

As Reported by the Senate Judiciary Committee

133rd General Assembly

Regular Session

2019-2020

Sub. H. B. No. 431

Representatives Abrams, Carfagna

Cosponsors: Representatives Lipps, Koehler, Riedel, Ginter, Manchester, Strahorn, Powell, Cross, Richardson, McClain, O'Brien, Wiggam, LaRe, Leland, Crossman, Cupp, Galonski, West, Baldrige, Boggs, Brent, Callender, Carruthers, Clites, Crawley, Edwards, Ghanbari, Greenspan, Hicks-Hudson, Lanese, Lightbody, Patterson, Patton, Perales, Robinson, Roemer, Rogers, Romanchuk, Russo, Stein, Sweeney, Weinstein, Wilkin

Senators Manning, Fedor, Eklund

A BILL

To amend sections 119.062, 2152.021, 2905.32,	1
2907.24, 2929.01, 2929.17, 2950.01, 2953.32,	2
2953.36, 4510.07, and 4510.13 and to enact	3
sections 2907.231 and 2950.151 of the Revised	4
Code to require a juvenile court in specified	5
circumstances to hold a delinquency complaint in	6
abeyance in certain prostitution or human	7
trafficking cases, to provide that the	8
trafficking in persons elements that apply to a	9
victim under age 16 also apply to a victim who	10
is age 16 or 17, to prohibit a person from	11
engaging in prostitution, to modify certain	12
soliciting offenses and penalties, and to modify	13
Sex Offender Registration and Notification Law	14
and Conviction Record Sealing Law provisions	15
regarding certain "unlawful sexual conduct with	16
a minor" convictions.	17

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

Section 1. That sections 119.062, 2152.021, 2905.32, 18
2907.24, 2929.01, 2929.17, 2950.01, 2953.32, 2953.36, 4510.07, 19
and 4510.13 be amended and sections 2907.231 and 2950.151 of the 20
Revised Code be enacted to read as follows: 21

Sec. 119.062. (A) Notwithstanding section 119.06 of the 22
Revised Code, the registrar of motor vehicles is not required to 23
hold any hearing in connection with an order canceling or 24
suspending a motor vehicle driver's or commercial driver's 25
license pursuant to section 2903.06, 2903.08, ~~2907.24,~~ 2921.331, 26
4549.02, 4549.021, or 5743.99 or any provision of Chapter 2925., 27
4509., 4510., or 4511. of the Revised Code or in connection with 28
an out-of-service order issued under Chapter 4506. of the 29
Revised Code. 30

(B) Notwithstanding section 119.07 of the Revised Code, 31
the registrar is not required to use registered mail, return 32
receipt requested, in connection with an order canceling or 33
suspending a motor vehicle driver's or commercial driver's 34
license or a notification to a person to surrender a certificate 35
of registration and registration plates. 36

Sec. 2152.021. (A) (1) Subject to division (A) (2) of this 37
section, any person having knowledge of a child who appears to 38
be a juvenile traffic offender or to be a delinquent child may 39
file a sworn complaint with respect to that child in the 40
juvenile court of the county in which the child has a residence 41
or legal settlement or in which the traffic offense or 42
delinquent act allegedly occurred. The sworn complaint may be 43
upon information and belief, and, in addition to the allegation 44

that the child is a delinquent child or a juvenile traffic 45
offender, the complaint shall allege the particular facts upon 46
which the allegation that the child is a delinquent child or a 47
juvenile traffic offender is based. 48

If a child appears to be a delinquent child who is 49
eligible for a serious youthful offender dispositional sentence 50
under section 2152.11 of the Revised Code and if the prosecuting 51
attorney desires to seek a serious youthful offender 52
dispositional sentence under section 2152.13 of the Revised Code 53
in regard to the child, the prosecuting attorney of the county 54
in which the alleged delinquency occurs may initiate a case in 55
the juvenile court of the county by presenting the case to a 56
grand jury for indictment, by charging the child in a bill of 57
information as a serious youthful offender pursuant to section 58
2152.13 of the Revised Code, by requesting a serious youthful 59
offender dispositional sentence in the original complaint 60
alleging that the child is a delinquent child, or by filing with 61
the juvenile court a written notice of intent to seek a serious 62
youthful offender dispositional sentence. This paragraph does 63
not apply regarding the imposition of a serious youthful 64
offender dispositional sentence pursuant to section 2152.121 of 65
the Revised Code. 66

(2) Any person having knowledge of a child who appears to 67
be a delinquent child for violating a court order regarding the 68
child's adjudication as an unruly child for being an habitual 69
truant, may file a sworn complaint with respect to that child, 70
or with respect to that child and the parent, guardian, or other 71
person having care of the child, in the juvenile court of the 72
county in which the child has a residence or legal settlement or 73
in which the child is supposed to attend public school. The 74
sworn complaint may be upon information and belief and shall 75

allege that the child is a delinquent child for violating a 76
court order regarding the child's prior adjudication as an 77
unruly child for being a habitual truant and, in addition, the 78
particular facts upon which that allegation is based. If the 79
complaint contains allegations regarding the child's parent, 80
guardian, or other person having care of the child, the 81
complaint additionally shall allege that the parent, guardian, 82
or other person having care of the child has failed to cause the 83
child's attendance at school in violation of section 3321.38 of 84
the Revised Code and, in addition, the particular facts upon 85
which that allegation is based. 86

(B) Any person with standing under applicable law may file 87
a complaint for the determination of any other matter over which 88
the juvenile court is given jurisdiction by section 2151.23 of 89
the Revised Code. The complaint shall be filed in the county in 90
which the child who is the subject of the complaint is found or 91
was last known to be found. 92

(C) Within ten days after the filing of a complaint or the 93
issuance of an indictment, the court shall give written notice 94
of the filing of the complaint or the issuance of an indictment 95
and of the substance of the complaint or indictment to the 96
superintendent of a city, local, exempted village, or joint 97
vocational school district if the complaint or indictment 98
alleges that a child committed an act that would be a criminal 99
offense if committed by an adult, that the child was sixteen 100
years of age or older at the time of the commission of the 101
alleged act, and that the alleged act is any of the following: 102

(1) A violation of section 2923.122 of the Revised Code 103
that relates to property owned or controlled by, or to an 104
activity held under the auspices of, the board of education of 105

that school district; 106

(2) A violation of section 2923.12 of the Revised Code, of 107
a substantially similar municipal ordinance, or of section 108
2925.03 of the Revised Code that was committed on property owned 109
or controlled by, or at an activity held under the auspices of, 110
the board of education of that school district; 111

(3) A violation of section 2925.11 of the Revised Code 112
that was committed on property owned or controlled by, or at an 113
activity held under the auspices of, the board of education of 114
that school district, other than a violation of that section 115
that would be a minor drug possession offense if committed by an 116
adult; 117

(4) A violation of section 2903.01, 2903.02, 2903.03, 118
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 119
Code, or a violation of former section 2907.12 of the Revised 120
Code, that was committed on property owned or controlled by, or 121
at an activity held under the auspices of, the board of 122
education of that school district, if the victim at the time of 123
the commission of the alleged act was an employee of the board 124
of education of that school district; 125

(5) Complicity in any violation described in division (C) 126
(1), (2), (3), or (4) of this section that was alleged to have 127
been committed in the manner described in division (C) (1), (2), 128
(3), or (4) of this section, regardless of whether the act of 129
complicity was committed on property owned or controlled by, or 130
at an activity held under the auspices of, the board of 131
education of that school district. 132

(D) A public children services agency, acting pursuant to 133
a complaint or an action on a complaint filed under this 134

section, is not subject to the requirements of section 3127.23 135
of the Revised Code. 136

(E) For purposes of the record to be maintained by the 137
clerk under division (B) of section 2152.71 of the Revised Code, 138
when a complaint is filed that alleges that a child is a 139
delinquent child, the court shall determine if the victim of the 140
alleged delinquent act was sixty-five years of age or older or 141
permanently and totally disabled at the time of the alleged 142
commission of the act. 143

(F) (1) At any time after the filing of a complaint 144
alleging that a child is a delinquent child and before 145
adjudication, the court ~~may hold a hearing to determine whether~~ 146
~~to hold the complaint in abeyance pending the child's successful~~ 147
~~completion of actions that constitute a method to divert the~~ 148
~~child from the juvenile court system shall promptly appoint for~~ 149
the child a guardian ad litem who is not the child's attorney if 150
the child agrees to the hearing and the court has reason to 151
believe that either of the following ~~applies~~ might apply: 152

(a) The act charged would be a violation of section 153
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 154
were an adult. 155

(b) The ~~court has reason to believe that the~~ child is a 156
victim of a violation of section 2905.32 of the Revised Code, 157
regardless of whether any person has been convicted of a 158
violation of that section or of any other section for 159
victimizing the child, ~~and the act charged is related to the~~ 160
~~child's victimization.~~ 161

(2) The child, the child's attorney, the child's guardian 162
ad litem, or the prosecuting attorney may petition the court to 163

hold the complaint in abeyance if either of the following 164
applies: 165

(a) Division (F)(1)(a) of this section applies. 166

(b) Division (F)(1)(b) of this section applies and the act 167
charged in the complaint is related to the child's 168
victimization. 169

(3)(a) Upon the filing of a petition made under division 170
(F)(2)(a) of this section, the court may grant the petition 171
without a hearing. If the court decides to hold a hearing on the 172
petition, the court shall notify the prosecuting attorney of the 173
date, time, and location of the hearing, and the prosecuting 174
attorney has the right to participate in the hearing and may 175
object to holding the complaint in abeyance. No statement made 176
by a child at a hearing held under this division is admissible 177
in any subsequent proceeding against the child. 178

(b) Upon the filing of a petition made under division (F) 179
(2)(b) of this section, both of the following apply: 180

(i) The court may grant the petition without a hearing, 181
provided the prosecuting attorney, after receiving notice of the 182
petition, consents. 183

(ii) If the prosecuting attorney does not consent to 184
holding the complaint in abeyance, the court shall hold a 185
hearing to determine whether to hold the complaint in abeyance. 186
The prosecuting attorney shall be notified of the date, time, 187
and location of the hearing, and has the right to participate in 188
any the hearing held under division (F)(1) of this section, to 189
object to holding the complaint that is the subject of the 190
hearing in abeyance, and to make recommendations related to 191
diversion actions. No statement made by a child at a hearing 192

held under this division ~~(F) (1) of this section~~ is admissible in 193
any subsequent proceeding against the child. 194

~~(3) If either division (F) (1) (a) or (b) of this section 195
applies, the court shall promptly appoint a guardian ad litem 196
for the child. The court shall not appoint the child's attorney- 197
as guardian ad litem. If the court decides to hold the complaint- 198
in abeyance, the guardian ad litem shall make recommendations- 199
that are in the best interest of the child to the court. 200~~

(4) If the court decides to hold a hearing under division 201
(F) (3) (a) of this section and the court after the hearing finds 202
by a preponderance of the evidence that division (F) (1) (a) of 203
this section applies, if after a hearing held under division (F) 204
(3) (b) (ii) of this section the court ~~decides to~~ finds by a 205
preponderance of the evidence that division (F) (1) (b) of this 206
section applies and the act charged in the complaint is related 207
to the child's victimization, or if the court grants the 208
petition without a hearing under division (F) (3) (a) or (b) (i) of 209
this section, the court shall hold the complaint in abeyance, 210
provided the child consents. The guardian ad litem shall make 211
recommendations that are in the best interest of the child. A 212
psychiatrist, psychologist, licensed professional clinical 213
counselor, or other clinician selected by the court, who has 214
assessed the child, may make recommendations that are in the 215
best interest of the child. The prosecuting attorney or the 216
child's attorney may make recommendations related to diversion 217
actions. The court may make any orders regarding placement, 218
services, supervision, diversion actions, and conditions of 219
abeyance, including, but not limited to, engagement in trauma- 220
based behavioral health services or education activities, that 221
the court considers appropriate and in the best interest of the 222
child. The court may hold the complaint in abeyance for up to 223

ninety days while the child engages in diversion actions. If the 224
child violates the conditions of abeyance or ~~does not complete~~ 225
is not actively engaging in the diversion actions to the court's 226
satisfaction within ninety days, the court may extend the period 227
of abeyance for not more than ~~two~~ three additional ninety-day 228
periods. 229

(5) If the court holds the complaint in abeyance and the 230
child complies with the conditions of abeyance and ~~completes~~ 231
actively engages in the diversion actions to the court's 232
satisfaction, the court shall dismiss the complaint and order 233
that the records pertaining to the case be expunged immediately. 234
If the child fails to ~~complete~~ actively engage in the diversion 235
actions to the court's satisfaction, the court shall proceed 236
upon the complaint. 237

Sec. 2905.32. (A) No person shall knowingly recruit, lure, 238
entice, isolate, harbor, transport, provide, obtain, or 239
maintain, or knowingly attempt to recruit, lure, entice, 240
isolate, harbor, transport, provide, obtain, or maintain, 241
another person if ~~any~~ either of the following applies: 242

(1) The offender knows that the other person will be 243
subjected to involuntary servitude or be compelled to engage in 244
sexual activity for hire, engage in a performance that is 245
obscene, sexually oriented, or nudity oriented, or be a model or 246
participant in the production of material that is obscene, 247
sexually oriented, or nudity oriented. 248

(2) The other person is less than ~~sixteen~~ eighteen years 249
of age or is a person with a developmental disability whom the 250
offender knows or has reasonable cause to believe is a person 251
with a developmental disability, and either the offender knows 252
that the other person will be subjected to involuntary servitude 253

or the offender's knowing recruitment, luring, enticement, 254
isolation, harboring, transportation, provision, obtaining, or 255
maintenance of the other person or knowing attempt to recruit, 256
lure, entice, isolate, harbor, transport, provide, obtain, or 257
maintain the other person is for any of the following purposes: 258

(a) ~~To~~ For the other person to engage in sexual activity 259
for hire with one or more third parties; 260

(b) To engage in a performance for hire that is obscene, 261
sexually oriented, or nudity oriented; 262

(c) To be a model or participant for hire in the 263
production of material that is obscene, sexually oriented, or 264
nudity oriented. 265

~~(3) The other person is sixteen or seventeen years of age, 266
either the offender knows that the other person will be 267
subjected to involuntary servitude or the offender's knowing 268
recruitment, luring, enticement, isolation, harboring, 269
transportation, provision, obtaining, or maintenance of the 270
other person or knowing attempt to recruit, lure, entice, 271
isolate, harbor, transport, provide, obtain, or maintain the 272
other person is for any purpose described in divisions (A) (2) (a) 273
to (c) of this section, and the circumstances described in 274
division (A) (5), (6), (7), (8), (9), (10), (11), (12), or (13) 275
of section 2907.03 of the Revised Code apply with respect to the 276
offender and the other person. 277~~

(B) For a prosecution under division (A) (1) of this 278
section, the element "compelled" does not require that the 279
compulsion be openly displayed or physically exerted. The 280
element "compelled" has been established if the state proves 281
that the victim's will was overcome by force, fear, duress, 282

intimidation, or fraud. 283

(C) In a prosecution under this section, proof that the 284
defendant engaged in sexual activity with any person, or 285
solicited sexual activity with any person, whether or not for 286
hire, without more, does not constitute a violation of this 287
section. 288

