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 14079
2925.032, 2925.11, 2925.111, 2925.112, 2925.13, 2925.22, 14080
2925.23, or 3716.11 of the Revised Code. 14081

(b) A violation of an existing or former law of this 14082
state, any other state, or the United States that is 14083
substantially equivalent to any of the offenses listed in 14084
division (C) (1) (a) of this section. 14085

(2) (a) A home or an adult day-care program may employ 14086
conditionally an applicant for whom a criminal records check 14087
request is required under division (B) of this section prior to 14088
obtaining the results of a criminal records check regarding the 14089
individual, provided that the home or program shall request a 14090
criminal records check regarding the individual in accordance 14091
with division (B) (1) of this section not later than five 14092
business days after the individual begins conditional 14093
employment. In the circumstances described in division (I) (2) of 14094
this section, a home or adult day-care program may employ 14095
conditionally an applicant who has been referred to the home or 14096
adult day-care program by an employment service that supplies 14097
full-time, part-time, or temporary staff for positions involving 14098
the direct care of older adults and for whom, pursuant to that 14099
division, a criminal records check is not required under 14100

division (B) of this section. 14101

(b) A home or adult day-care program that employs an 14102
individual conditionally under authority of division (C) (2) (a) 14103
of this section shall terminate the individual's employment if 14104
the results of the criminal records check requested under 14105
division (B) of this section or described in division (I) (2) of 14106
this section, other than the results of any request for 14107
information from the federal bureau of investigation, are not 14108
obtained within the period ending thirty days after the date the 14109
request is made. Regardless of when the results of the criminal 14110
records check are obtained, if the results indicate that the 14111
individual has been convicted of or pleaded guilty to any of the 14112
offenses listed or described in division (C) (1) of this section, 14113
the home or program shall terminate the individual's employment 14114
unless the home or program chooses to employ the individual 14115
pursuant to division (F) of this section. Termination of 14116
employment under this division shall be considered just cause 14117
for discharge for purposes of division (D) (2) of section 4141.29 14118
of the Revised Code if the individual makes any attempt to 14119
deceive the home or program about the individual's criminal 14120
record. 14121

(D) (1) Each home or adult day-care program shall pay to 14122
the bureau of criminal identification and investigation the fee 14123
prescribed pursuant to division (C) (3) of section 109.572 of the 14124
Revised Code for each criminal records check conducted pursuant 14125
to a request made under division (B) of this section. 14126

(2) A home or adult day-care program may charge an 14127
applicant a fee not exceeding the amount the home or program 14128
pays under division (D) (1) of this section. A home or program 14129
may collect a fee only if both of the following apply: 14130

- (a) The home or program notifies the person at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the person will not be considered for employment;
- (b) The medicaid program does not reimburse the home or program the fee it pays under division (D)(1) of this section.
- (E) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:
- (1) The individual who is the subject of the criminal records check or the individual's representative;
 - (2) The chief administrator of the home or program requesting the criminal records check or the administrator's representative;
 - (3) The administrator of any other facility, agency, or program that provides direct care to older adults that is owned or operated by the same entity that owns or operates the home or program;
 - (4) A court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of the applicant;
 - (5) Any person to whom the report is provided pursuant to, and in accordance with, division (I)(1) or (2) of this section;
 - (6) The board of nursing for purposes of accepting and processing an application for a medication aide certificate

issued under Chapter 4723. of the Revised Code; 14159

(7) The director of aging or the director's designee if 14160
the criminal records check is requested by the chief 14161
administrator of a home that is also a community-based long-term 14162
care services provider. 14163

(F) In accordance with section 3721.11 of the Revised 14164
Code, the director of health shall adopt rules to implement this 14165
section. The rules shall specify circumstances under which a 14166
home or adult day-care program may employ a person who has been 14167
convicted of or pleaded guilty to an offense listed or described 14168
in division (C)(1) of this section but meets personal character 14169
standards set by the director. 14170

(G) The chief administrator of a home or adult day-care 14171
program shall inform each individual, at the time of initial 14172
application for a position that involves providing direct care 14173
to an older adult, that the individual is required to provide a 14174
set of fingerprint impressions and that a criminal records check 14175
is required to be conducted if the individual comes under final 14176
consideration for employment. 14177

(H) In a tort or other civil action for damages that is 14178
brought as the result of an injury, death, or loss to person or 14179
property caused by an individual who a home or adult day-care 14180
program employs in a position that involves providing direct 14181
care to older adults, all of the following shall apply: 14182

(1) If the home or program employed the individual in good 14183
faith and reasonable reliance on the report of a criminal 14184
records check requested under this section, the home or program 14185
shall not be found negligent solely because of its reliance on 14186
the report, even if the information in the report is determined 14187

later to have been incomplete or inaccurate; 14188

(2) If the home or program employed the individual in good 14189
faith on a conditional basis pursuant to division (C) (2) of this 14190
section, the home or program shall not be found negligent solely 14191
because it employed the individual prior to receiving the report 14192
of a criminal records check requested under this section; 14193

(3) If the home or program in good faith employed the 14194
individual according to the personal character standards 14195
established in rules adopted under division (F) of this section, 14196
the home or program shall not be found negligent solely because 14197
the individual prior to being employed had been convicted of or 14198
pleaded guilty to an offense listed or described in division (C) 14199
(1) of this section. 14200

(I) (1) The chief administrator of a home or adult day-care 14201
program is not required to request that the superintendent of 14202
the bureau of criminal identification and investigation conduct 14203
a criminal records check of an applicant if the applicant has 14204
been referred to the home or program by an employment service 14205
that supplies full-time, part-time, or temporary staff for 14206
positions involving the direct care of older adults and both of 14207
the following apply: 14208

(a) The chief administrator receives from the employment 14209
service or the applicant a report of the results of a criminal 14210
records check regarding the applicant that has been conducted by 14211
the superintendent within the one-year period immediately 14212
preceding the applicant's referral; 14213

(b) The report of the criminal records check demonstrates 14214
that the person has not been convicted of or pleaded guilty to 14215
an offense listed or described in division (C) (1) of this 14216

section, or the report demonstrates that the person has been 14217
convicted of or pleaded guilty to one or more of those offenses, 14218
but the home or adult day-care program chooses to employ the 14219
individual pursuant to division (F) of this section. 14220

(2) The chief administrator of a home or adult day-care 14221
program is not required to request that the superintendent of 14222
the bureau of criminal identification and investigation conduct 14223
a criminal records check of an applicant and may employ the 14224
applicant conditionally as described in this division, if the 14225
applicant has been referred to the home or program by an 14226
employment service that supplies full-time, part-time, or 14227
temporary staff for positions involving the direct care of older 14228
adults and if the chief administrator receives from the 14229
employment service or the applicant a letter from the employment 14230
service that is on the letterhead of the employment service, 14231
dated, and signed by a supervisor or another designated official 14232
of the employment service and that states that the employment 14233
service has requested the superintendent to conduct a criminal 14234
records check regarding the applicant, that the requested 14235
criminal records check will include a determination of whether 14236
the applicant has been convicted of or pleaded guilty to any 14237
offense listed or described in division (C) (1) of this section, 14238
that, as of the date set forth on the letter, the employment 14239
service had not received the results of the criminal records 14240
check, and that, when the employment service receives the 14241
results of the criminal records check, it promptly will send a 14242
copy of the results to the home or adult day-care program. If a 14243
home or adult day-care program employs an applicant 14244
conditionally in accordance with this division, the employment 14245
service, upon its receipt of the results of the criminal records 14246
check, promptly shall send a copy of the results to the home or 14247

adult day-care program, and division (C) (2) (b) of this section 14248
applies regarding the conditional employment. 14249

Sec. 3734.44. Notwithstanding the provisions of any law to 14250
the contrary, no permit or license shall be issued or renewed by 14251
the director of environmental protection or a board of health: 14252

(A) Unless the director or the board of health finds that 14253
the applicant, in any prior performance record in the 14254
transportation, transfer, treatment, storage, or disposal of 14255
solid wastes, infectious wastes, or hazardous waste, has 14256
exhibited sufficient reliability, expertise, and competency to 14257
operate the solid waste, infectious waste, or hazardous waste 14258
facility, given the potential for harm to human health and the 14259
environment that could result from the irresponsible operation 14260
of the facility, or, if no prior record exists, that the 14261
applicant is likely to exhibit that reliability, expertise, and 14262
competence; 14263

(B) If any individual or business concern required to be 14264
listed in the disclosure statement or shown to have a beneficial 14265
interest in the business of the applicant or the permittee, 14266
other than an equity interest or debt liability, by the 14267
investigation thereof, has been convicted of any of the 14268
following crimes under the laws of this state or equivalent laws 14269
of any other jurisdiction: 14270

(1) Murder; 14271

(2) Kidnapping; 14272

(3) Gambling; 14273

(4) Robbery; 14274

(5) Bribery; 14275

(6) Extortion;	14276
(7) Criminal usury;	14277
(8) Arson;	14278
(9) Burglary;	14279
(10) Theft and related crimes;	14280
(11) Forgery and fraudulent practices;	14281
(12) Fraud in the offering, sale, or purchase of securities;	14282 14283
(13) Alteration of motor vehicle identification numbers;	14284
(14) Unlawful manufacture, purchase, use, or transfer of firearms;	14285 14286
(15) Unlawful possession or use of destructive devices or explosives;	14287 14288
(16) A violation of section 2925.03, <u>2925.031, 2925.032,</u> 2925.04, 2925.05, 2925.06, 2925.11, <u>2925.111, 2925.112,</u> 2925.32, or 2925.37 or Chapter 3719. of the Revised Code, unless the violation is for possession of less than one hundred grams of marihuana, less than five grams of marihuana resin or extraction or preparation of marihuana resin, or less than one gram of marihuana resin in a liquid concentrate, liquid extract, or liquid distillate form;	14289 14290 14291 14292 14293 14294 14295 14296
(17) Engaging in a pattern of corrupt activity under section 2923.32 of the Revised Code;	14297 14298
(18) A violation of the criminal provisions of Chapter 1331. of the Revised Code;	14299 14300
(19) Any violation of the criminal provisions of any	14301

federal or state environmental protection laws, rules, or 14302
regulations that is committed knowingly or recklessly, as 14303
defined in section 2901.22 of the Revised Code; 14304

(20) A violation of any provision of Chapter 2909. of the 14305
Revised Code; 14306

(21) Any offense specified in Chapter 2921. of the Revised 14307
Code. 14308

(C) Notwithstanding division (B) of this section, no 14309
applicant shall be denied the issuance or renewal of a permit or 14310
license on the basis of a conviction of any individual or 14311
business concern required to be listed in the disclosure 14312
statement or shown to have a beneficial interest in the business 14313
of the applicant or the permittee, other than an equity interest 14314
or debt liability, by the investigation thereof for any of the 14315
offenses enumerated in that division as disqualification 14316
criteria if that applicant has affirmatively demonstrated 14317
rehabilitation of the individual or business concern by a 14318
preponderance of the evidence. If any such individual was 14319
convicted of any of the offenses so enumerated that are 14320
felonies, a permit shall be denied unless five years have 14321
elapsed since the individual was fully discharged from 14322
imprisonment and parole for the offense, from a community 14323
control sanction imposed under section 2929.15 of the Revised 14324
Code, from a post-release control sanction imposed under section 14325
2967.28 of the Revised Code for the offense, or imprisonment, 14326
probation, and parole for an offense that was committed prior to 14327
July 1, 1996. In determining whether an applicant has 14328
affirmatively demonstrated rehabilitation, the director or the 14329
board of health shall request a recommendation on the matter 14330
from the attorney general and shall consider and base the 14331

determination on the following factors:	14332
(1) The nature and responsibilities of the position a convicted individual would hold;	14333 14334
(2) The nature and seriousness of the offense;	14335
(3) The circumstances under which the offense occurred;	14336
(4) The date of the offense;	14337
(5) The age of the individual when the offense was committed;	14338 14339
(6) Whether the offense was an isolated or repeated incident;	14340 14341
(7) Any social conditions that may have contributed to the offense;	14342 14343
(8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work release programs, or the recommendation of persons who have or have had the applicant under their supervision;	14344 14345 14346 14347 14348 14349
(9) In the instance of an applicant that is a business concern, rehabilitation shall be established if the applicant has implemented formal management controls to minimize and prevent the occurrence of violations and activities that will or may result in permit or license denial or revocation or if the applicant has formalized those controls as a result of a revocation or denial of a permit or license. Those controls may include, but are not limited to, instituting environmental auditing programs to help ensure the adequacy of internal systems to achieve, maintain, and monitor compliance with	14350 14351 14352 14353 14354 14355 14356 14357 14358 14359

applicable environmental laws and standards or instituting an 14360
antitrust compliance auditing program to help ensure full 14361
compliance with applicable antitrust laws. The business concern 14362
shall prove by a preponderance of the evidence that the 14363
management controls are effective in preventing the violations 14364
that are the subject of concern. 14365

(D) Unless the director or the board of health finds that 14366
the applicant has a history of compliance with environmental 14367
laws in this state and other jurisdictions and is presently in 14368
substantial compliance with, or on a legally enforceable 14369
schedule that will result in compliance with, environmental laws 14370
in this state and other jurisdictions; 14371

(E) With respect to the approval of a permit, if the 14372
director determines that current prosecutions or pending charges 14373
in any jurisdiction for any of the offenses enumerated in 14374
division (B) of this section against any individual or business 14375
concern required to be listed in the disclosure statement or 14376
shown by the investigation to have a beneficial interest in the 14377
business of the applicant other than an equity interest or debt 14378
liability are of such magnitude that they prevent making the 14379
finding required under division (A) of this section, provided 14380
that at the request of the applicant or the individual or 14381
business concern charged, the director shall defer decision upon 14382
the application during the pendency of the charge. 14383

Sec. 3767.01. As used in all sections of the Revised Code 14384
relating to nuisances: 14385

(A) "Place" includes any building, erection, or place or 14386
any separate part or portion thereof or the ground itself; 14387

(B) "Person" includes any individual, corporation, 14388

association, partnership, trustee, lessee, agent, or assignee;	14389
(C) "Nuisance" means any of the following:	14390
(1) That which is defined and declared by statutes to be a nuisance;	14391 14392
(2) Any place in or upon which lewdness, assignation, or prostitution is conducted, permitted, continued, or exists, or any place, in or upon which lewd, indecent, lascivious, or obscene films or plate negatives, film or plate positives, films designed to be projected on a screen for exhibition films, or glass slides either in negative or positive form designed for exhibition by projection on a screen, are photographed, manufactured, developed, screened, exhibited, or otherwise prepared or shown, and the personal property and contents used in conducting and maintaining any such place for any such purpose. This chapter shall not affect any newspaper, magazine, or other publication entered as second class matter by the post-office department.	14393 14394 14395 14396 14397 14398 14399 14400 14401 14402 14403 14404 14405
(3) Any room, house, building, boat, vehicle, structure, or place where beer or intoxicating liquor is manufactured, sold, bartered, possessed, or kept in violation of law and all property kept and used in maintaining the same, and all property designed for the unlawful manufacture of beer or intoxicating liquor and beer or intoxicating liquor contained in the room, house, building, boat, structure, or place, or the operation of such a room, house, building, boat, structure, or place as described in division (C) (3) of this section where the operation of that place substantially interferes with public decency, sobriety, peace, and good order. "Violation of law" includes, but is not limited to, sales to any person under the legal drinking age as prohibited in division (A) of section 4301.22 or	14406 14407 14408 14409 14410 14411 14412 14413 14414 14415 14416 14417 14418

division (A) of section 4301.69 of the Revised Code and any 14419
violation of section 2913.46 ~~or~~, 2925.03, 2925.031, or 2925.032 14420
of the Revised Code. 14421

Sec. 4112.02. It shall be an unlawful discriminatory 14422
practice: 14423

(A) For any employer, because of the race, color, 14424
religion, sex, military status, national origin, disability, 14425
age, or ancestry of any person, to discharge without just cause, 14426
to refuse to hire, or otherwise to discriminate against that 14427
person with respect to hire, tenure, terms, conditions, or 14428
privileges of employment, or any matter directly or indirectly 14429
related to employment. 14430

(B) For an employment agency or personnel placement 14431
service, because of race, color, religion, sex, military status, 14432
national origin, disability, age, or ancestry, to do any of the 14433
following: 14434

(1) Refuse or fail to accept, register, classify properly, 14435
or refer for employment, or otherwise discriminate against any 14436
person; 14437

(2) Comply with a request from an employer for referral of 14438
applicants for employment if the request directly or indirectly 14439
indicates that the employer fails to comply with the provisions 14440
of sections 4112.01 to 4112.07 of the Revised Code. 14441

(C) For any labor organization to do any of the following: 14442

(1) Limit or classify its membership on the basis of race, 14443
color, religion, sex, military status, national origin, 14444
disability, age, or ancestry; 14445

(2) Discriminate against, limit the employment 14446

opportunities of, or otherwise adversely affect the employment 14447
status, wages, hours, or employment conditions of any person as 14448
an employee because of race, color, religion, sex, military 14449
status, national origin, disability, age, or ancestry. 14450

(D) For any employer, labor organization, or joint labor- 14451
management committee controlling apprentice training programs to 14452
discriminate against any person because of race, color, 14453
religion, sex, military status, national origin, disability, or 14454
ancestry in admission to, or employment in, any program 14455
established to provide apprentice training. 14456

(E) Except where based on a bona fide occupational 14457
qualification certified in advance by the commission, for any 14458
employer, employment agency, personnel placement service, or 14459
labor organization, prior to employment or admission to 14460
membership, to do any of the following: 14461

(1) Elicit or attempt to elicit any information concerning 14462
the race, color, religion, sex, military status, national 14463
origin, disability, age, or ancestry of an applicant for 14464
employment or membership; 14465

(2) Make or keep a record of the race, color, religion, 14466
sex, military status, national origin, disability, age, or 14467
ancestry of any applicant for employment or membership; 14468

(3) Use any form of application for employment, or 14469
personnel or membership blank, seeking to elicit information 14470
regarding race, color, religion, sex, military status, national 14471
origin, disability, age, or ancestry; but an employer holding a 14472
contract containing a nondiscrimination clause with the 14473
government of the United States, or any department or agency of 14474
that government, may require an employee or applicant for 14475

employment to furnish documentary proof of United States 14476
citizenship and may retain that proof in the employer's 14477
personnel records and may use photographic or fingerprint 14478
identification for security purposes; 14479

(4) Print or publish or cause to be printed or published 14480
any notice or advertisement relating to employment or membership 14481
indicating any preference, limitation, specification, or 14482
discrimination, based upon race, color, religion, sex, military 14483
status, national origin, disability, age, or ancestry; 14484

(5) Announce or follow a policy of denying or limiting, 14485
through a quota system or otherwise, employment or membership 14486
opportunities of any group because of the race, color, religion, 14487
sex, military status, national origin, disability, age, or 14488
ancestry of that group; 14489

(6) Utilize in the recruitment or hiring of persons any 14490
employment agency, personnel placement service, training school 14491
or center, labor organization, or any other employee-referring 14492
source known to discriminate against persons because of their 14493
race, color, religion, sex, military status, national origin, 14494
disability, age, or ancestry. 14495

(F) For any person seeking employment to publish or cause 14496
to be published any advertisement that specifies or in any 14497
manner indicates that person's race, color, religion, sex, 14498
military status, national origin, disability, age, or ancestry, 14499
or expresses a limitation or preference as to the race, color, 14500
religion, sex, military status, national origin, disability, 14501
age, or ancestry of any prospective employer. 14502

(G) For any proprietor or any employee, keeper, or manager 14503
of a place of public accommodation to deny to any person, except 14504

for reasons applicable alike to all persons regardless of race, 14505
color, religion, sex, military status, national origin, 14506
disability, age, or ancestry, the full enjoyment of the 14507
accommodations, advantages, facilities, or privileges of the 14508
place of public accommodation. 14509

(H) Subject to section 4112.024 of the Revised Code, for 14510
any person to do any of the following: 14511

(1) Refuse to sell, transfer, assign, rent, lease, 14512
sublease, or finance housing accommodations, refuse to negotiate 14513
for the sale or rental of housing accommodations, or otherwise 14514
deny or make unavailable housing accommodations because of race, 14515
color, religion, sex, military status, familial status, 14516
ancestry, disability, or national origin; 14517

(2) Represent to any person that housing accommodations 14518
are not available for inspection, sale, or rental, when in fact 14519
they are available, because of race, color, religion, sex, 14520
military status, familial status, ancestry, disability, or 14521
national origin; 14522

(3) Discriminate against any person in the making or 14523
purchasing of loans or the provision of other financial 14524
assistance for the acquisition, construction, rehabilitation, 14525
repair, or maintenance of housing accommodations, or any person 14526
in the making or purchasing of loans or the provision of other 14527
financial assistance that is secured by residential real estate, 14528
because of race, color, religion, sex, military status, familial 14529
status, ancestry, disability, or national origin or because of 14530
the racial composition of the neighborhood in which the housing 14531
accommodations are located, provided that the person, whether an 14532
individual, corporation, or association of any type, lends money 14533
as one of the principal aspects or incident to the person's 14534

principal business and not only as a part of the purchase price 14535
of an owner-occupied residence the person is selling nor merely 14536
casually or occasionally to a relative or friend; 14537

(4) Discriminate against any person in the terms or 14538
conditions of selling, transferring, assigning, renting, 14539
leasing, or subleasing any housing accommodations or in 14540
furnishing facilities, services, or privileges in connection 14541
with the ownership, occupancy, or use of any housing 14542
accommodations, including the sale of fire, extended coverage, 14543
or homeowners insurance, because of race, color, religion, sex, 14544
military status, familial status, ancestry, disability, or 14545
national origin or because of the racial composition of the 14546
neighborhood in which the housing accommodations are located; 14547

(5) Discriminate against any person in the terms or 14548
conditions of any loan of money, whether or not secured by 14549
mortgage or otherwise, for the acquisition, construction, 14550
rehabilitation, repair, or maintenance of housing accommodations 14551
because of race, color, religion, sex, military status, familial 14552
status, ancestry, disability, or national origin or because of 14553
the racial composition of the neighborhood in which the housing 14554
accommodations are located; 14555

(6) Refuse to consider without prejudice the combined 14556
income of both husband and wife for the purpose of extending 14557
mortgage credit to a married couple or either member of a 14558
married couple; 14559

(7) Print, publish, or circulate any statement or 14560
advertisement, or make or cause to be made any statement or 14561
advertisement, relating to the sale, transfer, assignment, 14562
rental, lease, sublease, or acquisition of any housing 14563
accommodations, or relating to the loan of money, whether or not 14564

secured by mortgage or otherwise, for the acquisition, 14565
construction, rehabilitation, repair, or maintenance of housing 14566
accommodations, that indicates any preference, limitation, 14567
specification, or discrimination based upon race, color, 14568
religion, sex, military status, familial status, ancestry, 14569
disability, or national origin, or an intention to make any such 14570
preference, limitation, specification, or discrimination; 14571

(8) Except as otherwise provided in division (H) (8) or 14572
(17) of this section, make any inquiry, elicit any information, 14573
make or keep any record, or use any form of application 14574
containing questions or entries concerning race, color, 14575
religion, sex, military status, familial status, ancestry, 14576
disability, or national origin in connection with the sale or 14577
lease of any housing accommodations or the loan of any money, 14578
whether or not secured by mortgage or otherwise, for the 14579
acquisition, construction, rehabilitation, repair, or 14580
maintenance of housing accommodations. Any person may make 14581
inquiries, and make and keep records, concerning race, color, 14582
religion, sex, military status, familial status, ancestry, 14583
disability, or national origin for the purpose of monitoring 14584
compliance with this chapter. 14585

(9) Include in any transfer, rental, or lease of housing 14586
accommodations any restrictive covenant, or honor or exercise, 14587
or attempt to honor or exercise, any restrictive covenant; 14588

(10) Induce or solicit, or attempt to induce or solicit, a 14589
housing accommodations listing, sale, or transaction by 14590
representing that a change has occurred or may occur with 14591
respect to the racial, religious, sexual, military status, 14592
familial status, or ethnic composition of the block, 14593
neighborhood, or other area in which the housing accommodations 14594

are located, or induce or solicit, or attempt to induce or 14595
solicit, a housing accommodations listing, sale, or transaction 14596
by representing that the presence or anticipated presence of 14597
persons of any race, color, religion, sex, military status, 14598
familial status, ancestry, disability, or national origin, in 14599
the block, neighborhood, or other area will or may have results 14600
including, but not limited to, the following: 14601