(D) A prosecution for a violation of this section does not 289
preclude a prosecution of a violation of any other section of 290
the Revised Code. One or more acts, a series of acts, or a 291
course of behavior that can be prosecuted under this section or 292
any other section of the Revised Code may be prosecuted under 293
this section, the other section of the Revised Code, or both 294
sections. However, if an offender is convicted of or pleads 295
guilty to a violation of this section and also is convicted of 296
or pleads guilty to a violation of section 2907.21 of the 297
Revised Code based on the same conduct involving the same victim 298
that was the basis of the violation of this section, or is 299
convicted of or pleads guilty to any other violation of Chapter 300
2907. of the Revised Code based on the same conduct involving 301
the same victim that was the basis of the violation of this 302
section, the two offenses are allied offenses of similar import 303
under section 2941.25 of the Revised Code. 304

(E) Whoever violates this section is guilty of trafficking 305
in persons, a felony of the first degree. For a violation 306
committed prior to ~~the effective date of this amendment~~ March 307
22, 2019, notwithstanding the range of definite terms set forth 308
in division (A) (1) (b) of section 2929.14 of the Revised Code, 309
the court shall sentence the offender to a definite prison term 310
of ten, eleven, twelve, thirteen, fourteen, or fifteen years. 311
For a violation committed on or after ~~the effective date of this~~ 312

~~amendment~~ March 22, 2019, notwithstanding the range of minimum 313
terms set forth in division (A) (1) (a) of section 2929.14 of the 314
Revised Code, the court shall sentence the offender to an 315
indefinite prison term pursuant to that division, with a minimum 316
term under that sentence of ten, eleven, twelve, thirteen, 317
fourteen, or fifteen years. 318

(F) As used in this section: 319

(1) "Person with a developmental disability" means a 320
person whose ability to resist or consent to an act is 321
substantially impaired because of a mental or physical condition 322
or because of advanced age. 323

(2) "Sexual activity for hire," "performance for hire," 324
and "model or participant for hire" mean an implicit or explicit 325
agreement to provide sexual activity, engage in an obscene, 326
sexually oriented, or nudity oriented performance, or be a model 327
or participant in the production of obscene, sexually oriented, 328
or nudity oriented material, whichever is applicable, in 329
exchange for anything of value paid to any of the following: 330

(a) The person engaging in such sexual activity, 331
performance, or modeling or participation; 332

(b) Any person who recruits, lures, entices, isolates, 333
harbors, transports, provides, obtains, or maintains, or 334
attempts to recruit, lure, entice, isolate, harbor, transport, 335
provide, obtain, or maintain the person described in division 336
(F) (2) (a) of this section; 337

(c) Any person associated with a person described in 338
division (F) (2) (a) or (b) of this section. 339

(3) "Material that is obscene, sexually oriented, or 340
nudity oriented" and "performance that is obscene, sexually 341

oriented, or nudity oriented" have the same meanings as in 342
section 2929.01 of the Revised Code. 343

(4) "Third party" means, with respect to conduct described 344
in division (A) (2) (a) of this section, any person other than the 345
offender. 346

Sec. 2907.231. (A) As used in this section, "sexual 347
activity for hire" means an implicit or explicit agreement to 348
provide sexual activity in exchange for anything of value paid 349
to the person engaging in such sexual activity, to any person 350
trafficking that person, or to any person associated with either 351
such person. 352

(B) No person shall recklessly induce, entice, or procure 353
another to engage in sexual activity for hire in exchange for 354
the person giving anything of value to the other person. 355

(C) Whoever violates division (B) of this section is 356
guilty of engaging in prostitution, a misdemeanor of the first 357
degree. In sentencing the offender under this division, the 358
court shall require the offender to attend an education or 359
treatment program aimed at preventing persons from inducing, 360
enticing, or procuring another to engage in sexual activity for 361
hire in exchange for the person giving anything of value to the 362
other person and, notwithstanding the fine specified in division 363
(A) (2) (a) of section 2929.28 of the Revised Code for a 364
misdemeanor of the first degree, the court may impose upon the 365
offender a fine of not more than one thousand five hundred 366
dollars. 367

Sec. 2907.24. (A) ~~(1)~~ No person shall knowingly solicit 368
another who is eighteen years of age or older to engage with 369
such other person in sexual activity for hire in exchange for 370

the person receiving anything of value from the other person. 371

~~(2) No person shall solicit another to engage with such 372
other person in sexual activity for hire if the other person is 373
sixteen or seventeen years of age and the offender knows that 374
the other person is sixteen or seventeen years of age or is 375
reckless in that regard. 376~~

~~(3) No person shall solicit another to engage with such 377
other person in sexual activity for hire if either of the 378
following applies: 379~~

~~(a) The other person is less than sixteen years of age, 380
whether or not the offender knows the age of the other person. 381~~

~~(b) The other person is a person with a developmental 382
disability and the offender knows or has reasonable cause to 383
believe the other person is a person with a developmental 384
disability. 385~~

(B) No person, with knowledge that the person has tested 386
positive as a carrier of a virus that causes acquired 387
immunodeficiency syndrome, shall engage in conduct in violation 388
of division (A) of this section. 389

(C) (1) Whoever violates division (A) of this section is 390
guilty of soliciting. ~~A violation of division (A) (1) of this 391
section Soliciting is a misdemeanor of the third degree. A 392
violation of division (A) (2) of this section is a felony of the 393
fifth degree. A violation of division (A) (3) of this section is 394
a felony of the third degree. 395~~

(2) Whoever violates division (B) of this section is 396
guilty of engaging in solicitation after a positive HIV test. If 397
the offender commits the violation prior to July 1, 1996, 398
engaging in solicitation after a positive HIV test is a felony 399

of the second degree. If the offender commits the violation on 400
or after July 1, 1996, engaging in solicitation after a positive 401
HIV test is a felony of the third degree. 402

~~(D) If a person is convicted of or pleads guilty to a 403
violation of any provision of this section, an attempt to commit 404
a violation of any provision of this section, or a violation of 405
or an attempt to commit a violation of a municipal ordinance 406
that is substantially equivalent to any provision of this 407
section and if the person, in committing or attempting to commit 408
the violation, was in, was on, or used a motor vehicle, the 409
court, in addition to or independent of all other penalties 410
imposed for the violation, may impose upon the offender a class 411
six suspension of the person's driver's license, commercial 412
driver's license, temporary instruction permit, probationary 413
license, or nonresident operating privilege from the range 414
specified in division (A) (6) of section 4510.02 of the Revised 415
Code. In lieu of imposing upon the offender the class six 416
suspension, the court instead may require the offender to 417
perform community service for a number of hours determined by 418
the court. 419~~

~~(E) As used in this section:~~ 420

~~(1) "Person with a developmental disability" has the same 421
meaning as in section 2905.32 of the Revised Code. 422~~

~~(2), "Sexual sexual activity for hire" means an implicit 423
or explicit agreement to provide sexual activity in exchange for 424
anything of value paid to the person engaging in such sexual 425
activity, to any person trafficking that person, or to any 426
person associated with either such person. 427~~

Sec. 2929.01. As used in this chapter: 428

(A) (1) "Alternative residential facility" means, subject 429
to division (A) (2) of this section, any facility other than an 430
offender's home or residence in which an offender is assigned to 431
live and that satisfies all of the following criteria: 432

(a) It provides programs through which the offender may 433
seek or maintain employment or may receive education, training, 434
treatment, or habilitation. 435

(b) It has received the appropriate license or certificate 436
for any specialized education, training, treatment, 437
habilitation, or other service that it provides from the 438
government agency that is responsible for licensing or 439
certifying that type of education, training, treatment, 440
habilitation, or service. 441

(2) "Alternative residential facility" does not include a 442
community-based correctional facility, jail, halfway house, or 443
prison. 444

(B) "Basic probation supervision" means a requirement that 445
the offender maintain contact with a person appointed to 446
supervise the offender in accordance with sanctions imposed by 447
the court or imposed by the parole board pursuant to section 448
2967.28 of the Revised Code. "Basic probation supervision" 449
includes basic parole supervision and basic post-release control 450
supervision. 451

(C) "Cocaine," "fentanyl-related compound," "hashish," 452
"L.S.D.," and "unit dose" have the same meanings as in section 453
2925.01 of the Revised Code. 454

(D) "Community-based correctional facility" means a 455
community-based correctional facility and program or district 456
community-based correctional facility and program developed 457

pursuant to sections 2301.51 to 2301.58 of the Revised Code. 458

(E) "Community control sanction" means a sanction that is 459
not a prison term and that is described in section 2929.15, 460
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 461
that is not a jail term and that is described in section 462
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 463
control sanction" includes probation if the sentence involved 464
was imposed for a felony that was committed prior to July 1, 465
1996, or if the sentence involved was imposed for a misdemeanor 466
that was committed prior to January 1, 2004. 467

(F) "Controlled substance," "marihuana," "schedule I," and 468
"schedule II" have the same meanings as in section 3719.01 of 469
the Revised Code. 470

(G) "Curfew" means a requirement that an offender during a 471
specified period of time be at a designated place. 472

(H) "Day reporting" means a sanction pursuant to which an 473
offender is required each day to report to and leave a center or 474
other approved reporting location at specified times in order to 475
participate in work, education or training, treatment, and other 476
approved programs at the center or outside the center. 477

(I) "Deadly weapon" has the same meaning as in section 478
2923.11 of the Revised Code. 479

(J) "Drug and alcohol use monitoring" means a program 480
under which an offender agrees to submit to random chemical 481
analysis of the offender's blood, breath, or urine to determine 482
whether the offender has ingested any alcohol or other drugs. 483

(K) "Drug treatment program" means any program under which 484
a person undergoes assessment and treatment designed to reduce 485
or completely eliminate the person's physical or emotional 486

reliance upon alcohol, another drug, or alcohol and another drug 487
and under which the person may be required to receive assessment 488
and treatment on an outpatient basis or may be required to 489
reside at a facility other than the person's home or residence 490
while undergoing assessment and treatment. 491

(L) "Economic loss" means any economic detriment suffered 492
by a victim as a direct and proximate result of the commission 493
of an offense and includes any loss of income due to lost time 494
at work because of any injury caused to the victim, and any 495
property loss, medical cost, or funeral expense incurred as a 496
result of the commission of the offense. "Economic loss" does 497
not include non-economic loss or any punitive or exemplary 498
damages. 499

(M) "Education or training" includes study at, or in 500
conjunction with a program offered by, a university, college, or 501
technical college or vocational study and also includes the 502
completion of primary school, secondary school, and literacy 503
curricula or their equivalent. 504

(N) "Firearm" has the same meaning as in section 2923.11 505
of the Revised Code. 506

(O) "Halfway house" means a facility licensed by the 507
division of parole and community services of the department of 508
rehabilitation and correction pursuant to section 2967.14 of the 509
Revised Code as a suitable facility for the care and treatment 510
of adult offenders. 511

(P) "House arrest" means a period of confinement of an 512
offender that is in the offender's home or in other premises 513
specified by the sentencing court or by the parole board 514
pursuant to section 2967.28 of the Revised Code and during which 515

all of the following apply: 516

(1) The offender is required to remain in the offender's 517
home or other specified premises for the specified period of 518
confinement, except for periods of time during which the 519
offender is at the offender's place of employment or at other 520
premises as authorized by the sentencing court or by the parole 521
board. 522

(2) The offender is required to report periodically to a 523
person designated by the court or parole board. 524

(3) The offender is subject to any other restrictions and 525
requirements that may be imposed by the sentencing court or by 526
the parole board. 527

(Q) "Intensive probation supervision" means a requirement 528
that an offender maintain frequent contact with a person 529
appointed by the court, or by the parole board pursuant to 530
section 2967.28 of the Revised Code, to supervise the offender 531
while the offender is seeking or maintaining necessary 532
employment and participating in training, education, and 533
treatment programs as required in the court's or parole board's 534
order. "Intensive probation supervision" includes intensive 535
parole supervision and intensive post-release control 536
supervision. 537

(R) "Jail" means a jail, workhouse, minimum security jail, 538
or other residential facility used for the confinement of 539
alleged or convicted offenders that is operated by a political 540
subdivision or a combination of political subdivisions of this 541
state. 542

(S) "Jail term" means the term in a jail that a sentencing 543
court imposes or is authorized to impose pursuant to section 544

2929.24 or 2929.25 of the Revised Code or pursuant to any other 545
provision of the Revised Code that authorizes a term in a jail 546
for a misdemeanor conviction. 547

(T) "Mandatory jail term" means the term in a jail that a 548
sentencing court is required to impose pursuant to division (G) 549
of section 1547.99 of the Revised Code, division (E) of section 550
2903.06 or division (D) of section 2903.08 of the Revised Code, 551
division (E) or (G) of section 2929.24 of the Revised Code, 552
division (B) of section 4510.14 of the Revised Code, or division 553
(G) of section 4511.19 of the Revised Code or pursuant to any 554
other provision of the Revised Code that requires a term in a 555
jail for a misdemeanor conviction. 556

(U) "Delinquent child" has the same meaning as in section 557
2152.02 of the Revised Code. 558

(V) "License violation report" means a report that is made 559
by a sentencing court, or by the parole board pursuant to 560
section 2967.28 of the Revised Code, to the regulatory or 561
licensing board or agency that issued an offender a professional 562
license or a license or permit to do business in this state and 563
that specifies that the offender has been convicted of or 564
pleaded guilty to an offense that may violate the conditions 565
under which the offender's professional license or license or 566
permit to do business in this state was granted or an offense 567
for which the offender's professional license or license or 568
permit to do business in this state may be revoked or suspended. 569

(W) "Major drug offender" means an offender who is 570
convicted of or pleads guilty to the possession of, sale of, or 571
offer to sell any drug, compound, mixture, preparation, or 572
substance that consists of or contains at least one thousand 573
grams of hashish; at least one hundred grams of cocaine; at 574

least one thousand unit doses or one hundred grams of heroin; at 575
least five thousand unit doses of L.S.D. or five hundred grams 576
of L.S.D. in a liquid concentrate, liquid extract, or liquid 577
distillate form; at least fifty grams of a controlled substance 578
analog; at least one thousand unit doses or one hundred grams of 579
a fentanyl-related compound; or at least one hundred times the 580
amount of any other schedule I or II controlled substance other 581
than marihuana that is necessary to commit a felony of the third 582
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 583
of the Revised Code that is based on the possession of, sale of, 584
or offer to sell the controlled substance. 585

(X) "Mandatory prison term" means any of the following: 586

(1) Subject to division (X) (2) of this section, the term 587
in prison that must be imposed for the offenses or circumstances 588
set forth in divisions (F) (1) to (8) or (F) (12) to (21) of 589
section 2929.13 and division (B) of section 2929.14 of the 590
Revised Code. Except as provided in sections 2925.02, 2925.03, 591
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 592
maximum or another specific term is required under section 593
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 594
described in this division may be any prison term authorized for 595
the level of offense except that if the offense is a felony of 596
the first or second degree committed on or after ~~the effective~~ 597
~~date of this amendment~~ March 22, 2019, a mandatory prison term 598
described in this division may be one of the terms prescribed in 599
division (A) (1) (a) or (2) (a) of section 2929.14 of the Revised 600
Code, whichever is applicable, that is authorized as the minimum 601
term for the offense. 602

(2) The term of sixty or one hundred twenty days in prison 603
that a sentencing court is required to impose for a third or 604

fourth degree felony OVI offense pursuant to division (G) (2) of 605
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 606
of the Revised Code or the term of one, two, three, four, or 607
five years in prison that a sentencing court is required to 608
impose pursuant to division (G) (2) of section 2929.13 of the 609
Revised Code. 610