(a) The lowering of property values; 14602

(b) A change in the racial, religious, sexual, military 14603
status, familial status, or ethnic composition of the block, 14604
neighborhood, or other area; 14605

(c) An increase in criminal or antisocial behavior in the 14606
block, neighborhood, or other area; 14607

(d) A decline in the quality of the schools serving the 14608
block, neighborhood, or other area. 14609

(11) Deny any person access to or membership or 14610
participation in any multiple-listing service, real estate 14611
brokers' organization, or other service, organization, or 14612
facility relating to the business of selling or renting housing 14613
accommodations, or discriminate against any person in the terms 14614
or conditions of that access, membership, or participation, on 14615
account of race, color, religion, sex, military status, familial 14616
status, national origin, disability, or ancestry; 14617

(12) Coerce, intimidate, threaten, or interfere with any 14618
person in the exercise or enjoyment of, or on account of that 14619
person's having exercised or enjoyed or having aided or 14620
encouraged any other person in the exercise or enjoyment of, any 14621
right granted or protected by division (H) of this section; 14622

(13) Discourage or attempt to discourage the purchase by a 14623

prospective purchaser of housing accommodations, by representing 14624
that any block, neighborhood, or other area has undergone or 14625
might undergo a change with respect to its religious, racial, 14626
sexual, military status, familial status, or ethnic composition; 14627

(14) Refuse to sell, transfer, assign, rent, lease, 14628
sublease, or finance, or otherwise deny or withhold, a burial 14629
lot from any person because of the race, color, sex, military 14630
status, familial status, age, ancestry, disability, or national 14631
origin of any prospective owner or user of the lot; 14632

(15) Discriminate in the sale or rental of, or otherwise 14633
make unavailable or deny, housing accommodations to any buyer or 14634
renter because of a disability of any of the following: 14635

(a) The buyer or renter; 14636

(b) A person residing in or intending to reside in the 14637
housing accommodations after they are sold, rented, or made 14638
available; 14639

(c) Any individual associated with the person described in 14640
division (H) (15) (b) of this section. 14641

(16) Discriminate in the terms, conditions, or privileges 14642
of the sale or rental of housing accommodations to any person or 14643
in the provision of services or facilities to any person in 14644
connection with the housing accommodations because of a 14645
disability of any of the following: 14646

(a) That person; 14647

(b) A person residing in or intending to reside in the 14648
housing accommodations after they are sold, rented, or made 14649
available; 14650

(c) Any individual associated with the person described in 14651

division (H) (16) (b) of this section. 14652

(17) Except as otherwise provided in division (H) (17) of 14653
this section, make an inquiry to determine whether an applicant 14654
for the sale or rental of housing accommodations, a person 14655
residing in or intending to reside in the housing accommodations 14656
after they are sold, rented, or made available, or any 14657
individual associated with that person has a disability, or make 14658
an inquiry to determine the nature or severity of a disability 14659
of the applicant or such a person or individual. The following 14660
inquiries may be made of all applicants for the sale or rental 14661
of housing accommodations, regardless of whether they have 14662
disabilities: 14663

(a) An inquiry into an applicant's ability to meet the 14664
requirements of ownership or tenancy; 14665

(b) An inquiry to determine whether an applicant is 14666
qualified for housing accommodations available only to persons 14667
with disabilities or persons with a particular type of 14668
disability; 14669

(c) An inquiry to determine whether an applicant is 14670
qualified for a priority available to persons with disabilities 14671
or persons with a particular type of disability; 14672

(d) An inquiry to determine whether an applicant currently 14673
uses a controlled substance in violation of section 2925.11, 14674
2925.111, or 2925.112 of the Revised Code or a substantively 14675
comparable municipal ordinance; 14676

(e) An inquiry to determine whether an applicant at any 14677
time has been convicted of or pleaded guilty to any offense, an 14678
element of which is the illegal sale, offer to sell, 14679
cultivation, manufacture, other production, shipment, 14680

transportation, delivery, or other distribution of a controlled substance. 14681
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(18) (a) Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing accommodations that are occupied or to be occupied by the person with a disability, if the modifications may be necessary to afford the person with a disability full enjoyment of the housing accommodations. This division does not preclude a landlord of housing accommodations that are rented or to be rented to a disabled tenant from conditioning permission for a proposed modification upon the disabled tenant's doing one or more of the following: 14683
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(i) Providing a reasonable description of the proposed modification and reasonable assurances that the proposed modification will be made in a workerlike manner and that any required building permits will be obtained prior to the commencement of the proposed modification; 14693
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(ii) Agreeing to restore at the end of the tenancy the interior of the housing accommodations to the condition they were in prior to the proposed modification, but subject to reasonable wear and tear during the period of occupancy, if it is reasonable for the landlord to condition permission for the proposed modification upon the agreement; 14698
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(iii) Paying into an interest-bearing escrow account that is in the landlord's name, over a reasonable period of time, a reasonable amount of money not to exceed the projected costs at the end of the tenancy of the restoration of the interior of the housing accommodations to the condition they were in prior to the proposed modification, but subject to reasonable wear and tear during the period of occupancy, if the landlord finds the 14704
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account reasonably necessary to ensure the availability of funds 14711
for the restoration work. The interest earned in connection with 14712
an escrow account described in this division shall accrue to the 14713
benefit of the disabled tenant who makes payments into the 14714
account. 14715

(b) A landlord shall not condition permission for a 14716
proposed modification upon a disabled tenant's payment of a 14717
security deposit that exceeds the customarily required security 14718
deposit of all tenants of the particular housing accommodations. 14719

(19) Refuse to make reasonable accommodations in rules, 14720
policies, practices, or services when necessary to afford a 14721
person with a disability equal opportunity to use and enjoy a 14722
dwelling unit, including associated public and common use areas; 14723

(20) Fail to comply with the standards and rules adopted 14724
under division (A) of section 3781.111 of the Revised Code; 14725

(21) Discriminate against any person in the selling, 14726
brokering, or appraising of real property because of race, 14727
color, religion, sex, military status, familial status, 14728
ancestry, disability, or national origin; 14729

(22) Fail to design and construct covered multifamily 14730
dwellings for first occupancy on or after June 30, 1992, in 14731
accordance with the following conditions: 14732

(a) The dwellings shall have at least one building 14733
entrance on an accessible route, unless it is impractical to do 14734
so because of the terrain or unusual characteristics of the 14735
site. 14736

(b) With respect to dwellings that have a building 14737
entrance on an accessible route, all of the following apply: 14738

(i) The public use areas and common use areas of the dwellings shall be readily accessible to and usable by persons with a disability.

(ii) All the doors designed to allow passage into and within all premises shall be sufficiently wide to allow passage by persons with a disability who are in wheelchairs.

(iii) All premises within covered multifamily dwelling units shall contain an accessible route into and through the dwelling; all light switches, electrical outlets, thermostats, and other environmental controls within such units shall be in accessible locations; the bathroom walls within such units shall contain reinforcements to allow later installation of grab bars; and the kitchens and bathrooms within such units shall be designed and constructed in a manner that enables an individual in a wheelchair to maneuver about such rooms.

For purposes of division (H) (22) of this section, "covered multifamily dwellings" means buildings consisting of four or more units if such buildings have one or more elevators and ground floor units in other buildings consisting of four or more units.

(I) For any person to discriminate in any manner against any other person because that person has opposed any unlawful discriminatory practice defined in this section or because that person has made a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under sections 4112.01 to 4112.07 of the Revised Code.

(J) For any person to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, to obstruct or prevent any person from

complying with this chapter or any order issued under it, or to 14768
attempt directly or indirectly to commit any act declared by 14769
this section to be an unlawful discriminatory practice. 14770

(K) Nothing in divisions (A) to (E) of this section shall 14771
be construed to require a person with a disability to be 14772
employed or trained under circumstances that would significantly 14773
increase the occupational hazards affecting either the person 14774
with a disability, other employees, the general public, or the 14775
facilities in which the work is to be performed, or to require 14776
the employment or training of a person with a disability in a 14777
job that requires the person with a disability routinely to 14778
undertake any task, the performance of which is substantially 14779
and inherently impaired by the person's disability. 14780

(L) An aggrieved individual may enforce the individual's 14781
rights relative to discrimination on the basis of age as 14782
provided for in this section by instituting a civil action, 14783
within one hundred eighty days after the alleged unlawful 14784
discriminatory practice occurred, in any court with jurisdiction 14785
for any legal or equitable relief that will effectuate the 14786
individual's rights. 14787

A person who files a civil action under this division is 14788
barred, with respect to the practices complained of, from 14789
instituting a civil action under section 4112.14 of the Revised 14790
Code and from filing a charge with the commission under section 14791
4112.05 of the Revised Code. 14792

(M) With regard to age, it shall not be an unlawful 14793
discriminatory practice and it shall not constitute a violation 14794
of division (A) of section 4112.14 of the Revised Code for any 14795
employer, employment agency, joint labor-management committee 14796
controlling apprenticeship training programs, or labor 14797

organization to do any of the following: 14798

(1) Establish bona fide employment qualifications 14799
reasonably related to the particular business or occupation that 14800
may include standards for skill, aptitude, physical capability, 14801
intelligence, education, maturation, and experience; 14802

(2) Observe the terms of a bona fide seniority system or 14803
any bona fide employee benefit plan, including, but not limited 14804
to, a retirement, pension, or insurance plan, that is not a 14805
subterfuge to evade the purposes of this section. However, no 14806
such employee benefit plan shall excuse the failure to hire any 14807
individual, and no such seniority system or employee benefit 14808
plan shall require or permit the involuntary retirement of any 14809
individual, because of the individual's age except as provided 14810
for in the "Age Discrimination in Employment Act Amendment of 14811
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 14812
Discrimination in Employment Act Amendments of 1986," 100 Stat. 14813
3342, 29 U.S.C.A. 623, as amended. 14814

(3) Retire an employee who has attained sixty-five years 14815
of age who, for the two-year period immediately before 14816
retirement, is employed in a bona fide executive or a high 14817
policymaking position, if the employee is entitled to an 14818
immediate nonforfeitable annual retirement benefit from a 14819
pension, profit-sharing, savings, or deferred compensation plan, 14820
or any combination of those plans, of the employer of the 14821
employee, which equals, in the aggregate, at least forty-four 14822
thousand dollars, in accordance with the conditions of the "Age 14823
Discrimination in Employment Act Amendment of 1978," 92 Stat. 14824
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 14825
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 14826
631, as amended; 14827

(4) Observe the terms of any bona fide apprenticeship program if the program is registered with the Ohio apprenticeship council pursuant to sections 4139.01 to 4139.06 of the Revised Code and is approved by the federal committee on apprenticeship of the United States department of labor.

(N) Nothing in this chapter prohibiting age discrimination and nothing in division (A) of section 4112.14 of the Revised Code shall be construed to prohibit the following:

(1) The designation of uniform age the attainment of which is necessary for public employees to receive pension or other retirement benefits pursuant to Chapter 145., 742., 3307., 3309., or 5505. of the Revised Code;

(2) The mandatory retirement of uniformed patrol officers of the state highway patrol as provided in section 5505.16 of the Revised Code;

(3) The maximum age requirements for appointment as a patrol officer in the state highway patrol established by section 5503.01 of the Revised Code;

(4) The maximum age requirements established for original appointment to a police department or fire department in sections 124.41 and 124.42 of the Revised Code;

(5) Any maximum age not in conflict with federal law that may be established by a municipal charter, municipal ordinance, or resolution of a board of township trustees for original appointment as a police officer or firefighter;

(6) Any mandatory retirement provision not in conflict with federal law of a municipal charter, municipal ordinance, or resolution of a board of township trustees pertaining to police officers and firefighters;

(7) Until January 1, 1994, the mandatory retirement of any 14857
employee who has attained seventy years of age and who is 14858
serving under a contract of unlimited tenure, or similar 14859
arrangement providing for unlimited tenure, at an institution of 14860
higher education as defined in the "Education Amendments of 14861
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 14862

(O) (1) (a) Except as provided in division (O) (1) (b) of this 14863
section, for purposes of divisions (A) to (E) of this section, a 14864
disability does not include any physiological disorder or 14865
condition, mental or psychological disorder, or disease or 14866
condition caused by an illegal use of any controlled substance 14867
by an employee, applicant, or other person, if an employer, 14868
employment agency, personnel placement service, labor 14869
organization, or joint labor-management committee acts on the 14870
basis of that illegal use. 14871

(b) Division (O) (1) (a) of this section does not apply to 14872
an employee, applicant, or other person who satisfies any of the 14873
following: 14874

(i) The employee, applicant, or other person has 14875
successfully completed a supervised drug rehabilitation program 14876
and no longer is engaging in the illegal use of any controlled 14877
substance, or the employee, applicant, or other person otherwise 14878
successfully has been rehabilitated and no longer is engaging in 14879
that illegal use. 14880

(ii) The employee, applicant, or other person is 14881
participating in a supervised drug rehabilitation program and no 14882
longer is engaging in the illegal use of any controlled 14883
substance. 14884

(iii) The employee, applicant, or other person is 14885

erroneously regarded as engaging in the illegal use of any 14886
controlled substance, but the employee, applicant, or other 14887
person is not engaging in that illegal use. 14888

(2) Divisions (A) to (E) of this section do not prohibit 14889
an employer, employment agency, personnel placement service, 14890
labor organization, or joint labor-management committee from 14891
doing any of the following: 14892

(a) Adopting or administering reasonable policies or 14893
procedures, including, but not limited to, testing for the 14894
illegal use of any controlled substance, that are designed to 14895
ensure that an individual described in division (O) (1) (b) (i) or 14896
(ii) of this section no longer is engaging in the illegal use of 14897
any controlled substance; 14898

(b) Prohibiting the illegal use of controlled substances 14899
and the use of alcohol at the workplace by all employees; 14900

(c) Requiring that employees not be under the influence of 14901
alcohol or not be engaged in the illegal use of any controlled 14902
substance at the workplace; 14903

(d) Requiring that employees behave in conformance with 14904
the requirements established under "The Drug-Free Workplace Act 14905
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 14906

(e) Holding an employee who engages in the illegal use of 14907
any controlled substance or who is an alcoholic to the same 14908
qualification standards for employment or job performance, and 14909
the same behavior, to which the employer, employment agency, 14910
personnel placement service, labor organization, or joint labor- 14911
management committee holds other employees, even if any 14912
unsatisfactory performance or behavior is related to an 14913
employee's illegal use of a controlled substance or alcoholism; 14914

(f) Exercising other authority recognized in the 14915
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 14916
U.S.C.A. 12101, as amended, including, but not limited to, 14917
requiring employees to comply with any applicable federal 14918
standards. 14919

(3) For purposes of this chapter, a test to determine the 14920
illegal use of any controlled substance does not include a 14921
medical examination. 14922

(4) Division (O) of this section does not encourage, 14923
prohibit, or authorize, and shall not be construed as 14924
encouraging, prohibiting, or authorizing, the conduct of testing 14925
for the illegal use of any controlled substance by employees, 14926
applicants, or other persons, or the making of employment 14927
decisions based on the results of that type of testing. 14928

(P) This section does not apply to a religious 14929
corporation, association, educational institution, or society 14930
with respect to the employment of an individual of a particular 14931
religion to perform work connected with the carrying on by that 14932
religious corporation, association, educational institution, or 14933
society of its activities. 14934

The unlawful discriminatory practices defined in this 14935
section do not make it unlawful for a person or an appointing 14936
authority administering an examination under section 124.23 of 14937
the Revised Code to obtain information about an applicant's 14938
military status for the purpose of determining if the applicant 14939
is eligible for the additional credit that is available under 14940
that section. 14941

Sec. 4510.17. (A) The registrar of motor vehicles shall 14942
impose a class D suspension of the person's driver's license, 14943

commercial driver's license, temporary instruction permit, 14944
probationary license, or nonresident operating privilege for the 14945
period of time specified in division (B) (4) of section 4510.02 14946
of the Revised Code on any person who is a resident of this 14947
state and is convicted of or pleads guilty to a violation of a 14948
statute of any other state or any federal statute that is 14949
substantially similar to section 2925.02, 2925.03, 2925.031, 14950
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 14951
2925.111, 2925.112, 2925.12, 2925.13, 2925.14, 2925.141, 14952
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 14953
Revised Code. Upon receipt of a report from a court, court 14954
clerk, or other official of any other state or from any federal 14955
authority that a resident of this state was convicted of or 14956
pleaded guilty to an offense described in this division, the 14957
registrar shall send a notice by regular first class mail to the 14958
person, at the person's last known address as shown in the 14959
records of the bureau of motor vehicles, informing the person of 14960
the suspension, that the suspension will take effect twenty-one 14961
days from the date of the notice, and that, if the person wishes 14962
to appeal the suspension or denial, the person must file a 14963
notice of appeal within twenty-one days of the date of the 14964
notice requesting a hearing on the matter. If the person 14965
requests a hearing, the registrar shall hold the hearing not 14966
more than forty days after receipt by the registrar of the 14967
notice of appeal. The filing of a notice of appeal does not stay 14968
the operation of the suspension that must be imposed pursuant to 14969
this division. The scope of the hearing shall be limited to 14970
whether the person actually was convicted of or pleaded guilty 14971
to the offense for which the suspension is to be imposed. 14972

The suspension the registrar is required to impose under 14973
this division shall end either on the last day of the class D 14974

suspension period or of the suspension of the person's 14975
nonresident operating privilege imposed by the state or federal 14976
court, whichever is earlier. 14977

The registrar shall subscribe to or otherwise participate 14978
in any information system or register, or enter into reciprocal 14979
and mutual agreements with other states and federal authorities, 14980
in order to facilitate the exchange of information with other 14981
states and the United States government regarding persons who 14982
plead guilty to or are convicted of offenses described in this 14983
division and therefore are subject to the suspension or denial 14984
described in this division. 14985

(B) The registrar shall impose a class D suspension of the 14986
person's driver's license, commercial driver's license, 14987
temporary instruction permit, probationary license, or 14988
nonresident operating privilege for the period of time specified 14989
in division (B) (4) of section 4510.02 of the Revised Code on any 14990
person who is a resident of this state and is convicted of or 14991
pleads guilty to a violation of a statute of any other state or 14992
a municipal ordinance of a municipal corporation located in any 14993
other state that is substantially similar to section 4511.19 of 14994
the Revised Code. Upon receipt of a report from another state 14995
made pursuant to section 4510.61 of the Revised Code indicating 14996
that a resident of this state was convicted of or pleaded guilty 14997
to an offense described in this division, the registrar shall 14998
send a notice by regular first class mail to the person, at the 14999
person's last known address as shown in the records of the 15000
bureau of motor vehicles, informing the person of the 15001
suspension, that the suspension or denial will take effect 15002
twenty-one days from the date of the notice, and that, if the 15003
person wishes to appeal the suspension, the person must file a 15004
notice of appeal within twenty-one days of the date of the 15005

notice requesting a hearing on the matter. If the person 15006
requests a hearing, the registrar shall hold the hearing not 15007
more than forty days after receipt by the registrar of the 15008
notice of appeal. The filing of a notice of appeal does not stay 15009
the operation of the suspension that must be imposed pursuant to 15010
this division. The scope of the hearing shall be limited to 15011
whether the person actually was convicted of or pleaded guilty 15012
to the offense for which the suspension is to be imposed. 15013

The suspension the registrar is required to impose under 15014
this division shall end either on the last day of the class D 15015
suspension period or of the suspension of the person's 15016
nonresident operating privilege imposed by the state or federal 15017
court, whichever is earlier. 15018

(C) The registrar shall impose a class D suspension of the 15019
child's driver's license, commercial driver's license, temporary 15020
instruction permit, or nonresident operating privilege for the 15021
period of time specified in division (B) (4) of section 4510.02 15022
of the Revised Code on any child who is a resident of this state 15023
and is convicted of or pleads guilty to a violation of a statute 15024
of any other state or any federal statute that is substantially 15025
similar to section 2925.02, 2925.03, 2925.031, 2925.032, 15026
2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.111, 15027
2925.112, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 15028
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 15029
receipt of a report from a court, court clerk, or other official 15030
of any other state or from any federal authority that a child 15031
who is a resident of this state was convicted of or pleaded 15032
guilty to an offense described in this division, the registrar 15033
shall send a notice by regular first class mail to the child, at 15034
the child's last known address as shown in the records of the 15035
bureau of motor vehicles, informing the child of the suspension, 15036

that the suspension or denial will take effect twenty-one days 15037
from the date of the notice, and that, if the child wishes to 15038
appeal the suspension, the child must file a notice of appeal 15039
within twenty-one days of the date of the notice requesting a 15040
hearing on the matter. If the child requests a hearing, the 15041
registrar shall hold the hearing not more than forty days after 15042
receipt by the registrar of the notice of appeal. The filing of 15043
a notice of appeal does not stay the operation of the suspension 15044
that must be imposed pursuant to this division. The scope of the 15045
hearing shall be limited to whether the child actually was 15046
convicted of or pleaded guilty to the offense for which the 15047
suspension is to be imposed. 15048

The suspension the registrar is required to impose under 15049
this division shall end either on the last day of the class D 15050
suspension period or of the suspension of the child's 15051
nonresident operating privilege imposed by the state or federal 15052
court, whichever is earlier. If the child is a resident of this 15053
state who is sixteen years of age or older and does not have a 15054
current, valid Ohio driver's or commercial driver's license or 15055
permit, the notice shall inform the child that the child will be 15056
denied issuance of a driver's or commercial driver's license or 15057
permit for six months beginning on the date of the notice. If 15058
the child has not attained the age of sixteen years on the date 15059
of the notice, the notice shall inform the child that the period 15060
of denial of six months shall commence on the date the child 15061
attains the age of sixteen years. 15062

The registrar shall subscribe to or otherwise participate 15063
in any information system or register, or enter into reciprocal 15064
and mutual agreements with other states and federal authorities, 15065
in order to facilitate the exchange of information with other 15066
states and the United States government regarding children who 15067

are residents of this state and plead guilty to or are convicted 15068
of offenses described in this division and therefore are subject 15069
to the suspension or denial described in this division. 15070

(D) The registrar shall impose a class D suspension of the 15071
child's driver's license, commercial driver's license, temporary 15072
instruction permit, probationary license, or nonresident 15073
operating privilege for the period of time specified in division 15074
(B) (4) of section 4510.02 of the Revised Code on any child who 15075
is a resident of this state and is convicted of or pleads guilty 15076
to a violation of a statute of any other state or a municipal 15077
ordinance of a municipal corporation located in any other state 15078
that is substantially similar to section 4511.19 of the Revised 15079
Code. Upon receipt of a report from another state made pursuant 15080
to section 4510.61 of the Revised Code indicating that a child 15081
who is a resident of this state was convicted of or pleaded 15082
guilty to an offense described in this division, the registrar 15083
shall send a notice by regular first class mail to the child, at 15084
the child's last known address as shown in the records of the 15085
bureau of motor vehicles, informing the child of the suspension, 15086
that the suspension will take effect twenty-one days from the 15087
date of the notice, and that, if the child wishes to appeal the 15088
suspension, the child must file a notice of appeal within 15089
twenty-one days of the date of the notice requesting a hearing 15090
on the matter. If the child requests a hearing, the registrar 15091
shall hold the hearing not more than forty days after receipt by 15092
the registrar of the notice of appeal. The filing of a notice of 15093
appeal does not stay the operation of the suspension that must 15094
be imposed pursuant to this division. The scope of the hearing 15095
shall be limited to whether the child actually was convicted of 15096
or pleaded guilty to the offense for which the suspension is to 15097
be imposed. 15098

The suspension the registrar is required to impose under 15099
this division shall end either on the last day of the class D 15100
suspension period or of the suspension of the child's 15101
nonresident operating privilege imposed by the state or federal 15102
court, whichever is earlier. If the child is a resident of this 15103
state who is sixteen years of age or older and does not have a 15104
current, valid Ohio driver's or commercial driver's license or 15105
permit, the notice shall inform the child that the child will be 15106
denied issuance of a driver's or commercial driver's license or 15107
permit for six months beginning on the date of the notice. If 15108
the child has not attained the age of sixteen years on the date 15109
of the notice, the notice shall inform the child that the period 15110
of denial of six months shall commence on the date the child 15111
attains the age of sixteen years. 15112