(3) The term in prison imposed pursuant to division (A) of 611
section 2971.03 of the Revised Code for the offenses and in the 612
circumstances described in division (F) (11) of section 2929.13 613
of the Revised Code or pursuant to division (B) (1) (a), (b), or 614
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 615
section 2971.03 of the Revised Code and that term as modified or 616
terminated pursuant to section 2971.05 of the Revised Code. 617

(Y) "Monitored time" means a period of time during which 618
an offender continues to be under the control of the sentencing 619
court or parole board, subject to no conditions other than 620
leading a law-abiding life. 621

(Z) "Offender" means a person who, in this state, is 622
convicted of or pleads guilty to a felony or a misdemeanor. 623

(AA) "Prison" means a residential facility used for the 624
confinement of convicted felony offenders that is under the 625
control of the department of rehabilitation and correction and 626
includes a violation sanction center operated under authority of 627
section 2967.141 of the Revised Code. 628

(BB) (1) "Prison term" includes either of the following 629
sanctions for an offender: 630

(a) A stated prison term; 631

(b) A term in a prison shortened by, or with the approval 632
of, the sentencing court pursuant to section 2929.143, 2929.20, 633

2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 634

(2) With respect to a non-life felony indefinite prison 635
term, references in any provision of law to a reduction of, or 636
deduction from, the prison term mean a reduction in, or 637
deduction from, the minimum term imposed as part of the 638
indefinite term. 639

(CC) "Repeat violent offender" means a person about whom 640
both of the following apply: 641

(1) The person is being sentenced for committing or for 642
complicity in committing any of the following: 643

(a) Aggravated murder, murder, any felony of the first or 644
second degree that is an offense of violence, or an attempt to 645
commit any of these offenses if the attempt is a felony of the 646
first or second degree; 647

(b) An offense under an existing or former law of this 648
state, another state, or the United States that is or was 649
substantially equivalent to an offense described in division 650
(CC) (1) (a) of this section. 651

(2) The person previously was convicted of or pleaded 652
guilty to an offense described in division (CC) (1) (a) or (b) of 653
this section. 654

(DD) "Sanction" means any penalty imposed upon an offender 655
who is convicted of or pleads guilty to an offense, as 656
punishment for the offense. "Sanction" includes any sanction 657
imposed pursuant to any provision of sections 2929.14 to 2929.18 658
or 2929.24 to 2929.28 of the Revised Code. 659

(EE) "Sentence" means the sanction or combination of 660
sanctions imposed by the sentencing court on an offender who is 661

convicted of or pleads guilty to an offense. 662

(FF) (1) "Stated prison term" means the prison term, 663
mandatory prison term, or combination of all prison terms and 664
mandatory prison terms imposed by the sentencing court pursuant 665
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 666
under section 2919.25 of the Revised Code. "Stated prison term" 667
includes any credit received by the offender for time spent in 668
jail awaiting trial, sentencing, or transfer to prison for the 669
offense and any time spent under house arrest or house arrest 670
with electronic monitoring imposed after earning credits 671
pursuant to section 2967.193 of the Revised Code. If an offender 672
is serving a prison term as a risk reduction sentence under 673
sections 2929.143 and 5120.036 of the Revised Code, "stated 674
prison term" includes any period of time by which the prison 675
term imposed upon the offender is shortened by the offender's 676
successful completion of all assessment and treatment or 677
programming pursuant to those sections. 678

(2) As used in the definition of "stated prison term" set 679
forth in division (FF) (1) of this section, a prison term is a 680
definite prison term imposed under section 2929.14 of the 681
Revised Code or any other provision of law, is the minimum and 682
maximum prison terms under a non-life felony indefinite prison 683
term, or is a term of life imprisonment except to the extent 684
that the use of that definition in a section of the Revised Code 685
clearly is not intended to include a term of life imprisonment. 686
With respect to an offender sentenced to a non-life felony 687
indefinite prison term, references in section 2967.191 or 688
2967.193 of the Revised Code or any other provision of law to a 689
reduction of, or deduction from, the offender's stated prison 690
term or to release of the offender before the expiration of the 691
offender's stated prison term mean a reduction in, or deduction 692

from, the minimum term imposed as part of the indefinite term or 693
a release of the offender before the expiration of that minimum 694
term, references in section 2929.19 or 2967.28 of the Revised 695
Code to a stated prison term with respect to a prison term 696
imposed for a violation of a post-release control sanction mean 697
the minimum term so imposed, and references in any provision of 698
law to an offender's service of the offender's stated prison 699
term or the expiration of the offender's stated prison term mean 700
service or expiration of the minimum term so imposed plus any 701
additional period of incarceration under the sentence that is 702
required under section 2967.271 of the Revised Code. 703

(GG) "Victim-offender mediation" means a reconciliation or 704
mediation program that involves an offender and the victim of 705
the offense committed by the offender and that includes a 706
meeting in which the offender and the victim may discuss the 707
offense, discuss restitution, and consider other sanctions for 708
the offense. 709

(HH) "Fourth degree felony OVI offense" means a violation 710
of division (A) of section 4511.19 of the Revised Code that, 711
under division (G) of that section, is a felony of the fourth 712
degree. 713

(II) "Mandatory term of local incarceration" means the 714
term of sixty or one hundred twenty days in a jail, a community- 715
based correctional facility, a halfway house, or an alternative 716
residential facility that a sentencing court may impose upon a 717
person who is convicted of or pleads guilty to a fourth degree 718
felony OVI offense pursuant to division (G) (1) of section 719
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 720
section 4511.19 of the Revised Code. 721

(JJ) "Designated homicide, assault, or kidnapping 722

offense," "violent sex offense," "sexual motivation
specification," "sexually violent offense," "sexually violent
predator," and "sexually violent predator specification" have
the same meanings as in section 2971.01 of the Revised Code.

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

(LL) An offense is "committed in the vicinity of a child"
if the offender commits the offense within thirty feet of or
within the same residential unit as a child who is under
eighteen years of age, regardless of whether the offender knows
the age of the child or whether the offender knows the offense
is being committed within thirty feet of or within the same
residential unit as the child and regardless of whether the
child actually views the commission of the offense.

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

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

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

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

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

(RR) "Felony sex offense" has the same meaning as in

section 2967.28 of the Revised Code. 751

(SS) "Body armor" has the same meaning as in section 752
2941.1411 of the Revised Code. 753

(TT) "Electronic monitoring" means monitoring through the 754
use of an electronic monitoring device. 755

(UU) "Electronic monitoring device" means any of the 756
following: 757

(1) Any device that can be operated by electrical or 758
battery power and that conforms with all of the following: 759

(a) The device has a transmitter that can be attached to a 760
person, that will transmit a specified signal to a receiver of 761
the type described in division (UU)(1)(b) of this section if the 762
transmitter is removed from the person, turned off, or altered 763
in any manner without prior court approval in relation to 764
electronic monitoring or without prior approval of the 765
department of rehabilitation and correction in relation to the 766
use of an electronic monitoring device for an inmate on 767
transitional control or otherwise is tampered with, that can 768
transmit continuously and periodically a signal to that receiver 769
when the person is within a specified distance from the 770
receiver, and that can transmit an appropriate signal to that 771
receiver if the person to whom it is attached travels a 772
specified distance from that receiver. 773

(b) The device has a receiver that can receive 774
continuously the signals transmitted by a transmitter of the 775
type described in division (UU)(1)(a) of this section, can 776
transmit continuously those signals by a wireless or landline 777
telephone connection to a central monitoring computer of the 778
type described in division (UU)(1)(c) of this section, and can 779

transmit continuously an appropriate signal to that central 780
monitoring computer if the device has been turned off or altered 781
without prior court approval or otherwise tampered with. The 782
device is designed specifically for use in electronic 783
monitoring, is not a converted wireless phone or another 784
tracking device that is clearly not designed for electronic 785
monitoring, and provides a means of text-based or voice 786
communication with the person. 787

(c) The device has a central monitoring computer that can 788
receive continuously the signals transmitted by a wireless or 789
landline telephone connection by a receiver of the type 790
described in division (UU) (1) (b) of this section and can monitor 791
continuously the person to whom an electronic monitoring device 792
of the type described in division (UU) (1) (a) of this section is 793
attached. 794

(2) Any device that is not a device of the type described 795
in division (UU) (1) of this section and that conforms with all 796
of the following: 797

(a) The device includes a transmitter and receiver that 798
can monitor and determine the location of a subject person at 799
any time, or at a designated point in time, through the use of a 800
central monitoring computer or through other electronic means. 801

(b) The device includes a transmitter and receiver that 802
can determine at any time, or at a designated point in time, 803
through the use of a central monitoring computer or other 804
electronic means the fact that the transmitter is turned off or 805
altered in any manner without prior approval of the court in 806
relation to the electronic monitoring or without prior approval 807
of the department of rehabilitation and correction in relation 808
to the use of an electronic monitoring device for an inmate on 809

transitional control or otherwise is tampered with. 810

(3) Any type of technology that can adequately track or 811
determine the location of a subject person at any time and that 812
is approved by the director of rehabilitation and correction, 813
including, but not limited to, any satellite technology, voice 814
tracking system, or retinal scanning system that is so approved. 815

(VV) "Non-economic loss" means nonpecuniary harm suffered 816
by a victim of an offense as a result of or related to the 817
commission of the offense, including, but not limited to, pain 818
and suffering; loss of society, consortium, companionship, care, 819
assistance, attention, protection, advice, guidance, counsel, 820
instruction, training, or education; mental anguish; and any 821
other intangible loss. 822

(WW) "Prosecutor" has the same meaning as in section 823
2935.01 of the Revised Code. 824

(XX) "Continuous alcohol monitoring" means the ability to 825
automatically test and periodically transmit alcohol consumption 826
levels and tamper attempts at least every hour, regardless of 827
the location of the person who is being monitored. 828

(YY) A person is "adjudicated a sexually violent predator" 829
if the person is convicted of or pleads guilty to a violent sex 830
offense and also is convicted of or pleads guilty to a sexually 831
violent predator specification that was included in the 832
indictment, count in the indictment, or information charging 833
that violent sex offense or if the person is convicted of or 834
pleads guilty to a designated homicide, assault, or kidnapping 835
offense and also is convicted of or pleads guilty to both a 836
sexual motivation specification and a sexually violent predator 837
specification that were included in the indictment, count in the 838

indictment, or information charging that designated homicide, 839
assault, or kidnapping offense. 840

(ZZ) An offense is "committed in proximity to a school" if 841
the offender commits the offense in a school safety zone or 842
within five hundred feet of any school building or the 843
boundaries of any school premises, regardless of whether the 844
offender knows the offense is being committed in a school safety 845
zone or within five hundred feet of any school building or the 846
boundaries of any school premises. 847

(AAA) "Human trafficking" means a scheme or plan to which 848
all of the following apply: 849

(1) Its object is one or ~~more~~ both of the following: 850

(a) To subject a victim or victims to involuntary 851
servitude, as defined in section 2905.31 of the Revised Code or 852
to compel a victim or victims to engage in sexual activity for 853
hire, to engage in a performance that is obscene, sexually 854
oriented, or nudity oriented, or to be a model or participant in 855
the production of material that is obscene, sexually oriented, 856
or nudity oriented; 857

(b) To facilitate, encourage, or recruit a victim who is 858
~~less than sixteen years of age~~ a minor or is a person with a 859
developmental disability, or victims who are ~~less than sixteen~~ 860
~~years of age~~ minors or are persons with developmental 861
disabilities, for any purpose listed in divisions (A) (2) (a) to 862
(c) of section 2905.32 of the Revised Code; 863

~~(c) To facilitate, encourage, or recruit a victim who is~~ 864
~~sixteen or seventeen years of age, or victims who are sixteen or~~ 865
~~seventeen years of age, for any purpose listed in divisions (A)~~ 866
~~(2) (a) to (c) of section 2905.32 of the Revised Code, if the~~ 867

~~circumstances described in division (A) (5), (6), (7), (8), (9),
(10), (11), (12), or (13) of section 2907.03 of the Revised Code
apply with respect to the person engaging in the conduct and the
victim or victims.~~

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

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

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

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

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

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

(DDD) "Performance that is obscene, sexually oriented, or
nudity oriented" means any performance that is obscene, that
shows a person participating or engaging in sexual activity,

masturbation, or bestiality, or that shows a person in a state 897
of nudity. 898

(EEE) "Accelerant" means a fuel or oxidizing agent, such 899
as an ignitable liquid, used to initiate a fire or increase the 900
rate of growth or spread of a fire. 901

(FFF) "Permanent disabling harm" means serious physical 902
harm that results in permanent injury to the intellectual, 903
physical, or sensory functions and that permanently and 904
substantially impairs a person's ability to meet one or more of 905
the ordinary demands of life, including the functions of caring 906
for one's self, performing manual tasks, walking, seeing, 907
hearing, speaking, breathing, learning, and working. 908

(GGG) "Non-life felony indefinite prison term" means a 909
prison term imposed under division (A) (1) (a) or (2) (a) of 910
section 2929.14 and section 2929.144 of the Revised Code for a 911
felony of the first or second degree committed on or after ~~the~~ 912
~~effective date of this amendment~~ March 22, 2019. 913

Sec. 2929.17. Except as provided in this section, the 914
court imposing a sentence for a felony upon an offender who is 915
not required to serve a mandatory prison term may impose any 916
nonresidential sanction or combination of nonresidential 917
sanctions authorized under this section. If the court imposes 918
one or more nonresidential sanctions authorized under this 919
section, the court shall impose as a condition of the sanction 920
that, during the period of the nonresidential sanction, the 921
offender shall abide by the law and shall not leave the state 922
without the permission of the court or the offender's probation 923
officer. 924

The court imposing a sentence for a fourth degree felony 925

OVI offense under division (G) (1) or (2) of section 2929.13 of 926
the Revised Code or for a third degree felony OVI offense under 927
division (G) (2) of that section may impose upon the offender, in 928
addition to the mandatory term of local incarceration or 929
mandatory prison term imposed under the applicable division, a 930
nonresidential sanction or combination of nonresidential 931
sanctions under this section, and the offender shall serve or 932
satisfy the sanction or combination of sanctions after the 933
offender has served the mandatory term of local incarceration or 934
mandatory prison term required for the offense. The court shall 935
not impose a term in a drug treatment program as described in 936
division (D) of this section until after considering an 937
assessment by a properly credentialed treatment professional, if 938
available. Nonresidential sanctions include, but are not limited 939
to, the following: 940

(A) A term of day reporting; 941

(B) A term of house arrest with electronic monitoring or 942
continuous alcohol monitoring or both electronic monitoring and 943
continuous alcohol monitoring, a term of electronic monitoring 944
or continuous alcohol monitoring without house arrest, or a term 945
of house arrest without electronic monitoring or continuous 946
alcohol monitoring; 947

(C) A term of community service of up to five hundred 948
hours pursuant to division (B) of section 2951.02 of the Revised 949
Code or, if the court determines that the offender is 950
financially incapable of fulfilling a financial sanction 951
described in section 2929.18 of the Revised Code, a term of 952
community service as an alternative to a financial sanction; 953

(D) A term in a drug treatment program with a level of 954
security for the offender as determined by the court; 955