(E) (1) Any person whose license or permit has been 15113
suspended pursuant to this section may file a petition in the 15114
municipal or county court, or in case the person is under 15115
eighteen years of age, the juvenile court, in whose jurisdiction 15116
the person resides, requesting limited driving privileges and 15117
agreeing to pay the cost of the proceedings. Except as provided 15118
in division (E) (2) or (3) of this section, the judge may grant 15119
the person limited driving privileges during the period during 15120
which the suspension otherwise would be imposed for any of the 15121
purposes set forth in division (A) of section 4510.021 of the 15122
Revised Code. 15123

(2) No judge shall grant limited driving privileges for 15124
employment as a driver of a commercial motor vehicle to any 15125
person who would be disqualified from operating a commercial 15126
motor vehicle under section 4506.16 of the Revised Code if the 15127
violation had occurred in this state. Further, no judge shall 15128
grant limited driving privileges during any of the following 15129

periods of time: 15130

(a) The first fifteen days of a suspension under division 15131
(B) or (D) of this section, if the person has not been convicted 15132
within ten years of the date of the offense giving rise to the 15133
suspension under this section of a violation of any of the 15134
following: 15135

(i) Section 4511.19 of the Revised Code, or a municipal 15136
ordinance relating to operating a vehicle while under the 15137
influence of alcohol, a drug of abuse, or alcohol and a drug of 15138
abuse; 15139

(ii) A municipal ordinance relating to operating a motor 15140
vehicle with a prohibited concentration of alcohol, a controlled 15141
substance, or a metabolite of a controlled substance in the 15142
whole blood, blood serum or plasma, breath, or urine; 15143

(iii) Section 2903.04 of the Revised Code in a case in 15144
which the person was subject to the sanctions described in 15145
division (D) of that section; 15146

(iv) Division (A) (1) of section 2903.06 or division (A) (1) 15147
of section 2903.08 of the Revised Code or a municipal ordinance 15148
that is substantially similar to either of those divisions; 15149

(v) Division (A) (2), (3), or (4) of section 2903.06, 15150
division (A) (2) of section 2903.08, or as it existed prior to 15151
March 23, 2000, section 2903.07 of the Revised Code, or a 15152
municipal ordinance that is substantially similar to any of 15153
those divisions or that former section, in a case in which the 15154
jury or judge found that the person was under the influence of 15155
alcohol, a drug of abuse, or alcohol and a drug of abuse. 15156

(b) The first thirty days of a suspension under division 15157
(B) or (D) of this section, if the person has been convicted one 15158

time within ten years of the date of the offense giving rise to 15159
the suspension under this section of any violation identified in 15160
division (E) (1) (a) of this section. 15161

(c) The first one hundred eighty days of a suspension 15162
under division (B) or (D) of this section, if the person has 15163
been convicted two times within ten years of the date of the 15164
offense giving rise to the suspension under this section of any 15165
violation identified in division (E) (1) (a) of this section. 15166

(3) No limited driving privileges may be granted if the 15167
person has been convicted three or more times within five years 15168
of the date of the offense giving rise to a suspension under 15169
division (B) or (D) of this section of any violation identified 15170
in division (E) (1) (a) of this section. 15171

(4) In accordance with section 4510.022 of the Revised 15172
Code, a person may petition for, and a judge may grant, 15173
unlimited driving privileges with a certified ignition interlock 15174
device during the period of suspension imposed under division 15175
(B) or (D) of this section to a person described in division (E) 15176
(2) (a) of this section. 15177

(5) If a person petitions for limited driving privileges 15178
under division (E) (1) of this section or unlimited driving 15179
privileges with a certified ignition interlock device as 15180
provided in division (E) (4) of this section, the registrar shall 15181
be represented by the county prosecutor of the county in which 15182
the person resides if the petition is filed in a juvenile court 15183
or county court, except that if the person resides within a city 15184
or village that is located within the jurisdiction of the county 15185
in which the petition is filed, the city director of law or 15186
village solicitor of that city or village shall represent the 15187
registrar. If the petition is filed in a municipal court, the 15188

registrar shall be represented as provided in section 1901.34 of 15189
the Revised Code. 15190

(6) (a) In issuing an order granting limited driving 15191
privileges under division (E) (1) of this section, the court may 15192
impose any condition it considers reasonable and necessary to 15193
limit the use of a vehicle by the person. The court shall 15194
deliver to the person a copy of the order setting forth the 15195
time, place, and other conditions limiting the person's use of a 15196
motor vehicle. Unless division (E) (6) (b) of this section 15197
applies, the grant of limited driving privileges shall be 15198
conditioned upon the person's having the order in the person's 15199
possession at all times during which the person is operating a 15200
vehicle. 15201

(b) If, under the order, the court requires the use of an 15202
immobilizing or disabling device as a condition of the grant of 15203
limited or unlimited driving privileges, the person shall 15204
present to the registrar or to a deputy registrar the copy of 15205
the order granting limited driving privileges and a certificate 15206
affirming the installation of an immobilizing or disabling 15207
device that is in a form established by the director of public 15208
safety and is signed by the person who installed the device. 15209
Upon presentation of the order and the certificate to the 15210
registrar or a deputy registrar, the registrar or deputy 15211
registrar shall issue to the offender a restricted license, 15212
unless the offender's driver's or commercial driver's license or 15213
permit is suspended under any other provision of law and limited 15214
driving privileges have not been granted with regard to that 15215
suspension. A restricted license issued under this division 15216
shall be identical to an Ohio driver's license, except that it 15217
shall have printed on its face a statement that the offender is 15218
prohibited from operating any motor vehicle that is not equipped 15219

with an immobilizing or disabling device in violation of the 15220
order. 15221

(7) (a) Unless division (E) (7) (b) applies, a person granted 15222
limited driving privileges who operates a vehicle for other than 15223
limited purposes, in violation of any condition imposed by the 15224
court or without having the order in the person's possession, is 15225
guilty of a violation of section 4510.11 of the Revised Code. 15226

(b) No person who has been granted limited or unlimited 15227
driving privileges under division (E) of this section subject to 15228
an immobilizing or disabling device order shall operate a motor 15229
vehicle prior to obtaining a restricted license. Any person who 15230
violates this prohibition is subject to the penalties prescribed 15231
in section 4510.14 of the Revised Code. 15232

(c) The offenses established under division (E) (7) of this 15233
section are strict liability offenses and section 2901.20 of the 15234
Revised Code does not apply. 15235

(F) The provisions of division (A) (8) of section 4510.13 15236
of the Revised Code apply to a person who has been granted 15237
limited or unlimited driving privileges with a certified 15238
ignition interlock device under this section and who either 15239
commits an ignition interlock device violation as defined under 15240
section 4510.46 of the Revised Code or operates a motor vehicle 15241
that is not equipped with a certified ignition interlock device. 15242

(G) Any person whose license or permit has been suspended 15243
under division (A) or (C) of this section may file a petition in 15244
the municipal or county court, or in case the person is under 15245
eighteen years of age, the juvenile court, in whose jurisdiction 15246
the person resides, requesting the termination of the suspension 15247
and agreeing to pay the cost of the proceedings. If the court, 15248

in its discretion, determines that a termination of the 15249
suspension is appropriate, the court shall issue an order to the 15250
registrar to terminate the suspension. Upon receiving such an 15251
order, the registrar shall reinstate the license. 15252

(H) As used in divisions (C) and (D) of this section: 15253

(1) "Child" means a person who is under the age of 15254
eighteen years, except that any person who violates a statute or 15255
ordinance described in division (C) or (D) of this section prior 15256
to attaining eighteen years of age shall be deemed a "child" 15257
irrespective of the person's age at the time the complaint or 15258
other equivalent document is filed in the other state or a 15259
hearing, trial, or other proceeding is held in the other state 15260
on the complaint or other equivalent document, and irrespective 15261
of the person's age when the period of license suspension or 15262
denial prescribed in division (C) or (D) of this section is 15263
imposed. 15264

(2) "Is convicted of or pleads guilty to" means, as it 15265
relates to a child who is a resident of this state, that in a 15266
proceeding conducted in a state or federal court located in 15267
another state for a violation of a statute or ordinance 15268
described in division (C) or (D) of this section, the result of 15269
the proceeding is any of the following: 15270

(a) Under the laws that govern the proceedings of the 15271
court, the child is adjudicated to be or admits to being a 15272
delinquent child or a juvenile traffic offender for a violation 15273
described in division (C) or (D) of this section that would be a 15274
crime if committed by an adult; 15275

(b) Under the laws that govern the proceedings of the 15276
court, the child is convicted of or pleads guilty to a violation 15277

described in division (C) or (D) of this section; 15278

(c) Under the laws that govern the proceedings of the 15279
court, irrespective of the terminology utilized in those laws, 15280
the result of the court's proceedings is the functional 15281
equivalent of division (H) (2) (a) or (b) of this section. 15282

Sec. 4729.99. (A) Whoever violates division (H) of section 15283
4729.16, division (G) of section 4729.38, division (I) of 15284
section 4729.382, section 4729.57, or division (F) of section 15285
4729.96 of the Revised Code is guilty of a minor misdemeanor, 15286
unless a different penalty is otherwise specified in the Revised 15287
Code. Each day's violation constitutes a separate offense. 15288

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 15289
of the Revised Code is guilty of a misdemeanor of the third 15290
degree. Each day's violation constitutes a separate offense. If 15291
the offender previously has been convicted of or pleaded guilty 15292
to a violation of this chapter, that person is guilty of a 15293
misdemeanor of the second degree. 15294

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 15295
of the Revised Code is guilty of a misdemeanor. 15296

(D) Whoever violates division (A), (B), (C), (D), (F), or 15297
(G) of section 4729.51 of the Revised Code is guilty of a 15298
misdemeanor of the first degree. 15299

(E) (1) Whoever violates section 4729.37, division (E) (1) 15300
(b) of section 4729.51, division (J) of section 4729.54, 15301
division (B) or (D) of section 4729.553, or section 4729.61 of 15302
the Revised Code is guilty of a felony of the fifth degree. If 15303
the offender previously has been convicted of or pleaded guilty 15304
to a violation of this chapter or a violation of Chapter 2925. 15305
or 3719. of the Revised Code, that person is guilty of a felony 15306

of the fourth degree. 15307

(2) If an offender is convicted of or pleads guilty to a 15308
violation of section 4729.37, division (E) of section 4729.51, 15309
division (J) of section 4729.54, or section 4729.61 of the 15310
Revised Code, if the violation involves the sale, offer to sell, 15311
or possession of a schedule I or II controlled substance, with 15312
the exception of marihuana, and if the court imposing sentence 15313
upon the offender finds that the offender as a result of the 15314
violation is a major drug offender, as defined in section 15315
2929.01 of the Revised Code, and is guilty of a specification of 15316
the type described in division (A) of section 2941.1410 of the 15317
Revised Code, the court, in lieu of the prison term authorized 15318
or required by division (E)(1) of this section and sections 15319
2929.13 and 2929.14 of the Revised Code and in addition to any 15320
other sanction imposed for the offense under sections 2929.11 to 15321
2929.18 of the Revised Code, shall impose upon the offender, in 15322
accordance with division (B)(3) of section 2929.14 of the 15323
Revised Code, the mandatory prison term specified in that 15324
division. 15325

(3) Notwithstanding any contrary provision of section 15326
3719.21 of the Revised Code, the clerk of court shall pay any 15327
fine imposed for a violation of section 4729.37, division (E) of 15328
section 4729.51, division (J) of section 4729.54, or section 15329
4729.61 of the Revised Code pursuant to division (A) of section 15330
2929.18 of the Revised Code in accordance with and subject to 15331
the requirements of division ~~(F)~~(N) of section 2925.03 of the 15332
Revised Code. The agency that receives the fine shall use the 15333
fine as specified in division ~~(F)~~(N) of section 2925.03 of the 15334
Revised Code. 15335

(F) Whoever violates section 4729.531 of the Revised Code 15336

or any rule adopted thereunder or section 4729.532 of the Revised Code is guilty of a misdemeanor of the first degree.

(G) Whoever violates division (E) (1) (a) of section 4729.51 of the Revised Code is guilty of a felony of the fourth degree. If the offender has previously been convicted of or pleaded guilty to a violation of this chapter, or of a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of the third degree.

(H) Whoever violates division (E) (1) (c) of section 4729.51 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has previously been convicted of or pleaded guilty to a violation of this chapter, or of a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of the fifth degree.

(I) (1) Whoever violates division (A) of section 4729.95 of the Revised Code is guilty of unauthorized pharmacy-related drug conduct. Except as otherwise provided in this section, unauthorized pharmacy-related drug conduct is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), or (C) of that section, unauthorized pharmacy-related drug conduct is a misdemeanor of the first degree on a second offense and a felony of the fifth degree on a third or subsequent offense.

(2) Whoever violates division (B) or (C) of section 4729.95 of the Revised Code is guilty of permitting unauthorized pharmacy-related drug conduct. Except as otherwise provided in this section, permitting unauthorized pharmacy-related drug conduct is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), or (C) of that section,

permitting unauthorized pharmacy-related drug conduct is a 15367
misdemeanor of the first degree on a second offense and a felony 15368
of the fifth degree on a third or subsequent offense. 15369

(3) Notwithstanding any contrary provision of section 15370
3719.21 of the Revised Code or any other provision of law that 15371
governs the distribution of fines, the clerk of the court shall 15372
pay any fine imposed pursuant to division (I) (1) or (2) of this 15373
section to the state board of pharmacy if the board has adopted 15374
a written internal control policy under division ~~(F)~~ (N) (2) of 15375
section 2925.03 of the Revised Code that addresses fine moneys 15376
that it receives under Chapter 2925. of the Revised Code and if 15377
the policy also addresses fine moneys paid under this division. 15378
The state board of pharmacy shall use the fines so paid in 15379
accordance with the written internal control policy to subsidize 15380
the board's law enforcement efforts that pertain to drug 15381
offenses. 15382

(J) (1) Whoever violates division (A) (1) of section 4729.86 15383
of the Revised Code is guilty of a misdemeanor of the third 15384
degree. If the offender has previously been convicted of or 15385
pleaded guilty to a violation of division (A) (1), (2), or (3) of 15386
section 4729.86 of the Revised Code, that person is guilty of a 15387
misdemeanor of the first degree. 15388

(2) Whoever violates division (A) (2) of section 4729.86 of 15389
the Revised Code is guilty of a misdemeanor of the first degree. 15390
If the offender has previously been convicted of or pleaded 15391
guilty to a violation of division (A) (1), (2), or (3) of section 15392
4729.86 of the Revised Code, that person is guilty of a felony 15393
of the fifth degree. 15394

(3) Whoever violates division (A) (3) of section 4729.86 of 15395
the Revised Code is guilty of a felony of the fifth degree. If 15396

the offender has previously been convicted of or pleaded guilty 15397
to a violation of division (A) (1), (2), or (3) of section 15398
4729.86 of the Revised Code, that person is guilty of a felony 15399
of the fourth degree. 15400

(K) A person who violates division (C) of section 4729.552 15401
of the Revised Code is guilty of a misdemeanor of the first 15402
degree. If the person previously has been convicted of or 15403
pleaded guilty to a violation of division (C) of section 15404
4729.552 of the Revised Code, that person is guilty of a felony 15405
of the fifth degree. 15406

Sec. 4742.03. (A) A person may obtain certification as an 15407
emergency service telecommunicator by successfully completing a 15408
basic course of emergency service telecommunicator training that 15409
is conducted by the state board of education under section 15410
4742.02 of the Revised Code. The basic course of emergency 15411
service telecommunicator training shall include, but not be 15412
limited to, both of the following: 15413

(1) At least forty hours of instruction or training; 15414

(2) Instructional or training units in all of the 15415
following subjects: 15416

(a) The role of the emergency service telecommunicator; 15417

(b) Effective communication skills; 15418

(c) Emergency service telecommunicator liability; 15419

(d) Telephone techniques; 15420

(e) Requirements of the "Americans With Disabilities Act 15421
of 1990," 104 Stat. 327, 42 U.S.C. 12101, as amended, that 15422
pertain to emergency service telecommunicators; 15423

(f) Handling hysterical and suicidal callers;	15424
(g) Informing individuals who call about an apparent drug overdose about the immunity from prosecution for a minor drug possession offense created by section 2925.11, <u>2925.111</u> , or <u>2925.112</u> of the Revised Code;	15425 15426 15427 15428
(h) Law enforcement terminology;	15429
(i) Fire service terminology;	15430
(j) Emergency medical service terminology;	15431
(k) Emergency call processing guides for law enforcement;	15432
(l) Emergency call processing guides for fire service;	15433
(m) Emergency call processing guides for emergency medical service;	15434 15435
(n) Radio broadcast techniques;	15436
(o) Disaster planning;	15437
(p) Police officer survival, fire or emergency medical service scene safety, or both police officer survival and fire or emergency medical service scene safety.	15438 15439 15440
(B) A person may maintain certification as an emergency service telecommunicator by successfully completing at least eight hours of continuing education coursework in emergency service telecommunicator training during each two-year period after a person first obtains the certification referred to in division (A) of this section. The continuing education coursework shall consist of review and advanced training and instruction in the subjects listed in division (A) (2) of this section.	15441 15442 15443 15444 15445 15446 15447 15448 15449
(C) If a person successfully completes the basic course of	15450

emergency service telecommunicator training described in 15451
division (A) of this section, the state board of education or a 15452
designee of the board shall certify the person's successful 15453
completion. The board shall send a copy of the certification to 15454
the person and to the emergency service provider by whom the 15455
person is employed. 15456

If a person successfully completes the continuing 15457
education coursework described in division (B) of this section, 15458
the state board of education or a designee of the board shall 15459
certify the person's successful completion. The board shall send 15460
a copy of the certification to the person and to the emergency 15461
service provider by whom the person is employed. 15462

Sec. 5103.0319. (A) No foster caregiver or prospective 15463
foster caregiver shall fail to notify the recommending agency 15464
that recommended or is recommending the foster caregiver or 15465
prospective foster caregiver for certification in writing if a 15466
person at least twelve years of age but less than eighteen years 15467
of age residing with the foster caregiver or prospective foster 15468
caregiver has been convicted of or pleaded guilty to any of the 15469
following or has been adjudicated to be a delinquent child for 15470
committing an act that if committed by an adult would have 15471
constituted such a violation: 15472

(1) A violation of section 2903.01, 2903.02, 2903.03, 15473
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 15474
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 15475
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 15476
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 15477
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 15478
2919.22, 2919.24, 2919.25, 2923.12, ~~2923.13~~ 2923.13, 2923.161, 15479
2925.02, 2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, 15480

or 3716.11 of the Revised Code, a violation of section 2905.04 15481
of the Revised Code as it existed prior to July 1, 1996, a 15482
violation of section 2919.23 of the Revised Code that would have 15483
been a violation of section 2905.04 of the Revised Code as it 15484
existed prior to July 1, 1996, had the violation been committed 15485
prior to that date, a violation of section 2925.11, 2925.111, or 15486
2925.112 of the Revised Code that is not a minor drug possession 15487
offense, a violation of section 2923.01 of the Revised Code that 15488
involved an attempt to commit aggravated murder or murder, an 15489
OVI or OVUAC violation if the person previously was convicted of 15490
or pleaded guilty to one or more OVI or OVUAC violations within 15491
the three years immediately preceding the current violation, or 15492
felonious sexual penetration in violation of former section 15493
2907.12 of the Revised Code; 15494

(2) An offense that would be a felony if committed by an 15495
adult and the court determined that the child, if an adult, 15496
would be guilty of a specification found in section 2941.141, 15497
2941.144, or 2941.145 of the Revised Code or in another section 15498
of the Revised Code that relates to the possession or use of a 15499
firearm, as defined in section 2923.11 of the Revised Code, 15500
during the commission of the act for which the child was 15501
adjudicated a delinquent child; 15502

(3) A violation of an existing or former law of this 15503
state, any other state, or the United States that is 15504
substantially equivalent to any of the offenses described in 15505
division (A) (1) or (2) of this section. 15506

(B) If a recommending agency learns that a foster 15507
caregiver has failed to comply with division (A) of this 15508
section, it shall notify the department of job and family 15509
services and the department shall revoke the foster caregiver's 15510

foster home certificate. 15511

(C) As used in this section, "OVI or OVUAC violation" 15512
means a violation of section 4511.19 of the Revised Code or a 15513
violation of an existing or former law of this state, any other 15514
state, or the United States that is substantially equivalent to 15515
section 4511.19 of the Revised Code. 15516

Sec. 5119.36. (A) A community mental health services 15517
provider applicant or community addiction services provider 15518
applicant that seeks certification of its certifiable services 15519
and supports shall submit an application to the director of 15520
mental health and addiction services. On receipt of the 15521
application, the director may conduct an on-site review and 15522
shall evaluate the applicant to determine whether its 15523
certifiable services and supports satisfy the standards 15524
established by rules adopted under this section. The director 15525
shall make the evaluation, and, if the director conducts an on- 15526
site review of the applicant, may make the review, in 15527
cooperation with a board of alcohol, drug addiction, and mental 15528
health services that seeks to contract with the applicant under 15529
section 340.036 of the Revised Code. 15530

(B) Subject to section 5119.361 of the Revised Code, the 15531
director shall determine whether the certifiable services and 15532
supports of a community mental health services provider 15533
applicant or community addiction services provider applicant 15534
satisfy the standards for certification. If the director 15535
determines that an applicant's certifiable services and supports 15536
satisfy the standards for certification and the applicant has 15537
paid the fee required by this section, the director shall 15538
certify the certifiable services and supports. 15539

No community mental health services provider shall be 15540

eligible to receive for its certifiable services and supports 15541
any state funds, federal funds, or funds administered by a board 15542
of alcohol, drug addiction, and mental health services, unless 15543
those certifiable services and supports have been certified by 15544
the director. 15545

No person or government entity subject to section 5119.35 15546
of the Revised Code or any other community addiction services 15547
provider shall be eligible to receive for its services described 15548
in that section or its other certifiable services and supports 15549
any state funds, federal funds, or funds administered by a board 15550
of alcohol, drug addiction, and mental health services, unless 15551
those services or other certifiable services and supports have 15552
been certified by the director. 15553

(C) If the director determines that a community mental 15554
health services provider applicant's or a community addiction 15555
services provider applicant's certifiable services and supports 15556
do not satisfy the standards for certification, the director 15557
shall identify the areas of noncompliance, specify what action 15558
is necessary to satisfy the standards, and may offer technical 15559
assistance to the applicant and to a board of alcohol, drug 15560
addiction, and mental health services so that the board may 15561
assist the applicant in satisfying the standards. The director 15562
shall give the applicant a reasonable time within which to 15563
demonstrate that its certifiable services and supports satisfy 15564
the standards or to bring them into compliance with the 15565
standards. If the director concludes that the certifiable 15566
services and supports continue to fail to satisfy the standards, 15567
the director may request that the board reallocate any funds for 15568
the certifiable services and supports the applicant was to 15569
provide to another community mental health services provider or 15570
community addiction services provider whose certifiable services 15571

and supports satisfy the standards. If the board does not 15572
reallocate such funds in a reasonable period of time, the 15573
director may withhold state and federal funds for the 15574
certifiable services and supports and allocate those funds 15575
directly to a community mental health services provider or 15576
community addiction services provider whose certifiable services 15577
and supports satisfy the standards. 15578

(D) Each community mental health services provider 15579
applicant or community addiction services provider applicant 15580
seeking certification of its certifiable services and supports 15581
under this section shall pay a fee for the certification 15582
required by this section, unless the applicant is exempt under 15583
rules adopted under this section. Fees shall be paid into the 15584
state treasury to the credit of the sale of goods and services 15585
fund created pursuant to section 5119.45 of the Revised Code. 15586

(E) The director shall adopt rules in accordance with 15587
Chapter 119. of the Revised Code to implement this section. The 15588
rules shall do all of the following: 15589

(1) Subject to section 340.034 of the Revised Code, 15590
specify the types of recovery supports that are required to be 15591
certified under this section; 15592

(2) Establish certification standards for certifiable 15593
services and supports that are consistent with nationally 15594
recognized applicable standards and facilitate participation in 15595
federal assistance programs. The rules shall include as 15596
certification standards only requirements that improve the 15597
quality of certifiable services and supports or the health and 15598
safety of persons receiving certifiable services and supports. 15599
The standards shall address at a minimum all of the following: 15600