(E) A term of intensive probation supervision;	956
(F) A term of basic probation supervision;	957
(G) A term of monitored time;	958
(H) A term of drug and alcohol use monitoring, including random drug testing;	959 960
(I) A curfew term;	961
(J) A requirement that the offender obtain employment;	962
(K) A requirement that the offender obtain education or training;	963 964
(L) Provided the court obtains the prior approval of the victim, a requirement that the offender participate in victim- offender mediation;	965 966 967
(M) A license violation report;	968
(N) If the offense is a violation of section 2919.25 or a violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code involving a person who was a family or household member at the time of the violation, if the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and if the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children, a requirement that the offender obtain counseling. This division does not limit the court in requiring the offender to obtain counseling for any offense or in any circumstance not specified in this division.	969 970 971 972 973 974 975 976 977 978 979
<u>(O) If the offense is a violation of section 2907.04 of</u> <u>the Revised Code and the offender was under twenty-one years of</u> <u>age at the time of committing the offense, a requirement that</u>	980 981 982

the offender participate in a sex offender treatment program 983
certified by the department of rehabilitation and correction 984
pursuant to section 2950.16 of the Revised Code. 985

Sec. 2950.01. As used in this chapter, unless the context 986
clearly requires otherwise: 987

(A) "Sexually oriented offense" means any of the following 988
violations or offenses committed by a person, regardless of the 989
person's age: 990

(1) A violation of section 2907.02, 2907.03, 2907.05, 991
2907.06, 2907.07, 2907.08, 2907.21, 2907.22, 2907.32, 2907.321, 992
2907.322, or 2907.323 of the Revised Code; 993

(2) A violation of section 2907.04 of the Revised Code 994
when the offender is less than four years older than the other 995
person with whom the offender engaged in sexual conduct, the 996
other person did not consent to the sexual conduct, and the 997
offender previously has not been convicted of or pleaded guilty 998
to a violation of section 2907.02, 2907.03, or 2907.04 of the 999
Revised Code or a violation of former section 2907.12 of the 1000
Revised Code; 1001

(3) A violation of section 2907.04 of the Revised Code 1002
when the offender is at least four years older than the other 1003
person with whom the offender engaged in sexual conduct or when 1004
the offender is less than four years older than the other person 1005
with whom the offender engaged in sexual conduct and the 1006
offender previously has been convicted of or pleaded guilty to a 1007
violation of section 2907.02, 2907.03, or 2907.04 of the Revised 1008
Code or a violation of former section 2907.12 of the Revised 1009
Code; 1010

(4) A violation of section 2903.01, 2903.02, or 2903.11 of 1011

the Revised Code when the violation was committed with a sexual 1012
motivation; 1013

(5) A violation of division (A) of section 2903.04 of the 1014
Revised Code when the offender committed or attempted to commit 1015
the felony that is the basis of the violation with a sexual 1016
motivation; 1017

(6) A violation of division (A) (3) of section 2903.211 of 1018
the Revised Code; 1019

(7) A violation of division (A) (1), (2), (3), or (5) of 1020
section 2905.01 of the Revised Code when the offense is 1021
committed with a sexual motivation; 1022

(8) A violation of division (A) (4) of section 2905.01 of 1023
the Revised Code; 1024

(9) A violation of division (B) of section 2905.01 of the 1025
Revised Code when the victim of the offense is under eighteen 1026
years of age and the offender is not a parent of the victim of 1027
the offense; 1028

(10) A violation of division (B) of section 2903.03, of 1029
division (B) of section 2905.02, of division (B) of section 1030
2905.03, of division (B) of section 2905.05, or of division (B) 1031
(5) of section 2919.22 of the Revised Code; 1032

(11) A violation of section 2905.32 of the Revised Code 1033
when ~~any~~ either of the following applies: 1034

(a) The violation is a violation of division (A) (1) of 1035
that section and the offender knowingly recruited, lured, 1036
enticed, isolated, harbored, transported, provided, obtained, or 1037
maintained, or knowingly attempted to recruit, lure, entice, 1038
isolate, harbor, transport, provide, obtain, or maintain, 1039

another person knowing that the person would be compelled to 1040
engage in sexual activity for hire, engage in a performance that 1041
was obscene, sexually oriented, or nudity oriented, or be a 1042
model or participant in the production of material that was 1043
obscene, sexually oriented, or nudity oriented. 1044

(b) The violation is a violation of division (A) (2) of 1045
that section and the offender knowingly recruited, lured, 1046
enticed, isolated, harbored, transported, provided, obtained, or 1047
maintained, or knowingly attempted to recruit, lure, entice, 1048
isolate, harbor, transport, provide, obtain, or maintain a 1049
person who is less than ~~sixteen~~ eighteen years of age or is a 1050
person with a developmental disability whom the offender knows 1051
or has reasonable cause to believe is a person with a 1052
developmental disability for any purpose listed in divisions (A) 1053
(2) (a) to (c) of that section. 1054

~~(c) The violation is a violation of division (A) (3) of 1055
that section, the offender knowingly recruited, lured, enticed, 1056
isolated, harbored, transported, provided, obtained, or 1057
maintained, or knowingly attempted to recruit, lure, entice, 1058
isolate, harbor, transport, provide, obtain, or maintain a 1059
person who is sixteen or seventeen years of age for any purpose 1060
listed in divisions (A) (2) (a) to (c) of that section, and the 1061
circumstances described in division (A) (5), (6), (7), (8), (9), 1062
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 1063
apply with respect to the offender and the other person. 1064~~

(12) A violation of division (B) (4) of section 2907.09 of 1065
the Revised Code if the sentencing court classifies the offender 1066
as a tier I sex offender/child-victim offender relative to that 1067
offense pursuant to division (D) of that section; 1068

(13) A violation of any former law of this state, any 1069

existing or former municipal ordinance or law of another state 1070
or the United States, any existing or former law applicable in a 1071
military court or in an Indian tribal court, or any existing or 1072
former law of any nation other than the United States that is or 1073
was substantially equivalent to any offense listed in division 1074
(A) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or 1075
(12) of this section; 1076

~~(14) A violation of division (A) (3) of section 2907.24 of~~ 1077
~~the Revised Code;~~ 1078

~~(15)~~ Any attempt to commit, conspiracy to commit, or 1079
complicity in committing any offense listed in division (A) (1), 1080
(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), or 1081
(13), ~~or (14)~~ of this section. 1082

(B) (1) "Sex offender" means, subject to division (B) (2) of 1083
this section, a person who is convicted of, pleads guilty to, 1084
has been convicted of, has pleaded guilty to, is adjudicated a 1085
delinquent child for committing, or has been adjudicated a 1086
delinquent child for committing any sexually oriented offense. 1087

(2) "Sex offender" does not include a person who is 1088
convicted of, pleads guilty to, has been convicted of, has 1089
pleaded guilty to, is adjudicated a delinquent child for 1090
committing, or has been adjudicated a delinquent child for 1091
committing a sexually oriented offense if the offense involves 1092
consensual sexual conduct or consensual sexual contact and 1093
either of the following applies: 1094

(a) The victim of the sexually oriented offense was 1095
eighteen years of age or older and at the time of the sexually 1096
oriented offense was not under the custodial authority of the 1097
person who is convicted of, pleads guilty to, has been convicted 1098

of, has pleaded guilty to, is adjudicated a delinquent child for 1099
committing, or has been adjudicated a delinquent child for 1100
committing the sexually oriented offense. 1101

(b) The victim of the offense was thirteen years of age or 1102
older, and the person who is convicted of, pleads guilty to, has 1103
been convicted of, has pleaded guilty to, is adjudicated a 1104
delinquent child for committing, or has been adjudicated a 1105
delinquent child for committing the sexually oriented offense is 1106
not more than four years older than the victim. 1107

(C) "Child-victim oriented offense" means any of the 1108
following violations or offenses committed by a person, 1109
regardless of the person's age, when the victim is under 1110
eighteen years of age and is not a child of the person who 1111
commits the violation: 1112

(1) A violation of division (A) (1), (2), (3), or (5) of 1113
section 2905.01 of the Revised Code when the violation is not 1114
included in division (A) (7) of this section; 1115

(2) A violation of division (A) of section 2905.02, 1116
division (A) of section 2905.03, or division (A) of section 1117
2905.05 of the Revised Code; 1118

(3) A violation of any former law of this state, any 1119
existing or former municipal ordinance or law of another state 1120
or the United States, any existing or former law applicable in a 1121
military court or in an Indian tribal court, or any existing or 1122
former law of any nation other than the United States that is or 1123
was substantially equivalent to any offense listed in division 1124
(C) (1) or (2) of this section; 1125

(4) Any attempt to commit, conspiracy to commit, or 1126
complicity in committing any offense listed in division (C) (1), 1127

(2), or (3) of this section. 1128

(D) "Child-victim offender" means a person who is 1129
convicted of, pleads guilty to, has been convicted of, has 1130
pleaded guilty to, is adjudicated a delinquent child for 1131
committing, or has been adjudicated a delinquent child for 1132
committing any child-victim oriented offense. 1133

(E) "Tier I sex offender/child-victim offender" means any 1134
of the following: 1135

(1) A sex offender who is convicted of, pleads guilty to, 1136
has been convicted of, or has pleaded guilty to any of the 1137
following sexually oriented offenses: 1138

(a) A violation of section 2907.06, 2907.07, 2907.08, 1139
2907.22, or 2907.32 of the Revised Code; 1140

(b) A violation of section 2907.04 of the Revised Code 1141
when the offender is less than four years older than the other 1142
person with whom the offender engaged in sexual conduct, the 1143
other person did not consent to the sexual conduct, and the 1144
offender previously has not been convicted of or pleaded guilty 1145
to a violation of section 2907.02, 2907.03, or 2907.04 of the 1146
Revised Code or a violation of former section 2907.12 of the 1147
Revised Code; 1148

(c) A violation of division (A) (1), (2), (3), or (5) of 1149
section 2907.05 of the Revised Code; 1150

(d) A violation of division (A) (3) of section 2907.323 of 1151
the Revised Code; 1152

(e) A violation of division (A) (3) of section 2903.211, of 1153
division (B) of section 2905.03, or of division (B) of section 1154
2905.05 of the Revised Code; 1155

(f) A violation of division (B) (4) of section 2907.09 of the Revised Code if the sentencing court classifies the offender as a tier I sex offender/child-victim offender relative to that offense pursuant to division (D) of that section;

(g) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States, that is or was substantially equivalent to any offense listed in division (E) (1) (a), (b), (c), (d), (e), or (f) of this section;

(h) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (E) (1) (a), (b), (c), (d), (e), (f), or (g) of this section.

(2) A child-victim offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a child-victim oriented offense and who is not within either category of child-victim offender described in division (F) (2) or (G) (2) of this section.

(3) A sex offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any sexually oriented offense and who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier I sex offender/child-victim offender relative to the offense.

(4) A child-victim offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any child-victim oriented offense and who a juvenile court, pursuant to section 2152.82,

2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 1185
tier I sex offender/child-victim offender relative to the 1186
offense. 1187

(F) "Tier II sex offender/child-victim offender" means any 1188
of the following: 1189

(1) A sex offender who is convicted of, pleads guilty to, 1190
has been convicted of, or has pleaded guilty to any of the 1191
following sexually oriented offenses: 1192

(a) A violation of section 2907.21, 2907.321, or 2907.322 1193
of the Revised Code; 1194

(b) A violation of section 2907.04 of the Revised Code 1195
when the offender is at least four years older than the other 1196
person with whom the offender engaged in sexual conduct, or when 1197
the offender is less than four years older than the other person 1198
with whom the offender engaged in sexual conduct and the 1199
offender previously has been convicted of or pleaded guilty to a 1200
violation of section 2907.02, 2907.03, or 2907.04 of the Revised 1201
Code or former section 2907.12 of the Revised Code; 1202

(c) A violation of division (A)(4) of section 2907.05, ~~of~~ 1203
~~division (A)(3) of section 2907.24,~~ or of division (A)(1) or (2) 1204
of section 2907.323 of the Revised Code; 1205

(d) A violation of division (A)(1), (2), (3), or (5) of 1206
section 2905.01 of the Revised Code when the offense is 1207
committed with a sexual motivation; 1208

(e) A violation of division (A)(4) of section 2905.01 of 1209
the Revised Code when the victim of the offense is eighteen 1210
years of age or older; 1211

(f) A violation of division (B) of section 2905.02 or of 1212

division (B) (5) of section 2919.22 of the Revised Code; 1213

(g) A violation of section 2905.32 of the Revised Code 1214
that is described in division (A) (11) (a) or (b) ~~or (c)~~ of this 1215
section; 1216

(h) A violation of any former law of this state, any 1217
existing or former municipal ordinance or law of another state 1218
or the United States, any existing or former law applicable in a 1219
military court or in an Indian tribal court, or any existing or 1220
former law of any nation other than the United States that is or 1221
was substantially equivalent to any offense listed in division 1222
(F) (1) (a), (b), (c), (d), (e), (f), or (g) of this section; 1223

(i) Any attempt to commit, conspiracy to commit, or 1224
complicity in committing any offense listed in division (F) (1) 1225
(a), (b), (c), (d), (e), (f), (g), or (h) of this section; 1226

(j) Any sexually oriented offense that is committed after 1227
the sex offender previously has been convicted of, pleaded 1228
guilty to, or has been adjudicated a delinquent child for 1229
committing any sexually oriented offense or child-victim 1230
oriented offense for which the offender was classified a tier I 1231
sex offender/child-victim offender. 1232

(2) A child-victim offender who is convicted of, pleads 1233
guilty to, has been convicted of, or has pleaded guilty to any 1234
child-victim oriented offense when the child-victim oriented 1235
offense is committed after the child-victim offender previously 1236
has been convicted of, pleaded guilty to, or been adjudicated a 1237
delinquent child for committing any sexually oriented offense or 1238
child-victim oriented offense for which the offender was 1239
classified a tier I sex offender/child-victim offender. 1240

(3) A sex offender who is adjudicated a delinquent child 1241

for committing or has been adjudicated a delinquent child for 1242
committing any sexually oriented offense and who a juvenile 1243
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 1244
of the Revised Code, classifies a tier II sex offender/child- 1245
victim offender relative to the offense. 1246

(4) A child-victim offender who is adjudicated a 1247
delinquent child for committing or has been adjudicated a 1248
delinquent child for committing any child-victim oriented 1249
offense and whom a juvenile court, pursuant to section 2152.82, 1250
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 1251
tier II sex offender/child-victim offender relative to the 1252
current offense. 1253

(5) A sex offender or child-victim offender who is not in 1254
any category of tier II sex offender/child-victim offender set 1255
forth in division (F)(1), (2), (3), or (4) of this section, who 1256
prior to January 1, 2008, was adjudicated a delinquent child for 1257
committing a sexually oriented offense or child-victim oriented 1258
offense, and who prior to that date was determined to be a 1259
habitual sex offender or determined to be a habitual child- 1260
victim offender, unless either of the following applies: 1261

(a) The sex offender or child-victim offender is 1262
reclassified pursuant to section 2950.031 or 2950.032 of the 1263
Revised Code as a tier I sex offender/child-victim offender or a 1264
tier III sex offender/child-victim offender relative to the 1265
offense. 1266

(b) A juvenile court, pursuant to section 2152.82, 1267
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the 1268
child a tier I sex offender/child-victim offender or a tier III 1269
sex offender/child-victim offender relative to the offense. 1270

(G) "Tier III sex offender/child-victim offender" means 1271
any of the following: 1272

(1) A sex offender who is convicted of, pleads guilty to, 1273
has been convicted of, or has pleaded guilty to any of the 1274
following sexually oriented offenses: 1275

(a) A violation of section 2907.02 or 2907.03 of the 1276
Revised Code; 1277

(b) A violation of division (B) of section 2907.05 of the 1278
Revised Code; 1279

(c) A violation of section 2903.01, 2903.02, or 2903.11 of 1280
the Revised Code when the violation was committed with a sexual 1281
motivation; 1282

(d) A violation of division (A) of section 2903.04 of the 1283
Revised Code when the offender committed or attempted to commit 1284
the felony that is the basis of the violation with a sexual 1285
motivation; 1286

(e) A violation of division (A) (4) of section 2905.01 of 1287
the Revised Code when the victim of the offense is under 1288
eighteen years of age; 1289

(f) A violation of division (B) of section 2905.01 of the 1290
Revised Code when the victim of the offense is under eighteen 1291
years of age and the offender is not a parent of the victim of 1292
the offense; 1293

(g) A violation of division (B) of section 2903.03 of the 1294
Revised Code; 1295

(h) A violation of any former law of this state, any 1296
existing or former municipal ordinance or law of another state 1297
or the United States, any existing or former law applicable in a 1298

military court or in an Indian tribal court, or any existing or 1299
former law of any nation other than the United States that is or 1300
was substantially equivalent to any offense listed in division 1301
(G) (1) (a), (b), (c), (d), (e), (f), or (g) of this section; 1302

(i) Any attempt to commit, conspiracy to commit, or 1303
complicity in committing any offense listed in division (G) (1) 1304
(a), (b), (c), (d), (e), (f), (g), or (h) of this section; 1305

(j) Any sexually oriented offense that is committed after 1306
the sex offender previously has been convicted of, pleaded 1307
guilty to, or been adjudicated a delinquent child for committing 1308
any sexually oriented offense or child-victim oriented offense 1309
for which the offender was classified a tier II sex 1310
offender/child-victim offender or a tier III sex offender/child- 1311
victim offender. 1312

(2) A child-victim offender who is convicted of, pleads 1313
guilty to, has been convicted of, or has pleaded guilty to any 1314
child-victim oriented offense when the child-victim oriented 1315
offense is committed after the child-victim offender previously 1316
has been convicted of, pleaded guilty to, or been adjudicated a 1317
delinquent child for committing any sexually oriented offense or 1318
child-victim oriented offense for which the offender was 1319
classified a tier II sex offender/child-victim offender or a 1320
tier III sex offender/child-victim offender. 1321

(3) A sex offender who is adjudicated a delinquent child 1322
for committing or has been adjudicated a delinquent child for 1323
committing any sexually oriented offense and who a juvenile 1324
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 1325
of the Revised Code, classifies a tier III sex offender/child- 1326
victim offender relative to the offense. 1327

(4) A child-victim offender who is adjudicated a 1328
delinquent child for committing or has been adjudicated a 1329
delinquent child for committing any child-victim oriented 1330
offense and whom a juvenile court, pursuant to section 2152.82, 1331
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 1332
tier III sex offender/child-victim offender relative to the 1333
current offense. 1334

(5) A sex offender or child-victim offender who is not in 1335
any category of tier III sex offender/child-victim offender set 1336
forth in division (G)(1), (2), (3), or (4) of this section, who 1337
prior to January 1, 2008, was convicted of or pleaded guilty to 1338
a sexually oriented offense or child-victim oriented offense or 1339
was adjudicated a delinquent child for committing a sexually 1340
oriented offense or child-victim oriented offense and classified 1341
a juvenile offender registrant, and who prior to that date was 1342
adjudicated a sexual predator or adjudicated a child-victim 1343
predator, unless either of the following applies: 1344

(a) The sex offender or child-victim offender is 1345
reclassified pursuant to section 2950.031 or 2950.032 of the 1346
Revised Code as a tier I sex offender/child-victim offender or a 1347
tier II sex offender/child-victim offender relative to the 1348
offense. 1349

(b) The sex offender or child-victim offender is a 1350
delinquent child, and a juvenile court, pursuant to section 1351
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, 1352
classifies the child a tier I sex offender/child-victim offender 1353
or a tier II sex offender/child-victim offender relative to the 1354
offense. 1355

(6) A sex offender who is convicted of, pleads guilty to, 1356
was convicted of, or pleaded guilty to a sexually oriented 1357

offense, if the sexually oriented offense and the circumstances 1358
in which it was committed are such that division (F) of section 1359
2971.03 of the Revised Code automatically classifies the 1360
offender as a tier III sex offender/child-victim offender; 1361

(7) A sex offender or child-victim offender who is 1362
convicted of, pleads guilty to, was convicted of, pleaded guilty 1363
to, is adjudicated a delinquent child for committing, or was 1364
adjudicated a delinquent child for committing a sexually 1365
oriented offense or child-victim offense in another state, in a 1366
federal court, military court, or Indian tribal court, or in a 1367
court in any nation other than the United States if both of the 1368
following apply: 1369

(a) Under the law of the jurisdiction in which the 1370
offender was convicted or pleaded guilty or the delinquent child 1371
was adjudicated, the offender or delinquent child is in a 1372
category substantially equivalent to a category of tier III sex 1373
offender/child-victim offender described in division (G) (1), 1374
(2), (3), (4), (5), or (6) of this section. 1375

(b) Subsequent to the conviction, plea of guilty, or 1376
adjudication in the other jurisdiction, the offender or 1377
delinquent child resides, has temporary domicile, attends school 1378
or an institution of higher education, is employed, or intends 1379
to reside in this state in any manner and for any period of time 1380
that subjects the offender or delinquent child to a duty to 1381
register or provide notice of intent to reside under section 1382
2950.04 or 2950.041 of the Revised Code. 1383

(H) "Confinement" includes, but is not limited to, a 1384
community residential sanction imposed pursuant to section 1385
2929.16 or 2929.26 of the Revised Code. 1386

(I) "Prosecutor" has the same meaning as in section 1387
2935.01 of the Revised Code. 1388

(J) "Supervised release" means a release of an offender 1389
from a prison term, a term of imprisonment, or another type of 1390
confinement that satisfies either of the following conditions: 1391

(1) The release is on parole, a conditional pardon, under 1392
a community control sanction, under transitional control, or 1393
under a post-release control sanction, and it requires the 1394
person to report to or be supervised by a parole officer, 1395
probation officer, field officer, or another type of supervising 1396
officer. 1397

(2) The release is any type of release that is not 1398
described in division (J) (1) of this section and that requires 1399
the person to report to or be supervised by a probation officer, 1400
a parole officer, a field officer, or another type of 1401
supervising officer. 1402

(K) "Sexually violent predator specification," "sexually 1403
violent predator," "sexually violent offense," "sexual 1404
motivation specification," "designated homicide, assault, or 1405
kidnapping offense," and "violent sex offense" have the same 1406
meanings as in section 2971.01 of the Revised Code. 1407

(L) "Post-release control sanction" and "transitional 1408
control" have the same meanings as in section 2967.01 of the 1409
Revised Code. 1410

(M) "Juvenile offender registrant" means a person who is 1411
adjudicated a delinquent child for committing on or after 1412
January 1, 2002, a sexually oriented offense or a child-victim 1413
oriented offense, who is fourteen years of age or older at the 1414
time of committing the offense, and who a juvenile court judge, 1415

pursuant to an order issued under section 2152.82, 2152.83, 1416
2152.84, 2152.85, or 2152.86 of the Revised Code, classifies a 1417
juvenile offender registrant and specifies has a duty to comply 1418
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 1419
Revised Code. "Juvenile offender registrant" includes a person 1420
who prior to January 1, 2008, was a "juvenile offender 1421
registrant" under the definition of the term in existence prior 1422
to January 1, 2008, and a person who prior to July 31, 2003, was 1423
a "juvenile sex offender registrant" under the former definition 1424
of that former term. 1425

(N) "Public registry-qualified juvenile offender 1426
registrant" means a person who is adjudicated a delinquent child 1427
and on whom a juvenile court has imposed a serious youthful 1428
offender dispositional sentence under section 2152.13 of the 1429
Revised Code before, on, or after January 1, 2008, and to whom 1430
all of the following apply: 1431

(1) The person is adjudicated a delinquent child for 1432
committing, attempting to commit, conspiring to commit, or 1433
complicity in committing one of the following acts: 1434

(a) A violation of section 2907.02 of the Revised Code, 1435
division (B) of section 2907.05 of the Revised Code, or section 1436
2907.03 of the Revised Code if the victim of the violation was 1437
less than twelve years of age; 1438

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 1439
the Revised Code that was committed with a purpose to gratify 1440
the sexual needs or desires of the child; 1441

(c) A violation of division (B) of section 2903.03 of the 1442
Revised Code. 1443

(2) The person was fourteen, fifteen, sixteen, or 1444

seventeen years of age at the time of committing the act. 1445

(3) A juvenile court judge, pursuant to an order issued 1446
under section 2152.86 of the Revised Code, classifies the person 1447
a juvenile offender registrant, specifies the person has a duty 1448
to comply with sections 2950.04, 2950.05, and 2950.06 of the 1449
Revised Code, and classifies the person a public registry- 1450
qualified juvenile offender registrant, and the classification 1451
of the person as a public registry-qualified juvenile offender 1452
registrant has not been terminated pursuant to division (D) of 1453
section 2152.86 of the Revised Code. 1454

(O) "Secure facility" means any facility that is designed 1455
and operated to ensure that all of its entrances and exits are 1456
locked and under the exclusive control of its staff and to 1457
ensure that, because of that exclusive control, no person who is 1458
institutionalized or confined in the facility may leave the 1459
facility without permission or supervision. 1460

(P) "Out-of-state juvenile offender registrant" means a 1461
person who is adjudicated a delinquent child in a court in 1462
another state, in a federal court, military court, or Indian 1463
tribal court, or in a court in any nation other than the United 1464
States for committing a sexually oriented offense or a child- 1465
victim oriented offense, who on or after January 1, 2002, moves 1466
to and resides in this state or temporarily is domiciled in this 1467
state for more than five days, and who has a duty under section 1468
2950.04 or 2950.041 of the Revised Code to register in this 1469
state and the duty to otherwise comply with that applicable 1470
section and sections 2950.05 and 2950.06 of the Revised Code. 1471
"Out-of-state juvenile offender registrant" includes a person 1472
who prior to January 1, 2008, was an "out-of-state juvenile 1473
offender registrant" under the definition of the term in 1474

existence prior to January 1, 2008, and a person who prior to 1475
July 31, 2003, was an "out-of-state juvenile sex offender 1476
registrant" under the former definition of that former term. 1477

(Q) "Juvenile court judge" includes a magistrate to whom 1478
the juvenile court judge confers duties pursuant to division (A) 1479
(15) of section 2151.23 of the Revised Code. 1480

(R) "Adjudicated a delinquent child for committing a 1481
sexually oriented offense" includes a child who receives a 1482
serious youthful offender dispositional sentence under section 1483
2152.13 of the Revised Code for committing a sexually oriented 1484
offense. 1485

(S) "School" and "school premises" have the same meanings 1486
as in section 2925.01 of the Revised Code. 1487

(T) "Residential premises" means the building in which a 1488
residential unit is located and the grounds upon which that 1489
building stands, extending to the perimeter of the property. 1490
"Residential premises" includes any type of structure in which a 1491
residential unit is located, including, but not limited to, 1492
multi-unit buildings and mobile and manufactured homes. 1493

(U) "Residential unit" means a dwelling unit for 1494
residential use and occupancy, and includes the structure or 1495
part of a structure that is used as a home, residence, or 1496
sleeping place by one person who maintains a household or two or 1497
more persons who maintain a common household. "Residential unit" 1498
does not include a halfway house or a community-based 1499
correctional facility. 1500

(V) "Multi-unit building" means a building in which is 1501
located more than twelve residential units that have entry doors 1502
that open directly into the unit from a hallway that is shared 1503

with one or more other units. A residential unit is not 1504
considered located in a multi-unit building if the unit does not 1505
have an entry door that opens directly into the unit from a 1506
hallway that is shared with one or more other units or if the 1507
unit is in a building that is not a multi-unit building as 1508
described in this division. 1509

(W) "Community control sanction" has the same meaning as 1510
in section 2929.01 of the Revised Code. 1511

(X) "Halfway house" and "community-based correctional 1512
facility" have the same meanings as in section 2929.01 of the 1513
Revised Code. 1514

Sec. 2950.151. (A) As used in this section, "eligible 1515
offender" means either of the following: 1516

(1) An offender who was convicted of or pleaded guilty to 1517
a violation of section 2907.04 of the Revised Code to whom all 1518
of the following apply: 1519

(a) The sentencing court found the offender to be at low 1520
risk of reoffending based on a presentence investigation report 1521
that included a risk assessment, assessed by the single 1522
validated risk assessment tool selected by the department of 1523
rehabilitation and correction under section 5120.114 of the 1524
Revised Code; 1525

(b) The sentencing court imposed a community control 1526
sanction or combination of community control sanctions instead 1527
of a prison term and the offender has fulfilled every condition 1528
of every community control sanction imposed by the sentencing 1529
court; 1530

(c) The offender was under twenty-one years of age at the 1531
time of committing the offense; 1532

(d) The offender has not otherwise been convicted of or 1533
pleaded guilty to another violation of section 2907.04 of the 1534
Revised Code or any sexually oriented offense or child-victim 1535
oriented offense other than the violation of section 2907.04 of 1536
the Revised Code; 1537

(e) The minor with whom the offender engaged in sexual 1538
conduct was at least fourteen years of age at the time of the 1539
offense and consented to the sexual conduct, with no evidence of 1540
coercion, force, or threat of force; 1541

(f) The offender was not in a position of authority, 1542
including a position of a type described in divisions (A) (5) to 1543
(13) of section 2907.03 of the Revised Code, over the minor with 1544
whom the offender engaged in sexual conduct. 1545

(2) An offender who was convicted of or pleaded guilty to 1546
a violation of any former law of this state, any existing or 1547
former municipal ordinance or law of another state or the United 1548
States, any existing or former law applicable in a military 1549
court or in an Indian trial court, or any existing or former law 1550
of any nation other than the United States that is or was 1551
substantially equivalent to a violation of section 2907.04 of 1552
the Revised Code and to whom all of the factors described in 1553
divisions (A) (1) (a) to (f) of this section apply. For purposes 1554
of this division: 1555

(a) The reference in division (A) (1) (b) of this section to 1556
a community control sanction shall be construed as including non 1557
prison sanctions under the law of the jurisdiction in which the 1558
offender was convicted of or pleaded guilty to the violation 1559
that is or was substantially equivalent to a violation of 1560
section 2907.04 of the Revised Code; 1561

(b) The reference in division (A) (1) (d) of this section to 1562
the violations specified in that division shall be construed as 1563
including substantially equivalent violations under the law of 1564
the jurisdiction in which the offender was convicted of or 1565
pleaded guilty to the violation that is or was substantially 1566
equivalent to a violation of section 2907.04 of the Revised 1567
Code. 1568

(B) Upon completion of all community control sanctions 1569
imposed by the sentencing court for the violation of section 1570
2907.04 of the Revised Code or the violation of the 1571
substantially equivalent law or ordinance, whichever is 1572
applicable, an eligible offender may petition the appropriate 1573
court specified in division (C) of this section to review the 1574
effectiveness of the offender's participation in community 1575
control sanctions and to determine whether to terminate the 1576
offender's duty to comply with sections 2950.04, 2950.05, and 1577
2950.06 of the Revised Code, reclassify the offender as a tier I 1578
sex offender/child-victim offender, or continue the offender's 1579
current classification. 1580

(C) Except as otherwise provided in this division, the 1581
eligible offender shall file the petition described in division 1582
(B) of this section in the court in which the eligible offender 1583
was convicted of or pleaded guilty to the offense. If the 1584
eligible offender was convicted of or pleaded guilty to the 1585
offense in a jurisdiction other than this state, the eligible 1586
offender shall file the petition in whichever of the following 1587
courts is applicable: 1588

(1) If the eligible offender is a resident of this state, 1589
in the court of common pleas of the county in which the offender 1590
resides; 1591

(2) If the eligible offender is not a resident of this 1592
state, in the court of common pleas of the county in which the 1593
offender has registered pursuant to section 2950.04 of the 1594
Revised Code. If the offender has registered addresses of that 1595
nature in more than one county, the offender may file a petition 1596
in the court of only one of those counties. 1597

(D) An eligible offender who files a petition under 1598
division (B) of this section shall include all of the following 1599
with the petition: 1600

(1) A certified copy of the judgment entry and any other 1601
documentation of the sentence given for the offense for which 1602
the eligible offender was convicted or pleaded guilty; 1603

(2) Documentation of the date of discharge from probation 1604
supervision or other supervision, if applicable; 1605

(3) Evidence that the eligible offender has completed a 1606
sex offender treatment program certified by the department of 1607
rehabilitation and correction pursuant to section 2950.16 of the 1608
Revised Code; 1609

(4) Any other evidence necessary to show that the offender 1610
meets the qualifications listed in division (A) of this section; 1611

(5) Evidence that the eligible offender has been 1612
rehabilitated to a satisfactory degree by successful completion 1613
of community control sanctions. 1614

(E) An eligible offender may obtain, at the offender's 1615
expense, a risk assessment or professional opinion, recommending 1616
relief under this section, from a licensed clinical 1617
psychologist, social worker, or other professional certified in 1618
sex offender treatment. The professional opinion or risk 1619
assessment may be submitted with the petition as additional 1620

evidence of rehabilitation.