(a) Reporting major unusual incidents to the director;	15601
(b) Procedures for applicants for and persons receiving certifiable services and supports to file grievances and complaints;	15602 15603 15604
(c) Seclusion;	15605
(d) Restraint;	15606
(e) Requirements regarding the physical facilities in which certifiable services and supports are provided;	15607 15608
(f) Requirements with regard to health, safety, adequacy, and cultural specificity and sensitivity;	15609 15610
(g) Standards for evaluating certifiable services and supports;	15611 15612
(h) Standards and procedures for granting full, probationary, and interim certification of the certifiable services and supports of a community mental health services provider applicant or community addiction services provider applicant;	15613 15614 15615 15616 15617
(i) Standards and procedures for revoking the certification of a community mental health services provider's or community addiction services provider's certifiable services and supports that do not continue to meet the minimum standards established pursuant to this section;	15618 15619 15620 15621 15622
(j) The limitations to be placed on a provider whose certifiable services and supports are granted probationary or interim certification;	15623 15624 15625
(k) Development of written policies addressing the rights of persons receiving certifiable services and supports,	15626 15627

including all of the following:	15628
(i) The right to a copy of the written policies addressing the rights of persons receiving certifiable services and supports;	15629 15630 15631
(ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;	15632 15633
(iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;	15634 15635 15636 15637
(iv) The right to have a client rights officer provided by the provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised Code if the person is committed to the provider or board.	15638 15639 15640 15641 15642
(3) Establish the process for certification of certifiable services and supports;	15643 15644
(4) Set the amount of certification review fees;	15645
(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds.	15646 15647
(F) The director may issue an order suspending admissions to a community addiction services provider that provides overnight accommodations if the director finds either of the following:	15648 15649 15650 15651
(1) The provider's certifiable services and supports are not in compliance with rules adopted under this section;	15652 15653
(2) The provider has been cited for more than one	15654

violation of statutes or rules during any previous certification 15655
period of the provider. 15656

(G) The department of mental health and addiction services 15657
shall maintain a current list of community addiction services 15658
providers and shall provide a copy of the list to a judge of a 15659
court of common pleas who requests a copy for the use of the 15660
judge under division ~~(H)~~ (P) of section 2925.03 or a related 15661
provision of section 2925.031 or 2925.032 of the Revised Code. 15662
The list shall identify each provider by its name, its address, 15663
and the county in which it is located. 15664

(H) No person shall represent in any manner that a 15665
community mental health services provider's or community 15666
addiction services provider's certifiable services and supports 15667
are certified by the director if the certifiable services and 15668
supports are not so certified at the time the representation is 15669
made. 15670

Sec. 5119.37. (A) (1) (a) Except as provided in division (A) 15671
(1) (b) of this section, no person or government entity shall 15672
operate an opioid treatment program requiring certification, as 15673
certification is defined in 42 C.F.R. 8.2, unless the person or 15674
government entity is a community addiction services provider and 15675
the program is licensed under this section. 15676

(b) Division (A) (1) (a) of this section does not apply to a 15677
program operated by the United States department of veterans 15678
affairs. 15679

(2) No community addiction services provider licensed 15680
under this section shall operate an opioid treatment program in 15681
a manner inconsistent with this section and the rules adopted 15682
under it. 15683

(B) A community addiction services provider seeking a license to operate an opioid treatment program shall apply to the department of mental health and addiction services. The department shall review all applications received.

(C) The department may issue a license to operate an opioid treatment program to a community addiction services provider only if all of the following apply:

(1) During the three-year period immediately preceding the date of application, the provider or any owner, sponsor, medical director, administrator, or principal of the provider has been in good standing to operate an opioid treatment program in all other locations where the provider or such other person has been operating a similar program, as evidenced by both of the following:

(a) Not having been denied a license, certificate, or similar approval to operate an opioid treatment program by this state or another jurisdiction;

(b) Not having been the subject of any of the following in this state or another jurisdiction:

(i) An action that resulted in the suspension or revocation of the license, certificate, or similar approval of the provider or other person;

(ii) A voluntary relinquishment, withdrawal, or other action taken by the provider or other person to avoid suspension or revocation of the license, certificate, or similar approval;

(iii) A disciplinary action that was based, in whole or in part, on the provider or other person engaging in the inappropriate prescribing, dispensing, administering, personally furnishing, diverting, storing, supplying, compounding, or

selling of a controlled substance or other dangerous drug. 15713

(2) It affirmatively appears to the department that the 15714
provider is adequately staffed and equipped to operate an opioid 15715
treatment program. 15716

(3) It affirmatively appears to the department that the 15717
provider will operate an opioid treatment program in strict 15718
compliance with all laws relating to drug abuse and the rules 15719
adopted by the department. 15720

(4) Except as provided in division (D) of this section and 15721
section 5119.371 of the Revised Code, if the provider is seeking 15722
an initial license for a particular location, the proposed 15723
opioid treatment program is not located on a parcel of real 15724
estate that is within a radius of five hundred linear feet of 15725
the boundaries of a parcel of real estate having situated on it 15726
a public or private school, child day-care center licensed under 15727
Chapter 5104. of the Revised Code, or child-serving agency 15728
regulated by the department under this chapter. 15729

(5) The provider meets any additional requirements 15730
established by the department in rules adopted under division 15731
(F) of this section. 15732

(D) The department may waive the requirement of division 15733
(C) (4) of this section if it receives, from each public or 15734
private school, child day-care center, or child-serving agency 15735
that is within the five hundred linear feet radius described in 15736
that division, a letter of support for the location. The 15737
department shall determine whether a letter of support is 15738
satisfactory for purposes of waiving the requirement. 15739

(E) A license to operate an opioid treatment program shall 15740
expire one year from the date of issuance. Licenses may be 15741

renewed. 15742

(F) The department shall establish procedures and adopt 15743
rules for licensing, inspection, and supervision of community 15744
addiction services providers that operate an opioid treatment 15745
program. The rules shall establish standards for the control, 15746
storage, furnishing, use, dispensing, and administering of 15747
medications used in medication-assisted treatment; prescribe 15748
minimum standards for the operation of the opioid treatment 15749
program component of the provider's operations; and comply with 15750
federal laws and regulations. 15751

All rules adopted under this division shall be adopted in 15752
accordance with Chapter 119. of the Revised Code. All actions 15753
taken by the department regarding the licensing of providers to 15754
operate opioid treatment programs shall be conducted in 15755
accordance with Chapter 119. of the Revised Code, except as 15756
provided in division (L) of this section. 15757

(G) (1) The department shall inspect all community 15758
addiction services providers licensed to operate an opioid 15759
treatment program. Inspections shall be conducted at least 15760
annually and may be conducted more frequently. 15761

In addition, the department may inspect any provider or 15762
other person that it reasonably believes to be operating an 15763
opioid treatment program without a license issued under this 15764
section. 15765

(2) When conducting an inspection, the department may do 15766
both of the following: 15767

(a) Examine and copy all records, accounts, and other 15768
documents relating to the provider's or other person's 15769
operations, including records pertaining to patients or clients; 15770

(b) Conduct interviews with any individual employed by or 15771
contracted or otherwise associated with the provider or person, 15772
including an administrator, staff person, patient, or client. 15773

(3) No person or government entity shall interfere with a 15774
state or local government official acting on behalf of the 15775
department while conducting an inspection. 15776

(H) A community addiction services provider shall not 15777
administer or dispense methadone in a tablet, powder, or 15778
intravenous form. Methadone shall be administered or dispensed 15779
only in a liquid form intended for ingestion. 15780

A community addiction services provider shall not 15781
administer or dispense a medication used in medication-assisted 15782
treatment for pain or other medical reasons. 15783

(I) As used in this division, "program sponsor" means a 15784
person who assumes responsibility for the operation and 15785
employees of the opioid treatment program component of a 15786
community addiction services provider's operations. 15787

A community addiction services provider shall not employ 15788
an individual who receives a medication used in medication- 15789
assisted treatment from that provider. A provider shall not 15790
permit an individual to act as a program sponsor, medical 15791
director, or director of the provider if the individual is 15792
receiving that medication from any community addiction services 15793
provider. 15794

(J) The department may issue orders to ensure compliance 15795
with all laws relating to drug abuse and the rules adopted under 15796
this section. Subject to section 5119.27 of the Revised Code, 15797
the department may hold hearings, require the production of 15798
relevant matter, compel testimony, issue subpoenas, and make 15799

adjudications. Upon failure of a person without lawful excuse to 15800
obey a subpoena or to produce relevant matter, the department 15801
may apply to a court of common pleas for an order compelling 15802
compliance. 15803

(K) The department may refuse to issue, or may withdraw or 15804
revoke, a license to operate an opioid treatment program. A 15805
license may be refused if a community addiction services 15806
provider does not meet the requirements of division (C) of this 15807
section. A license may be withdrawn at any time the department 15808
determines that the provider no longer meets the requirements 15809
for receiving the license. A license may be revoked in 15810
accordance with division (L) of this section. 15811

Once a license is issued under this section, the 15812
department shall not consider the requirement of division (C) (4) 15813
of this section in determining whether to renew, withdraw, or 15814
revoke the license or whether to reissue the license as a result 15815
of a change in ownership. 15816

(L) If the department finds reasonable cause to believe 15817
that a community addiction services provider licensed under this 15818
section is in violation of any state or federal law or rule 15819
relating to drug abuse, the department may issue an order 15820
immediately revoking the license, subject to division (M) of 15821
this section. The department shall set a date not more than 15822
fifteen days later than the date of the order of revocation for 15823
a hearing on the continuation or cancellation of the revocation. 15824
For good cause, the department may continue the hearing on 15825
application of any interested party. In conducting hearings, the 15826
department has all the authority and power set forth in division 15827
(J) of this section. Following the hearing, the department shall 15828
either confirm or cancel the revocation. The hearing shall be 15829

conducted in accordance with Chapter 119. of the Revised Code, 15830
except that the provider shall not be permitted to operate an 15831
opioid treatment program pending the hearing or pending any 15832
appeal from an adjudication made as a result of the hearing. 15833
Notwithstanding any provision of Chapter 119. of the Revised 15834
Code to the contrary, a court shall not stay or suspend any 15835
order of revocation issued by the department under this division 15836
pending judicial appeal. 15837

(M) The department shall not revoke a license to operate 15838
an opioid treatment program unless all clients receiving 15839
medication used in medication-assisted treatment from the 15840
community addiction services provider are provided adequate 15841
substitute medication or treatment. For purposes of this 15842
division, the department may transfer the clients to other 15843
providers licensed to operate opioid treatment programs or 15844
replace any or all of the administrators and staff of the 15845
provider with representatives of the department who shall 15846
continue on a provisional basis the opioid treatment component 15847
of the provider's operations. 15848

(N) Each time the department receives an application from 15849
a community addiction services provider for a license to operate 15850
an opioid treatment program, issues or refuses to issue a 15851
license, or withdraws or revokes a license, the department shall 15852
notify the board of alcohol, drug addiction, and mental health 15853
services of each alcohol, drug addiction, and mental health 15854
service district in which the provider operates. 15855

(O) Whenever it appears to the department from files, upon 15856
complaint, or otherwise, that a community addiction services 15857
provider has engaged in any practice declared to be illegal or 15858
prohibited by section 3719.61 of the Revised Code, or any other 15859

state or federal laws or regulations relating to drug abuse, or 15860
when the department believes it to be in the best interest of 15861
the public and necessary for the protection of the citizens of 15862
the state, the department may request criminal proceedings by 15863
laying before the prosecuting attorney of the proper county any 15864
evidence of criminality which may come to its knowledge. 15865

(P) The department shall maintain a current list of 15866
community addiction services providers licensed by the 15867
department under this section and shall provide a copy of the 15868
current list to a judge of a court of common pleas who requests 15869
a copy for the use of the judge under division ~~(H)~~ (P) of section 15870
2925.03 or a related provision of section 2925.031 or 2925.032 15871
of the Revised Code. The list of licensed community addiction 15872
services providers shall identify each licensed provider by its 15873
name, its address, and the county in which it is located. 15874

Sec. 5120.53. (A) If a treaty between the United States 15875
and a foreign country provides for the transfer or exchange, 15876
from one of the signatory countries to the other signatory 15877
country, of convicted offenders who are citizens or nationals of 15878
the other signatory country, the governor, subject to and in 15879
accordance with the terms of the treaty, may authorize the 15880
director of rehabilitation and correction to allow the transfer 15881
or exchange of convicted offenders and to take any action 15882
necessary to initiate participation in the treaty. If the 15883
governor grants the director the authority described in this 15884
division, the director may take the necessary action to initiate 15885
participation in the treaty and, subject to and in accordance 15886
with division (B) of this section and the terms of the treaty, 15887
may allow the transfer or exchange to a foreign country that has 15888
signed the treaty of any convicted offender who is a citizen or 15889
national of that signatory country. 15890

(B) (1) No convicted offender who is serving a term of imprisonment in this state for aggravated murder, murder, or a felony of the first or second degree, who is serving a mandatory prison term imposed under section 2925.03 ~~or, 2925.031,~~ 2925.032, or 2925.11 of the Revised Code in circumstances in which the court was required to impose as the mandatory prison term the maximum definite prison term or longest minimum prison term authorized for the degree of offense committed, who is serving a term of imprisonment in this state imposed for an offense committed prior to July 1, 1996, that was an aggravated felony of the first or second degree or that was aggravated trafficking in violation of division (A) (9) or (10) of section 2925.03 of the Revised Code, or who has been sentenced to death in this state shall be transferred or exchanged to another country pursuant to a treaty of the type described in division (A) of this section.

(2) If a convicted offender is serving a term of imprisonment in this state and the offender is a citizen or national of a foreign country that has signed a treaty of the type described in division (A) of this section, if the governor has granted the director of rehabilitation and correction the authority described in that division, and if the transfer or exchange of the offender is not barred by division (B) (1) of this section, the director or the director's designee may approve the offender for transfer or exchange pursuant to the treaty if the director or the designee, after consideration of the factors set forth in the rules adopted by the department under division (D) of this section and all other relevant factors, determines that the transfer or exchange of the offender is appropriate.

(C) Notwithstanding any provision of the Revised Code

regarding the parole eligibility of, or the duration or 15922
calculation of a sentence of imprisonment imposed upon, an 15923
offender, if a convicted offender is serving a term of 15924
imprisonment in this state and the offender is a citizen or 15925
national of a foreign country that has signed a treaty of the 15926
type described in division (A) of this section, if the offender 15927
is serving an indefinite term of imprisonment, if the offender 15928
is barred from being transferred or exchanged pursuant to the 15929
treaty due to the indefinite nature of the offender's term of 15930
imprisonment, and if in accordance with division (B) (2) of this 15931
section the director of rehabilitation and correction or the 15932
director's designee approves the offender for transfer or 15933
exchange pursuant to the treaty, the parole board, pursuant to 15934
rules adopted by the director, shall set a date certain for the 15935
release of the offender. To the extent possible, the date 15936
certain that is set shall be reasonably proportionate to the 15937
indefinite term of imprisonment that the offender is serving. 15938
The date certain that is set for the release of the offender 15939
shall be considered only for purposes of facilitating the 15940
international transfer or exchange of the offender, shall not be 15941
viable or actionable for any other purpose, and shall not create 15942
any expectation or guarantee of release. If an offender for whom 15943
a date certain for release is set under this division is not 15944
transferred to or exchanged with the foreign country pursuant to 15945
the treaty, the date certain is null and void, and the 15946
offender's release shall be determined pursuant to the laws and 15947
rules of this state pertaining to parole eligibility and the 15948
duration and calculation of an indefinite sentence of 15949
imprisonment. 15950

(D) If the governor, pursuant to division (A) of this 15951
section, authorizes the director of rehabilitation and 15952

correction to allow any transfer or exchange of convicted 15953
offenders as described in that division, the director shall 15954
adopt rules under Chapter 119. of the Revised Code to implement 15955
the provisions of this section. The rules shall include a rule 15956
that requires the director or the director's designee, in 15957
determining whether to approve a convicted offender who is 15958
serving a term of imprisonment in this state for transfer or 15959
exchange pursuant to a treaty of the type described in division 15960
(A) of this section, to consider all of the following factors: 15961

(1) The nature of the offense for which the offender is 15962
serving the term of imprisonment in this state; 15963

(2) The likelihood that, if the offender is transferred or 15964
exchanged to a foreign country pursuant to the treaty, the 15965
offender will serve a shorter period of time in imprisonment in 15966
the foreign country than the offender would serve if the 15967
offender is not transferred or exchanged to the foreign country 15968
pursuant to the treaty; 15969

(3) The likelihood that, if the offender is transferred or 15970
exchanged to a foreign country pursuant to the treaty, the 15971
offender will return or attempt to return to this state after 15972
the offender has been released from imprisonment in the foreign 15973
country; 15974

(4) The degree of any shock to the conscience of justice 15975
and society that will be experienced in this state if the 15976
offender is transferred or exchanged to a foreign country 15977
pursuant to the treaty; 15978

(5) All other factors that the department determines are 15979
relevant to the determination. 15980

Sec. 5153.111. (A) (1) The executive director of a public 15981

children services agency shall request the superintendent of the 15982
bureau of criminal identification and investigation to conduct a 15983
criminal records check with respect to any applicant who has 15984
applied to the agency for employment as a person responsible for 15985
the care, custody, or control of a child. If the applicant does 15986
not present proof that the applicant has been a resident of this 15987
state for the five-year period immediately prior to the date 15988
upon which the criminal records check is requested or does not 15989
provide evidence that within that five-year period the 15990
superintendent has requested information about the applicant 15991
from the federal bureau of investigation in a criminal records 15992
check, the executive director shall request that the 15993
superintendent obtain information from the federal bureau of 15994
investigation as a part of the criminal records check for the 15995
applicant. If the applicant presents proof that the applicant 15996
has been a resident of this state for that five-year period, the 15997
executive director may request that the superintendent include 15998
information from the federal bureau of investigation in the 15999
criminal records check. 16000

(2) Any person required by division (A)(1) of this section 16001
to request a criminal records check shall provide to each 16002
applicant a copy of the form prescribed pursuant to division (C) 16003
(1) of section 109.572 of the Revised Code, provide to each 16004
applicant a standard impression sheet to obtain fingerprint 16005
impressions prescribed pursuant to division (C)(2) of section 16006
109.572 of the Revised Code, obtain the completed form and 16007
impression sheet from each applicant, and forward the completed 16008
form and impression sheet to the superintendent of the bureau of 16009
criminal identification and investigation at the time the person 16010
requests a criminal records check pursuant to division (A)(1) of 16011
this section. 16012

(3) Any applicant who receives pursuant to division (A) (2) 16013
of this section a copy of the form prescribed pursuant to 16014
division (C) (1) of section 109.572 of the Revised Code and a 16015
copy of an impression sheet prescribed pursuant to division (C) 16016
(2) of that section and who is requested to complete the form 16017
and provide a set of fingerprint impressions shall complete the 16018
form or provide all the information necessary to complete the 16019
form and shall provide the impression sheet with the impressions 16020
of the applicant's fingerprints. If an applicant, upon request, 16021
fails to provide the information necessary to complete the form 16022
or fails to provide impressions of the applicant's fingerprints, 16023
that agency shall not employ that applicant for any position for 16024
which a criminal records check is required by division (A) (1) of 16025
this section. 16026

(B) (1) Except as provided in rules adopted by the director 16027
of job and family services in accordance with division (E) of 16028
this section, no public children services agency shall employ a 16029
person as a person responsible for the care, custody, or control 16030
of a child if the person previously has been convicted of or 16031
pleaded guilty to any of the following: 16032

(a) A violation of section 2903.01, 2903.02, 2903.03, 16033
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 16034
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 16035
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 16036
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 16037
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 16038
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 16039
2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, or 16040
3716.11 of the Revised Code, a violation of section 2905.04 of 16041
the Revised Code as it existed prior to July 1, 1996, a 16042
violation of section 2919.23 of the Revised Code that would have 16043

been a violation of section 2905.04 of the Revised Code as it 16044
existed prior to July 1, 1996, had the violation occurred prior 16045
to that date, a violation of section 2925.11, 2925.111, or 16046
2925.112 of the Revised Code that is not a minor drug possession 16047
offense, or felonious sexual penetration in violation of former 16048
section 2907.12 of the Revised Code; 16049

(b) A violation of an existing or former law of this 16050
state, any other state, or the United States that is 16051
substantially equivalent to any of the offenses or violations 16052
described in division (B) (1) (a) of this section. 16053

(2) A public children services agency may employ an 16054
applicant conditionally until the criminal records check 16055
required by this section is completed and the agency receives 16056
the results of the criminal records check. If the results of the 16057
criminal records check indicate that, pursuant to division (B) 16058
(1) of this section, the applicant does not qualify for 16059
employment, the agency shall release the applicant from 16060
employment. 16061

(C) (1) Each public children services agency shall pay to 16062
the bureau of criminal identification and investigation the fee 16063
prescribed pursuant to division (C) (3) of section 109.572 of the 16064
Revised Code for each criminal records check conducted in 16065
accordance with that section upon the request pursuant to 16066
division (A) (1) of this section of the executive director of the 16067
agency. 16068

(2) A public children services agency may charge an 16069
applicant a fee for the costs it incurs in obtaining a criminal 16070
records check under this section. A fee charged under this 16071
division shall not exceed the amount of fees the agency pays 16072
under division (C) (1) of this section. If a fee is charged under 16073

this division, the agency shall notify the applicant at the time 16074
of the applicant's initial application for employment of the 16075
amount of the fee and that, unless the fee is paid, the agency 16076
will not consider the applicant for employment. 16077

(D) The report of any criminal records check conducted by 16078
the bureau of criminal identification and investigation in 16079
accordance with section 109.572 of the Revised Code and pursuant 16080
to a request under division (A) (1) of this section is not a 16081
public record for the purposes of section 149.43 of the Revised 16082
Code and shall not be made available to any person other than 16083
the applicant who is the subject of the criminal records check 16084
or the applicant's representative, the public children services 16085
agency requesting the criminal records check or its 16086
representative, and any court, hearing officer, or other 16087
necessary individual involved in a case dealing with the denial 16088
of employment to the applicant. 16089

(E) The director of job and family services shall adopt 16090
rules pursuant to Chapter 119. of the Revised Code to implement 16091
this section, including rules specifying circumstances under 16092
which a public children services agency may hire a person who 16093
has been convicted of an offense listed in division (B) (1) of 16094
this section but who meets standards in regard to rehabilitation 16095
set by the department. 16096

(F) Any person required by division (A) (1) of this section 16097
to request a criminal records check shall inform each person, at 16098
the time of the person's initial application for employment, 16099
that the person is required to provide a set of impressions of 16100
the person's fingerprints and that a criminal records check is 16101
required to be conducted and satisfactorily completed in 16102
accordance with section 109.572 of the Revised Code if the 16103

person comes under final consideration for appointment or 16104
employment as a precondition to employment for that position. 16105

(G) As used in this section: 16106

(1) "Applicant" means a person who is under final 16107
consideration for appointment or employment in a position with 16108
the agency as a person responsible for the care, custody, or 16109
control of a child. 16110

(2) "Criminal records check" has the same meaning as in 16111
section 109.572 of the Revised Code. 16112

(3) "Minor drug possession offense" has the same meaning 16113
as in section 2925.01 of the Revised Code. 16114

Sec. 5502.13. The department of public safety shall 16115
maintain an investigative unit in order to conduct 16116
investigations and other enforcement activity authorized by 16117
Chapters 4301., 4303., 5101., 5107., and 5108. and sections 16118
2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 2921.13, 16119
2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 2925.111, 16120
2925.112, 2925.13, 2927.02, and 4507.30 of the Revised Code. The 16121
director of public safety shall appoint the employees of the 16122
unit who are necessary, designate the activities to be performed 16123
by those employees, and prescribe their titles and duties. 16124

Section 4. That existing sections 109.572, 128.04, 177.01, 16125
2152.021, 2152.18, 2743.60, 2923.01, 2923.241, 2923.31, 2923.41, 16126
2925.02, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 16127
2925.23, 2925.36, 2925.37, 2925.38, 2925.42, 2925.51, 2927.21, 16128
2929.141, 2929.18, 2929.25, 2929.34, 2933.51, 2935.36, 2951.041, 16129
2967.18, 2967.19, 2967.28, 3301.32, 3301.541, 3313.662, 3319.31, 16130
3319.39, 3712.09, 3719.013, 3719.21, 3719.99, 3721.121, 3734.44, 16131
3767.01, 4112.02, 4510.17, 4729.99, 4742.03, 5103.0319, 5119.36, 16132

5119.37, 5120.53, 5153.111, and 5502.13 of the Revised Code are
hereby repealed.

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