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(F) Upon the filing of a petition under division (B) of
this section, the court shall schedule a hearing to review the
eligible offender's petition and all evidence of rehabilitation
accompanying the petition. The court shall notify the offender
and the prosecutor of the county in which the petition is filed
of the date, time, and place of the hearing. Upon receipt of the
notice, the prosecutor shall notify the victim of the date,
time, and place of the hearing. The victim may submit a written
statement to the prosecutor regarding any knowledge the victim
has of the eligible offender's conduct while subject to the
duties imposed by sections 2950.04, 2950.05, and 2950.06 of the
Revised Code. At least seven days before the hearing date, the
prosecutor may file an objection to the petition with the court
and serve a copy of the objection to the petition on the
eligible offender or the eligible offender's attorney. In
addition to considering the evidence and information included
with the petition as described in division (D) of this section
and any risk assessment or professional opinion submitted as
described in division (E) of this section, in determining the
type of order to enter in response to the petition, the court
shall consider any objections submitted by the prosecutor and
any written statement submitted by the victim. After the
hearing, the court shall enter one of the following orders:

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(1) An order to terminate the offender's duty to comply
with sections 2950.04, 2950.05, and 2950.06 of the Revised Code;

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(2) If the offender is classified a tier II sex
offender/child-victim offender, an order to reclassify the
offender from a tier II sex offender/child-victim offender
classification to a tier I sex offender/child-victim offender

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classification;

(3) If the offender is classified a tier I sex offender/child-victim offender or a tier II sex offender/child-victim offender, an order to continue the offender's classification as a tier I sex offender/child-victim offender or tier II sex offender/child-victim offender, whichever is applicable, required to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code.

(G) After issuing an order pursuant to division (F) of this section, the court shall provide a copy of the order to the eligible offender and the bureau of criminal identification and investigation. The bureau, upon receipt of the copy, shall promptly notify the sheriff with whom the offender most recently registered under section 2950.04 or 2950.05 of the Revised Code of the court's order.

(H)(1) An order issued under division (F)(2) or (3) of this section shall remain in effect for the duration of the eligible offender's duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code under the reclassification or continuation, whichever is applicable, as specified in section 2950.07 of the Revised Code, except that an eligible offender may refile a petition under this section at the time prescribed under division (H)(2) of this section. An order issued under division (F)(2) or (3) of this section shall not increase the duration of the offender's duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code.

(2) After the eligible offender's initial petition filed under this section, if the court entered an order continuing the offender's classification or reclassifying the offender, the offender may file a second petition not earlier than three years

after the court entered the first order. After the second 1681
petition, the offender may file one subsequent petition not 1682
earlier than five years after the most recent order continuing 1683
the offender's classification or reclassifying the offender. A 1684
petition filed under this division shall comply with the 1685
requirements described in divisions (C), (D), and (E) of this 1686
section. 1687

(3) Upon the filing of a second or subsequent petition by 1688
an eligible offender pursuant to division (H) (2) of this 1689
section, the court shall schedule a hearing to review any 1690
previous order entered under this section, consider all of the 1691
documents previously submitted, and evaluate any new evidence of 1692
rehabilitation presented with the petition. The court shall 1693
notify the offender and the prosecutor of the county in which 1694
the petition is filed of the date, time, and place of the 1695
hearing. Upon receipt of the notice, the prosecutor shall notify 1696
the victim of the date, time, and place of the hearing. The 1697
victim may submit a written statement to the prosecutor 1698
regarding any knowledge the victim has of the eligible 1699
offender's conduct while subject to the duties imposed by 1700
sections 2950.04, 2950.05, and 2950.06 of the Revised Code. At 1701
least seven days before the hearing date, the prosecutor may 1702
file an objection to the petition with the court and serve a 1703
copy of the objection to the petition on the eligible offender 1704
or the eligible offender's attorney. In addition to reviewing 1705
any previous order, considering the documents previously 1706
submitted, and evaluating any new evidence of rehabilitation 1707
presented with the petition as described in this division, in 1708
determining whether to deny the petition or the type of order to 1709
enter in response to the petition, the court shall consider any 1710
objections submitted by the prosecutor and any written statement 1711

submitted by the victim. After the hearing on the petition, the 1712
court may deny the petition or enter either of the following 1713
orders: 1714

(a) If the previous order continued the offender's 1715
classification as a tier II sex offender/child-victim offender, 1716
an order to reclassify the offender as a tier I sex 1717
offender/child-victim offender or terminate the offender's duty 1718
to comply with sections 2950.04, 2950.05, and 2950.06 of the 1719
Revised Code; 1720

(b) If the previous order reclassified the offender as a 1721
tier I sex offender/child-victim offender or continued the 1722
offender's classification as a tier I sex offender/child-victim 1723
offender, an order to terminate the offender's duty to comply 1724
with sections 2950.04, 2950.05, and 2950.06 of the Revised Code. 1725

Sec. 2953.32. (A) (1) Except as provided in section 2953.61 1726
of the Revised Code, an eligible offender may apply to the 1727
sentencing court if convicted in this state, or to a court of 1728
common pleas if convicted in another state or in a federal 1729
court, for the sealing of the record of the case that pertains 1730
to the conviction. Application may be made at one of the 1731
following times: 1732

(a) At the expiration of three years after the offender's 1733
final discharge if convicted of one felony; 1734

(b) When division (A) (1) (a) of section 2953.31 of the 1735
Revised Code applies to the offender, at the expiration of four 1736
years after the offender's final discharge if convicted of two 1737
felonies, or at the expiration of five years after final 1738
discharge if convicted of three, four, or five felonies; 1739

(c) At the expiration of one year after the offender's 1740

final discharge if convicted of a misdemeanor. 1741

(2) Any person who has been arrested for any misdemeanor 1742
offense and who has effected a bail forfeiture for the offense 1743
charged may apply to the court in which the misdemeanor criminal 1744
case was pending when bail was forfeited for the sealing of the 1745
record of the case that pertains to the charge. Except as 1746
provided in section 2953.61 of the Revised Code, the application 1747
may be filed at any time after the expiration of one year from 1748
the date on which the bail forfeiture was entered upon the 1749
minutes of the court or the journal, whichever entry occurs 1750
first. 1751

(B) Upon the filing of an application under this section, 1752
the court shall set a date for a hearing and shall notify the 1753
prosecutor for the case of the hearing on the application. The 1754
prosecutor may object to the granting of the application by 1755
filing an objection with the court prior to the date set for the 1756
hearing. The prosecutor shall specify in the objection the 1757
reasons for believing a denial of the application is justified. 1758
The court shall direct its regular probation officer, a state 1759
probation officer, or the department of probation of the county 1760
in which the applicant resides to make inquiries and written 1761
reports as the court requires concerning the applicant. The 1762
probation officer or county department of probation that the 1763
court directs to make inquiries concerning the applicant shall 1764
determine whether or not the applicant was fingerprinted at the 1765
time of arrest or under section 109.60 of the Revised Code. If 1766
the applicant was so fingerprinted, the probation officer or 1767
county department of probation shall include with the written 1768
report a record of the applicant's fingerprints. If the 1769
applicant was convicted of or pleaded guilty to a violation of 1770
division (A) (2) or (B) of section 2919.21 of the Revised Code, 1771

the probation officer or county department of probation that the 1772
court directed to make inquiries concerning the applicant shall 1773
contact the child support enforcement agency enforcing the 1774
applicant's obligations under the child support order to inquire 1775
about the offender's compliance with the child support order. 1776

(C) (1) The court shall do each of the following: 1777

(a) Determine whether the applicant is an eligible 1778
offender or whether the forfeiture of bail was agreed to by the 1779
applicant and the prosecutor in the case. If the applicant 1780
applies as an eligible offender pursuant to division (A) (1) of 1781
this section and has two or three convictions that result from 1782
the same indictment, information, or complaint, from the same 1783
plea of guilty, or from the same official proceeding, and result 1784
from related criminal acts that were committed within a three- 1785
month period but do not result from the same act or from 1786
offenses committed at the same time, in making its determination 1787
under this division, the court initially shall determine whether 1788
it is not in the public interest for the two or three 1789
convictions to be counted as one conviction. If the court 1790
determines that it is not in the public interest for the two or 1791
three convictions to be counted as one conviction, the court 1792
shall determine that the applicant is not an eligible offender; 1793
if the court does not make that determination, the court shall 1794
determine that the offender is an eligible offender. 1795

(b) Determine whether criminal proceedings are pending 1796
against the applicant; 1797

(c) If the applicant is an eligible offender who applies 1798
pursuant to division (A) (1) of this section, determine whether 1799
the applicant has been rehabilitated to the satisfaction of the 1800
court; 1801

(d) If the prosecutor has filed an objection in accordance 1802
with division (B) of this section, consider the reasons against 1803
granting the application specified by the prosecutor in the 1804
objection; 1805

(e) Weigh the interests of the applicant in having the 1806
records pertaining to the applicant's conviction or bail 1807
forfeiture sealed against the legitimate needs, if any, of the 1808
government to maintain those records; 1809

(f) If the applicant is an eligible offender of the type 1810
described in division (A) (3) of section 2953.36 of the Revised 1811
Code, determine whether the offender has been rehabilitated to a 1812
satisfactory degree. In making the determination, the court may 1813
consider all of the following: 1814

(i) The age of the offender; 1815

(ii) The facts and circumstances of the offense; 1816

(iii) The cessation or continuation of criminal behavior; 1817

(iv) The education and employment of the offender; 1818

(v) Any other circumstances that may relate to the 1819
offender's rehabilitation. 1820

(2) If the court determines, after complying with division 1821
(C) (1) of this section, that the applicant is an eligible 1822
offender or the subject of a bail forfeiture, that no criminal 1823
proceeding is pending against the applicant, that the interests 1824
of the applicant in having the records pertaining to the 1825
applicant's conviction or bail forfeiture sealed are not 1826
outweighed by any legitimate governmental needs to maintain 1827
those records, and that the rehabilitation of an applicant who 1828
is an eligible offender applying pursuant to division (A) (1) of 1829

this section has been attained to the satisfaction of the court, 1830
the court, except as provided in division (C) (4), (G), (H), or 1831
(I) of this section, shall order all official records of the 1832
case that pertain to the conviction or bail forfeiture sealed 1833
and, except as provided in division (F) of this section, all 1834
index references to the case that pertain to the conviction or 1835
bail forfeiture deleted and, in the case of bail forfeitures, 1836
shall dismiss the charges in the case. The proceedings in the 1837
case that pertain to the conviction or bail forfeiture shall be 1838
considered not to have occurred and the conviction or bail 1839
forfeiture of the person who is the subject of the proceedings 1840
shall be sealed, except that upon conviction of a subsequent 1841
offense, the sealed record of prior conviction or bail 1842
forfeiture may be considered by the court in determining the 1843
sentence or other appropriate disposition, including the relief 1844
provided for in sections 2953.31 to 2953.33 of the Revised Code. 1845

(3) An applicant may request the sealing of the records of 1846
more than one case in a single application under this section. 1847
Upon the filing of an application under this section, the 1848
applicant, unless indigent, shall pay a fee of fifty dollars, 1849
regardless of the number of records the application requests to 1850
have sealed. The court shall pay thirty dollars of the fee into 1851
the state treasury. It shall pay twenty dollars of the fee into 1852
the county general revenue fund if the sealed conviction or bail 1853
forfeiture was pursuant to a state statute, or into the general 1854
revenue fund of the municipal corporation involved if the sealed 1855
conviction or bail forfeiture was pursuant to a municipal 1856
ordinance. 1857

(4) If the court orders the official records pertaining to 1858
the case sealed, the court shall do one of the following: 1859

(a) If the applicant was fingerprinted at the time of 1860
arrest or under section 109.60 of the Revised Code and the 1861
record of the applicant's fingerprints was provided to the court 1862
under division (B) of this section, forward a copy of the 1863
sealing order and the record of the applicant's fingerprints to 1864
the bureau of criminal identification and investigation. 1865

(b) If the applicant was not fingerprinted at the time of 1866
arrest or under section 109.60 of the Revised Code, or the 1867
record of the applicant's fingerprints was not provided to the 1868
court under division (B) of this section, but fingerprinting was 1869
required for the offense, order the applicant to appear before a 1870
sheriff to have the applicant's fingerprints taken according to 1871
the fingerprint system of identification on the forms furnished 1872
by the superintendent of the bureau of criminal identification 1873
and investigation. The sheriff shall forward the applicant's 1874
fingerprints to the court. The court shall forward the 1875
applicant's fingerprints and a copy of the sealing order to the 1876
bureau of criminal identification and investigation. 1877

Failure of the court to order fingerprints at the time of 1878
sealing does not constitute a reversible error. 1879

(D) Inspection of the sealed records included in the order 1880
may be made only by the following persons or for the following 1881
purposes: 1882

(1) By a law enforcement officer or prosecutor, or the 1883
assistants of either, to determine whether the nature and 1884
character of the offense with which a person is to be charged 1885
would be affected by virtue of the person's previously having 1886
been convicted of a crime; 1887

(2) By the parole or probation officer of the person who 1888

is the subject of the records, for the exclusive use of the 1889
officer in supervising the person while on parole or under a 1890
community control sanction or a post-release control sanction, 1891
and in making inquiries and written reports as requested by the 1892
court or adult parole authority; 1893

(3) Upon application by the person who is the subject of 1894
the records, by the persons named in the application; 1895

(4) By a law enforcement officer who was involved in the 1896
case, for use in the officer's defense of a civil action arising 1897
out of the officer's involvement in that case; 1898

(5) By a prosecuting attorney or the prosecuting 1899
attorney's assistants, to determine a defendant's eligibility to 1900
enter a pre-trial diversion program established pursuant to 1901
section 2935.36 of the Revised Code; 1902

(6) By any law enforcement agency or any authorized 1903
employee of a law enforcement agency or by the department of 1904
rehabilitation and correction or department of youth services as 1905
part of a background investigation of a person who applies for 1906
employment with the agency or with the department; 1907

(7) By any law enforcement agency or any authorized 1908
employee of a law enforcement agency, for the purposes set forth 1909
in, and in the manner provided in, section 2953.321 of the 1910
Revised Code; 1911

(8) By the bureau of criminal identification and 1912
investigation or any authorized employee of the bureau for the 1913
purpose of providing information to a board or person pursuant 1914
to division (F) or (G) of section 109.57 of the Revised Code; 1915

(9) By the bureau of criminal identification and 1916
investigation or any authorized employee of the bureau for the 1917

purpose of performing a criminal history records check on a 1918
person to whom a certificate as prescribed in section 109.77 of 1919
the Revised Code is to be awarded; 1920

(10) By the bureau of criminal identification and 1921
investigation or any authorized employee of the bureau for the 1922
purpose of conducting a criminal records check of an individual 1923
pursuant to division (B) of section 109.572 of the Revised Code 1924
that was requested pursuant to any of the sections identified in 1925
division (B) (1) of that section; 1926

(11) By the bureau of criminal identification and 1927
investigation, an authorized employee of the bureau, a sheriff, 1928
or an authorized employee of a sheriff in connection with a 1929
criminal records check described in section 311.41 of the 1930
Revised Code; 1931

(12) By the attorney general or an authorized employee of 1932
the attorney general or a court for purposes of determining a 1933
person's classification pursuant to Chapter 2950. of the Revised 1934
Code; 1935

(13) By a court, the registrar of motor vehicles, a 1936
prosecuting attorney or the prosecuting attorney's assistants, 1937
or a law enforcement officer for the purpose of assessing points 1938
against a person under section 4510.036 of the Revised Code or 1939
for taking action with regard to points assessed. 1940

When the nature and character of the offense with which a 1941
person is to be charged would be affected by the information, it 1942
may be used for the purpose of charging the person with an 1943
offense. 1944

(E) In any criminal proceeding, proof of any otherwise 1945
admissible prior conviction may be introduced and proved, 1946

notwithstanding the fact that for any such prior conviction an 1947
order of sealing previously was issued pursuant to sections 1948
2953.31 to 2953.36 of the Revised Code. 1949

(F) The person or governmental agency, office, or 1950
department that maintains sealed records pertaining to 1951
convictions or bail forfeitures that have been sealed pursuant 1952
to this section may maintain a manual or computerized index to 1953
the sealed records. The index shall contain only the name of, 1954
and alphanumeric identifiers that relate to, the persons who are 1955
the subject of the sealed records, the word "sealed," and the 1956
name of the person, agency, office, or department that has 1957
custody of the sealed records, and shall not contain the name of 1958
the crime committed. The index shall be made available by the 1959
person who has custody of the sealed records only for the 1960
purposes set forth in divisions (C), (D), and (E) of this 1961
section. 1962

(G) Notwithstanding any provision of this section or 1963
section 2953.33 of the Revised Code that requires otherwise, a 1964
board of education of a city, local, exempted village, or joint 1965
vocational school district that maintains records of an 1966
individual who has been permanently excluded under sections 1967
3301.121 and 3313.662 of the Revised Code is permitted to 1968
maintain records regarding a conviction that was used as the 1969
basis for the individual's permanent exclusion, regardless of a 1970
court order to seal the record. An order issued under this 1971
section to seal the record of a conviction does not revoke the 1972
adjudication order of the superintendent of public instruction 1973
to permanently exclude the individual who is the subject of the 1974
sealing order. An order issued under this section to seal the 1975
record of a conviction of an individual may be presented to a 1976
district superintendent as evidence to support the contention 1977

that the superintendent should recommend that the permanent 1978
exclusion of the individual who is the subject of the sealing 1979
order be revoked. Except as otherwise authorized by this 1980
division and sections 3301.121 and 3313.662 of the Revised Code, 1981
any school employee in possession of or having access to the 1982
sealed conviction records of an individual that were the basis 1983
of a permanent exclusion of the individual is subject to section 1984
2953.35 of the Revised Code. 1985

(H) For purposes of sections 2953.31 to 2953.36 of the 1986
Revised Code, DNA records collected in the DNA database and 1987
fingerprints filed for record by the superintendent of the 1988
bureau of criminal identification and investigation shall not be 1989
sealed unless the superintendent receives a certified copy of a 1990
final court order establishing that the offender's conviction 1991
has been overturned. For purposes of this section, a court order 1992
is not "final" if time remains for an appeal or application for 1993
discretionary review with respect to the order. 1994

(I) The sealing of a record under this section does not 1995
affect the assessment of points under section 4510.036 of the 1996
Revised Code and does not erase points assessed against a person 1997
as a result of the sealed record. 1998

Sec. 2953.36. (A) Except as otherwise provided in division 1999
(B) of this section, sections 2953.31 to 2953.35 of the Revised 2000
Code do not apply to any of the following: 2001

(1) Convictions when the offender is subject to a 2002
mandatory prison term; 2003

(2) Convictions under section 2907.02, 2907.03, ~~2907.04,~~ 2004
2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former 2005
section 2907.12, or Chapter 4506., 4507., 4510., 4511., or 4549. 2006

of the Revised Code, or a conviction for a violation of a 2007
municipal ordinance that is substantially similar to any section 2008
contained in any of those chapters, except as otherwise provided 2009
in section 2953.61 of the Revised Code; 2010

(3) Convictions under section 2907.04 of the Revised Code, 2011
unless a court has issued an order pursuant to section 2950.151 2012
of the Revised Code to terminate the offender's duty to comply 2013
with sections 2950.04, 2950.05, and 2950.06 of the Revised Code; 2014

(4) Convictions of an offense of violence when the offense 2015
is a misdemeanor of the first degree or a felony and when the 2016
offense is not a violation of section 2917.03 of the Revised 2017
Code and is not a violation of section 2903.13, 2917.01, or 2018
2917.31 of the Revised Code that is a misdemeanor of the first 2019
degree; 2020

~~(4)~~ (5) Convictions on or after October 10, 2007, under 2021
section 2907.07 of the Revised Code or a conviction on or after 2022
October 10, 2007, for a violation of a municipal ordinance that 2023
is substantially similar to that section; 2024

~~(5)~~ (6) Convictions on or after October 10, 2007, under 2025
section 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.31, 2026
2907.311, 2907.32, or 2907.33 of the Revised Code when the 2027
victim of the offense was under eighteen years of age; 2028

~~(6)~~ (7) Convictions of an offense in circumstances in 2029
which the victim of the offense was less than sixteen years of 2030
age when the offense is a misdemeanor of the first degree or a 2031
felony, except for convictions under section 2919.21 of the 2032
Revised Code; 2033

~~(7)~~ (8) Convictions of a felony of the first or second 2034
degree; 2035

~~(8)~~ (9) Bail forfeitures in a traffic case as defined in 2036
Traffic Rule 2. 2037

(B) Sections 2953.31 to 2953.35 of the Revised Code apply 2038
to a conviction listed in this section if, on the date of the 2039
conviction, those sections did not apply to the conviction, but 2040
after the date of the conviction, the penalty for or 2041
classification of the offense was changed so that those sections 2042
apply to the conviction. 2043

Sec. 4510.07. The court imposing a sentence upon an 2044
offender for any violation of a municipal ordinance that is 2045
substantially equivalent to a violation of section 2903.06 ~~or~~ 2046
~~2907.24~~ of the Revised Code or for any violation of a municipal 2047
OVI ordinance also shall impose a suspension of the offender's 2048
driver's license, commercial driver's license, temporary 2049
instruction permit, probationary license, or nonresident 2050
operating privilege from the range specified in division (B) of 2051
section 4510.02 of the Revised Code that is equivalent in length 2052
to the suspension required for a violation of section 2903.06 ~~or~~ 2053
~~2907.24~~ or division (A) or (B) of section 4511.19 of the Revised 2054
Code under similar circumstances. 2055

Sec. 4510.13. (A) (1) Divisions (A) (2) to (9) of this 2056
section apply to a judge or mayor regarding the suspension of, 2057
or the grant of limited driving privileges during a suspension 2058
of, an offender's driver's or commercial driver's license or 2059
permit or nonresident operating privilege imposed under division 2060
(G) or (H) of section 4511.19 of the Revised Code, under 2061
division (B) or (C) of section 4511.191 of the Revised Code, or 2062
under section 4510.07 of the Revised Code for a conviction of a 2063
violation of a municipal OVI ordinance. 2064

(2) No judge or mayor shall suspend the following portions 2065

of the suspension of an offender's driver's or commercial 2066
driver's license or permit or nonresident operating privilege 2067
imposed under division (G) or (H) of section 4511.19 of the 2068
Revised Code or under section 4510.07 of the Revised Code for a 2069
conviction of a violation of a municipal OVI ordinance, provided 2070
that division (A) (2) of this section does not limit a court or 2071
mayor in crediting any period of suspension imposed pursuant to 2072
division (B) or (C) of section 4511.191 of the Revised Code 2073
against any time of judicial suspension imposed pursuant to 2074
section 4511.19 or 4510.07 of the Revised Code, as described in 2075
divisions (B) (2) and (C) (2) of section 4511.191 of the Revised 2076
Code: 2077

(a) The first six months of a suspension imposed under 2078
division (G) (1) (a) of section 4511.19 of the Revised Code or of 2079
a comparable length suspension imposed under section 4510.07 of 2080
the Revised Code; 2081

(b) The first year of a suspension imposed under division 2082
(G) (1) (b) or (c) of section 4511.19 of the Revised Code or of a 2083
comparable length suspension imposed under section 4510.07 of 2084
the Revised Code; 2085

(c) The first three years of a suspension imposed under 2086
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 2087
or of a comparable length suspension imposed under section 2088
4510.07 of the Revised Code; 2089

(d) The first sixty days of a suspension imposed under 2090
division (H) of section 4511.19 of the Revised Code or of a 2091
comparable length suspension imposed under section 4510.07 of 2092
the Revised Code. 2093

(3) No judge or mayor shall grant limited driving 2094

privileges to an offender whose driver's or commercial driver's 2095
license or permit or nonresident operating privilege has been 2096
suspended under division (G) or (H) of section 4511.19 of the 2097
Revised Code, under division (C) of section 4511.191 of the 2098
Revised Code, or under section 4510.07 of the Revised Code for a 2099
municipal OVI conviction if the offender, within the preceding 2100
ten years, has been convicted of or pleaded guilty to three or 2101
more violations of one or more of the Revised Code sections, 2102
municipal ordinances, statutes of the United States or another 2103
state, or municipal ordinances of a municipal corporation of 2104
another state that are identified in divisions (G) (2) (b) to (h) 2105
of section 2919.22 of the Revised Code. 2106

Additionally, no judge or mayor shall grant limited 2107
driving privileges to an offender whose driver's or commercial 2108
driver's license or permit or nonresident operating privilege 2109
has been suspended under division (B) of section 4511.191 of the 2110
Revised Code if the offender, within the preceding ten years, 2111
has refused three previous requests to consent to a chemical 2112
test of the person's whole blood, blood serum or plasma, breath, 2113
or urine to determine its alcohol content. 2114

(4) No judge or mayor shall grant limited driving 2115
privileges for employment as a driver of commercial motor 2116
vehicles to an offender whose driver's or commercial driver's 2117
license or permit or nonresident operating privilege has been 2118
suspended under division (G) or (H) of section 4511.19 of the 2119
Revised Code, under division (B) or (C) of section 4511.191 of 2120
the Revised Code, or under section 4510.07 of the Revised Code 2121
for a municipal OVI conviction if the offender is disqualified 2122
from operating a commercial motor vehicle, or whose license or 2123
permit has been suspended, under section 3123.58 or 4506.16 of 2124
the Revised Code. 2125

(5) No judge or mayor shall grant limited driving 2126
privileges to an offender whose driver's or commercial driver's 2127
license or permit or nonresident operating privilege has been 2128
suspended under division (G) or (H) of section 4511.19 of the 2129
Revised Code, under division (C) of section 4511.191 of the 2130
Revised Code, or under section 4510.07 of the Revised Code for a 2131
conviction of a violation of a municipal OVI ordinance during 2132
any of the following periods of time: 2133

(a) The first fifteen days of a suspension imposed under 2134
division (G) (1) (a) of section 4511.19 of the Revised Code or a 2135
comparable length suspension imposed under section 4510.07 of 2136
the Revised Code, or of a suspension imposed under division (C) 2137
(1) (a) of section 4511.191 of the Revised Code. On or after the 2138
sixteenth day of the suspension, the court may grant limited 2139
driving privileges, but the court may require that the offender 2140
shall not exercise the privileges unless the vehicles the 2141
offender operates are equipped with immobilizing or disabling 2142
devices that monitor the offender's alcohol consumption or any 2143
other type of immobilizing or disabling devices, except as 2144
provided in division (C) of section 4510.43 of the Revised Code. 2145

(b) The first forty-five days of a suspension imposed 2146
under division (C) (1) (b) of section 4511.191 of the Revised 2147
Code. On or after the forty-sixth day of suspension, the court 2148
may grant limited driving privileges, but the court may require 2149
that the offender shall not exercise the privileges unless the 2150
vehicles the offender operates are equipped with immobilizing or 2151
disabling devices that monitor the offender's alcohol 2152
consumption or any other type of immobilizing or disabling 2153
devices, except as provided in division (C) of section 4510.43 2154
of the Revised Code. 2155

(c) The first sixty days of a suspension imposed under 2156
division (H) of section 4511.19 of the Revised Code or a 2157
comparable length suspension imposed under section 4510.07 of 2158
the Revised Code. 2159

(d) The first one hundred eighty days of a suspension 2160
imposed under division (C) (1) (c) of section 4511.191 of the 2161
Revised Code. On or after the one hundred eighty-first day of 2162
suspension, the court may grant limited driving privileges, and 2163
either of the following applies: 2164

(i) If the underlying arrest is alcohol-related, the court 2165
shall issue an order that, except as provided in division (C) of 2166
section 4510.43 of the Revised Code, for the remainder of the 2167
period of suspension the offender shall not exercise the 2168
privileges unless the vehicles the offender operates are 2169
equipped with a certified ignition interlock device. 2170

(ii) If the underlying arrest is drug-related, the court 2171
in its discretion may issue an order that, except as provided in 2172
division (C) of section 4510.43 of the Revised Code, for the 2173
remainder of the period of suspension the offender shall not 2174
exercise the privileges unless the vehicles the offender 2175
operates are equipped with a certified ignition interlock 2176
device. 2177

(e) The first forty-five days of a suspension imposed 2178
under division (G) (1) (b) of section 4511.19 of the Revised Code 2179
or a comparable length suspension imposed under section 4510.07 2180
of the Revised Code. On or after the forty-sixth day of the 2181
suspension, the court may grant limited driving privileges, and 2182
either of the following applies: 2183

(i) If the underlying conviction is alcohol-related, the 2184

court shall issue an order that, except as provided in division 2185
(C) of section 4510.43 of the Revised Code, for the remainder of 2186
the period of suspension the offender shall not exercise the 2187
privileges unless the vehicles the offender operates are 2188
equipped with a certified ignition interlock device. 2189

(ii) If the underlying conviction is drug-related, the 2190
court in its discretion may issue an order that, except as 2191
provided in division (C) of section 4510.43 of the Revised Code, 2192
for the remainder of the period of suspension the offender shall 2193
not exercise the privileges unless the vehicles the offender 2194
operates are equipped with a certified ignition interlock 2195
device. 2196

If a court grants limited driving privileges under 2197
division (A) (5) (e) of this section, the court may issue an order 2198
terminating an immobilization order issued pursuant to division 2199
(G) (1) (b) (v) of section 4511.19 of the Revised Code to take 2200
effect concurrently with the granting of limited driving 2201
privileges. The court shall send notice of the termination of 2202
the immobilization order to the registrar of motor vehicles. 2203

Upon receiving information that an offender violated any 2204
condition imposed by the court at the time an immobilization 2205
order was terminated under this section, the court may hold a 2206
hearing and, in its discretion, issue an order reinstating the 2207
immobilization order for the balance of the immobilization 2208
period that remained when the court originally ordered the 2209
termination of the immobilization order. The court may issue the 2210
order only upon a showing of good cause that the offender 2211
violated any condition imposed by the court. The court shall 2212
send notice of the reinstatement of the immobilization order to 2213
the registrar. 2214

(f) The first one hundred eighty days of a suspension 2215
imposed under division (G) (1) (c) of section 4511.19 of the 2216
Revised Code or a comparable length suspension imposed under 2217
section 4510.07 of the Revised Code. On or after the one hundred 2218
eighty-first day of the suspension, the court may grant limited 2219
driving privileges, and either of the following applies: 2220

(i) If the underlying conviction is alcohol-related, the 2221
court shall issue an order that, except as provided in division 2222
(C) of section 4510.43 of the Revised Code, for the remainder of 2223
the period of suspension the offender shall not exercise the 2224
privileges unless the vehicles the offender operates are 2225
equipped with a certified ignition interlock device. 2226

(ii) If the underlying conviction is drug-related, the 2227
court in its discretion may issue an order that, except as 2228
provided in division (C) of section 4510.43 of the Revised Code, 2229
for the remainder of the period of suspension the offender shall 2230
not exercise the privileges unless the vehicles the offender 2231
operates are equipped with a certified ignition interlock 2232
device. 2233

(g) The first three years of a suspension imposed under 2234
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 2235
or a comparable length suspension imposed under section 4510.07 2236
of the Revised Code, or of a suspension imposed under division 2237
(C) (1) (d) of section 4511.191 of the Revised Code. On or after 2238
the first three years of suspension, the court may grant limited 2239
driving privileges, and either of the following applies: 2240

(i) If the underlying conviction is alcohol-related, the 2241
court shall issue an order that, except as provided in division 2242
(C) of section 4510.43 of the Revised Code, for the remainder of 2243
the period of suspension the offender shall not exercise the 2244

privileges unless the vehicles the offender operates are 2245
equipped with a certified ignition interlock device. 2246

(ii) If the underlying conviction is drug-related, the 2247
court in its discretion may issue an order that, except as 2248
provided in division (C) of section 4510.43 of the Revised Code, 2249
for the remainder of the period of suspension the offender shall 2250
not exercise the privileges unless the vehicles the offender 2251
operates are equipped with a certified ignition interlock 2252
device. 2253

(6) No judge or mayor shall grant limited driving 2254
privileges to an offender whose driver's or commercial driver's 2255
license or permit or nonresident operating privilege has been 2256
suspended under division (B) of section 4511.191 of the Revised 2257
Code during any of the following periods of time: 2258

(a) The first thirty days of suspension imposed under 2259
division (B) (1) (a) of section 4511.191 of the Revised Code; 2260

(b) The first ninety days of suspension imposed under 2261
division (B) (1) (b) of section 4511.191 of the Revised Code; 2262

(c) The first year of suspension imposed under division 2263
(B) (1) (c) of section 4511.191 of the Revised Code; 2264

(d) The first three years of suspension imposed under 2265
division (B) (1) (d) of section 4511.191 of the Revised Code. 2266

(7) In any case in which a judge or mayor grants limited 2267
driving privileges to an offender whose driver's or commercial 2268
driver's license or permit or nonresident operating privilege 2269
has been suspended under division (G) (1) (c), (d), or (e) of 2270
section 4511.19 of the Revised Code, under division (G) (1) (a) or 2271
(b) of section 4511.19 of the Revised Code for a violation of 2272
division (A) (1) (f), (g), (h), or (i) of that section, or under 2273

section 4510.07 of the Revised Code for a municipal OVI 2274
conviction for which sentence would have been imposed under 2275
division (G) (1) (a) (ii) or (G) (1) (b) (ii) or (G) (1) (c), (d), or 2276
(e) of section 4511.19 of the Revised Code had the offender been 2277
charged with and convicted of a violation of section 4511.19 of 2278
the Revised Code instead of a violation of the municipal OVI 2279
ordinance, the judge or mayor shall impose as a condition of the 2280
privileges that the offender must display on the vehicle that is 2281
driven subject to the privileges restricted license plates that 2282
are issued under section 4503.231 of the Revised Code, except as 2283
provided in division (B) of that section. 2284

(8) In any case in which an offender is required by a 2285
court under this section to operate a motor vehicle that is 2286
equipped with a certified ignition interlock device and either 2287
the offender commits an ignition interlock device violation as 2288
defined under section 4510.46 of the Revised Code or the 2289
offender operates a motor vehicle that is not equipped with a 2290
certified ignition interlock device, the following applies: 2291

(a) If the offender was sentenced under division (G) (1) (a) 2292
or (b) or division (H) of section 4511.19 of the Revised Code, 2293
on a first instance the court may require the offender to wear a 2294
monitor that provides continuous alcohol monitoring that is 2295
remote. On a second instance, the court shall require the 2296
offender to wear a monitor that provides continuous alcohol 2297
monitoring that is remote for a minimum of forty days. On a 2298
third instance or more, the court shall require the offender to 2299
wear a monitor that provides continuous alcohol monitoring that 2300
is remote for a minimum of sixty days. 2301

(b) If the offender was sentenced under division (G) (1) 2302
(c), (d), or (e) of section 4511.19 of the Revised Code, on a 2303

first instance the court shall require the offender to wear a 2304
monitor that provides continuous alcohol monitoring that is 2305
remote for a minimum of forty days. On a second instance or 2306
more, the court shall require the offender to wear a monitor 2307
that provides continuous alcohol monitoring that is remote for a 2308
minimum of sixty days. 2309

(c) The court may increase the period of suspension of the 2310
offender's driver's or commercial driver's license or permit or 2311
nonresident operating privilege from that originally imposed by 2312
the court by a factor of two and may increase the period of time 2313
during which the offender will be prohibited from exercising any 2314
limited driving privileges granted to the offender unless the 2315
vehicles the offender operates are equipped with a certified 2316
ignition interlock device by a factor of two. The limitation 2317
under division (E) of section 4510.46 of the Revised Code 2318
applies to an increase under division (A) (8) (c) of this section. 2319

(d) If the violation occurred within sixty days of the end 2320
of the suspension of the offender's driver's or commercial 2321
driver's license or permit or nonresident operating privilege 2322
and the court does not impose an increase in the period of the 2323
suspension under division (A) (8) (c) of this section, the court 2324
shall proceed as follows: 2325

(i) Issue an order extending the period of suspension and 2326
the grant of limited driving privileges with a required 2327
certified ignition interlock device so that the suspension 2328
terminates sixty days from the date the offender committed that 2329
violation. 2330

(ii) For each violation subsequent to a violation for 2331
which an extension was ordered under division (A) (8) (d) (i) of 2332
this section, issue an order extending the period of suspension 2333

and the grant of limited driving privileges with a required 2334
certified ignition interlock device so that the suspension 2335
terminates sixty days from the date the offender committed that 2336
violation. 2337

The registrar of motor vehicles is prohibited from 2338
reinstating an offender's license unless the applicable period 2339
of suspension has been served and no ignition interlock device 2340
violations have been committed within the sixty days prior to 2341
the application for reinstatement. 2342

(9) At the time the court issues an order under this 2343
section requiring an offender to use an ignition interlock 2344
device, the court shall provide notice to the offender of each 2345
action the court is authorized or required to take under 2346
division (A) (8) of this section if the offender circumvents or 2347
tampers with the device or in any case in which the court 2348
receives notice pursuant to section 4510.46 of the Revised Code 2349
that a device prevented an offender from starting a motor 2350
vehicle. 2351

(10) In any case in which the court issues an order under 2352
this section prohibiting an offender from exercising limited 2353
driving privileges unless the vehicles the offender operates are 2354
equipped with an immobilizing or disabling device, including a 2355
certified ignition interlock device, or requires an offender to 2356
wear a monitor that provides continuous alcohol monitoring that 2357
is remote, the court shall impose an additional court cost of 2358
two dollars and fifty cents upon the offender. The court shall 2359
not waive the payment of the two dollars and fifty cents unless 2360
the court determines that the offender is indigent and waives 2361
the payment of all court costs imposed upon the indigent 2362
offender. The clerk of court shall transmit one hundred per cent 2363

of this mandatory court cost collected during a month on or 2364
before the twenty-third day of the following month to the state 2365
treasury to be credited to the public safety - highway purposes 2366
fund created under section 4501.06 of the Revised Code, to be 2367
used by the department of public safety to cover costs 2368
associated with maintaining the habitual OVI/OMWI offender 2369
registry created under section 5502.10 of the Revised Code. In 2370
its discretion the court may impose an additional court cost of 2371
two dollars and fifty cents upon the offender. The clerk of 2372
court shall retain this discretionary two dollar and fifty cent 2373
court cost, if imposed, and shall deposit it in the court's 2374
special projects fund that is established under division (E) (1) 2375
of section 2303.201, division (B) (1) of section 1901.26, or 2376
division (B) (1) of section 1907.24 of the Revised Code. 2377

(B) Any person whose driver's or commercial driver's 2378
license or permit or nonresident operating privilege has been 2379
suspended pursuant to section 4511.19 or 4511.191 of the Revised 2380
Code or under section 4510.07 of the Revised Code for a 2381
violation of a municipal OVI ordinance may file a petition for 2382
limited driving privileges during the suspension. The person 2383
shall file the petition in the court that has jurisdiction over 2384
the place of arrest. Subject to division (A) of this section, 2385
the court may grant the person limited driving privileges during 2386
the period during which the suspension otherwise would be 2387
imposed. However, the court shall not grant the privileges for 2388
employment as a driver of a commercial motor vehicle to any 2389
person who is disqualified from operating a commercial motor 2390
vehicle under section 4506.16 of the Revised Code or during any 2391
of the periods prescribed by division (A) of this section. 2392

(C) (1) After a driver's or commercial driver's license or 2393
permit or nonresident operating privilege has been suspended 2394

pursuant to section 2903.06, 2903.08, 2903.11, ~~2907.24,~~ 2395
2921.331, 2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 2396
4549.021, or 5743.99 of the Revised Code, any provision of 2397
Chapter 2925. of the Revised Code, or section 4510.07 of the 2398
Revised Code for a violation of a municipal OVI ordinance, the 2399
judge of the court or mayor of the mayor's court that suspended 2400
the license, permit, or privilege shall cause the offender to 2401
deliver to the court the license or permit. The judge, mayor, or 2402
clerk of the court or mayor's court shall forward to the 2403
registrar the license or permit together with notice of the 2404
action of the court. 2405

(2) A suspension of a commercial driver's license under 2406
any section or chapter identified in division (C)(1) of this 2407
section shall be concurrent with any period of suspension or 2408
disqualification under section 3123.58 or 4506.16 of the Revised 2409
Code. No person who is disqualified for life from holding a 2410
commercial driver's license under section 4506.16 of the Revised 2411
Code shall be issued a driver's license under this chapter 2412
during the period for which the commercial driver's license was 2413
suspended under this section, and no person whose commercial 2414
driver's license is suspended under any section or chapter 2415
identified in division (C)(1) of this section shall be issued a 2416
driver's license under Chapter 4507. of the Revised Code during 2417
the period of the suspension. 2418

(3) No judge or mayor shall suspend any class one 2419
suspension, or any portion of any class one suspension, imposed 2420
under section 2903.04, 2903.06, 2903.08, or 2921.331 of the 2421
Revised Code. No judge or mayor shall suspend the first thirty 2422
days of any class two, class three, class four, class five, or 2423
class six suspension imposed under section 2903.06, 2903.08, 2424
2903.11, 2923.02, or 2929.02 of the Revised Code. 2425

(D) The judge of the court or mayor of the mayor's court 2426
shall credit any time during which an offender was subject to an 2427
administrative suspension of the offender's driver's or 2428
commercial driver's license or permit or nonresident operating 2429
privilege imposed pursuant to section 4511.191 or 4511.192 of 2430
the Revised Code or a suspension imposed by a judge, referee, or 2431
mayor pursuant to division (B) (1) or (2) of section 4511.196 of 2432
the Revised Code against the time to be served under a related 2433
suspension imposed pursuant to any section or chapter identified 2434
in division (C) (1) of this section. 2435

(E) The judge or mayor shall notify the bureau of motor 2436
vehicles of any determinations made pursuant to this section and 2437
of any suspension imposed pursuant to any section or chapter 2438
identified in division (C) (1) of this section. 2439

(F) (1) If a court issues an order under this section 2440
granting limited driving privileges and requiring an offender to 2441
use an immobilizing or disabling device, the order shall 2442
authorize the offender during the specified period to operate a 2443
motor vehicle only if it is equipped with such a device, except 2444
as provided in division (C) of section 4510.43 of the Revised 2445
Code. The court shall provide the offender with a copy of the 2446
order for purposes of obtaining a restricted license and shall 2447
submit a copy of the order to the registrar of motor vehicles. 2448

(2) An offender shall present to the registrar or to a 2449
deputy registrar the copy of an immobilizing or disabling device 2450
order issued under this section and a certificate affirming the 2451
installation of an immobilizing or disabling device that is in a 2452
form established by the director of public safety and that is 2453
signed by the person who installed the device. Upon presentation 2454
of the order and certificate to the registrar or a deputy 2455

registrar, the registrar or deputy registrar shall issue the 2456
offender a restricted license, unless the offender's driver's or 2457
commercial driver's license or permit is suspended under any 2458
other provision of law and limited driving privileges have not 2459
been granted with regard to that suspension. A restricted 2460
license issued under this division shall be identical to an Ohio 2461
driver's license, except that it shall have printed on its face 2462
a statement that the offender is prohibited from operating any 2463
motor vehicle that is not equipped with an immobilizing or 2464
disabling device in violation of the order. 2465

(3) (a) No person who has been granted limited driving 2466
privileges subject to an immobilizing or disabling device order 2467
under this section shall operate a motor vehicle prior to 2468
obtaining a restricted license. Any person who violates this 2469
prohibition is subject to the penalties prescribed in section 2470
4510.14 of the Revised Code. 2471

(b) The offense established under division (F) (3) (a) of 2472
this section is a strict liability offense and section 2901.20 2473
of the Revised Code does not apply. 2474

Section 2. That existing sections 119.062, 2152.021, 2475
2905.32, 2907.24, 2929.01, 2929.17, 2950.01, 2953.32, 2953.36, 2476
4510.07, and 4510.13 of the Revised Code are hereby repealed. 2477

Section 3. The General Assembly, applying the principle 2478
stated in division (B) of section 1.52 of the Revised Code that 2479
amendments are to be harmonized if reasonably capable of 2480
simultaneous operation, finds that the following sections, 2481
presented in this act as composites of the sections as amended 2482
by the acts indicated, are the resulting versions of the 2483
sections in effect prior to the effective date of the sections 2484
as presented in this act: 2485

Section 2929.01 of the Revised Code as amended by H.B. 63, 2486
H.B. 411, H.B. 1, S.B. 20, and S.B. 201, all of the 132nd 2487
General Assembly. 2488

Section 2953.36 of the Revised Code as amended by H.B. 53, 2489
H.B. 56, and H.B. 164, all of the 131st General Assembly. 2490