

As Reported by the House Criminal Justice Committee

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Sub. S. B. No. 3

Senators Eklund, O'Brien

Cosponsors: Senators Obhof, Coley, Antonio, Blessing, Brenner, Burke, Craig, Dolan, Hackett, Hottinger, Kunze, Lehner, Manning, McColley, Sykes, Thomas, Williams, Wilson, Yuko Representatives Lang, Leland, Cutrona, Galonski, West

A BILL

To amend sections 109.572, 128.04, 177.01,	1
1901.186, 1901.20, 1901.261, 1907.02, 1907.261,	2
2152.021, 2152.18, 2743.60, 2901.13, 2921.45,	3
2923.01, 2923.02, 2923.13, 2923.241, 2923.31,	4
2923.41, 2925.01, 2925.02, 2925.03, 2925.04,	5
2925.041, 2925.05, 2925.06, 2925.11, 2925.12,	6
2925.13, 2925.14, 2925.141, 2925.22, 2925.23,	7
2925.36, 2925.37, 2925.38, 2925.42, 2925.51,	8
2927.21, 2929.01, 2929.13, 2929.14, 2929.141,	9
2929.141, 2929.15, 2929.17, 2929.18, 2929.21,	10
2929.25, 2929.26, 2929.34, 2931.03, 2933.51,	11
2935.36, 2941.1410, 2945.71, 2949.12, 2951.041,	12
2953.31, 2953.32, 2953.52, 2967.18, 2967.19,	13
2967.28, 2981.01, 3301.32, 3301.541, 3313.662,	14
3319.31, 3319.39, 3712.09, 3719.013, 3719.21,	15
3719.99, 3721.121, 3734.44, 3767.01, 4112.02,	16
4510.17, 4729.99, 4742.03, 5103.0319, 5119.36,	17
5119.37, 5119.93, 5119.94, 5120.16, 5120.53,	18
5149.38, 5153.111, and 5502.13 and to enact	19
sections 109.749, 181.27, 2152.75, 2901.10,	20
2925.031, 2925.032, 2925.111, and 2925.112 of	21
the Revised Code to modify the controlled	22

substance possession and trafficking 23
prohibitions and penalties, modify the drug and 24
alcohol abuse civil commitment mechanism, 25
require the State Criminal Sentencing Commission 26
to study the impact of those changes, and 27
prohibit restraining or confining a woman or 28
child who is a charged, convicted, or 29
adjudicated criminal offender or delinquent 30
child at certain points during pregnancy or 31
postpartum recovery. 32

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

Section 1. That sections 1901.186, 1901.20, 1901.261, 33
1907.02, 1907.261, 2901.13, 2921.45, 2923.02, 2923.13, 2925.01, 34
2925.03, 2925.11, 2925.12, 2925.14, 2925.141, 2929.01, 2929.13, 35
2929.14, 2929.141, 2929.15, 2929.17, 2929.21, 2929.25, 2929.26, 36
2929.34, 2931.03, 2941.1410, 2945.71, 2949.12, 2953.31, 2953.32, 37
2953.52, 2967.28, 2981.01, 5119.93, 5119.94, 5120.16, and 38
5149.38 be amended and sections 109.749, 181.27, 2152.75, 39
2901.10, 2925.031, 2925.032, 2925.111, and 2925.112 of the 40
Revised Code be enacted to read as follows: 41

Sec. 109.749. The attorney general shall provide training 42
materials to law enforcement, court, and corrections officials 43
on the provisions of sections 2152.75 and 2901.10 of the Revised 44
Code to train employees on proper implementation of the 45
requirements of those sections. 46

Sec. 181.27. (A) In addition to its duties set forth in 47
sections 181.23 to 181.26 of the Revised Code, the state 48

criminal sentencing commission is hereby designated a criminal 49
justice agency, as defined in section 109.571 of the Revised 50
Code, and as such is authorized by this state to apply for 51
access to the computerized databases administered by the 52
national crime information center or the law enforcement 53
automated data system in Ohio, and to other computerized 54
databases administered for the purpose of making criminal 55
justice information accessible to state criminal justice 56
agencies. 57

(B) In addition to its duties set forth in sections 181.23 58
to 181.26 of the Revised Code, the state criminal sentencing 59
commission shall do all of the following: 60

(1) Within ninety days after the effective date of this 61
section, pursuant to section 181.23 of the Revised Code, 62
commence a study of the impact of sections relevant to the act 63
in which this section is enacted, including but not limited to, 64
changes to sections 1901.20, 1907.02, 2925.01 to 2925.51, 65
2941.1410, 2953.31, 2953.32, 2953.52, 5119.93, and 5119.94 of 66
the Revised Code, and continue studying that impact on an 67
ongoing basis. 68

(2) Not later than December 31, 2020, and biennially 69
thereafter, submit to the general assembly and the governor its 70
findings regarding the study described in division (B)(1) of 71
this section, in a report that contains the results of the study 72
and recommendations. 73

Sec. 1901.186. (A) As used in this section: 74

(1) "Felony sex offense" has the same meaning as in 75
section 2967.28 of the Revised Code. 76

(2) "Offense of violence" has the same meaning as in 77

section 2901.01 of the Revised Code. 78

(3) "Informant" means a person who is assisting a law 79
enforcement agency in a criminal investigation by purchasing 80
controlled substances from others in return for compensation 81
from the law enforcement agency. 82

(B) In addition to all other jurisdictions granted a 83
municipal court in this chapter, except as provided in division 84
(C) of this section, the Tiffin-Fostoria municipal court has 85
concurrent jurisdiction with the Seneca county court of common 86
pleas in all criminal actions or proceedings to which both of 87
the following apply: 88

(1) The court finds that the offender's addiction to a 89
drug of abuse was the primary factor leading to the offender's 90
commission of the offense charged. 91

(2) The offender is admitted to participate in the 92
participating in victory of transition (PIVOT) drug recovery 93
program. 94

(C) The Tiffin-Fostoria municipal court does not have 95
concurrent jurisdiction with the Seneca county court of common 96
pleas in a criminal action or proceeding when any of the 97
following applies: 98

(1) The defendant is not a resident of Seneca county. 99

(2) The defendant is charged with a felony offense of 100
violence. 101

(3) The defendant is charged with a felony sex offense or 102
has a duty to comply with sections 2950.04, 2950.041, 2950.05, 103
and 2950.06 of the Revised Code. 104

(4) The defendant is charged with a felony violation of 105

section 2925.04 or 2925.041 of the Revised Code. 106

(5) The defendant is under a community control sanction or 107
post-release control sanction imposed by another court or is on 108
parole or probation under the supervision of another 109
jurisdiction. 110

(6) Criminal proceedings are pending against the defendant 111
for a felony offense in another jurisdiction. 112

(7) The defendant is serving a prison term imposed by 113
another court. 114

(8) The defendant is engaged as an informant for a law 115
enforcement agency. 116

(D) Division (A) (3) of section 1901.20 of the Revised Code 117
does not apply to the Tiffin-Fostoria municipal court. 118

(E) The concurrent jurisdiction granted by this section 119
shall expire five years after ~~the effective date of this section~~ 120
August 1, 2018, unless renewed or made permanent by the general 121
assembly prior to its expiration. 122

Sec. 1901.20. (A) (1) The municipal court has jurisdiction 123
to hear misdemeanor cases committed within its territory, 124
subject to division (A) (3) of this section, and has jurisdiction 125
over the violation of any ordinance of any municipal corporation 126
within its territory, including exclusive jurisdiction over 127
every civil action concerning a violation of a state traffic law 128
or a municipal traffic ordinance. The municipal court does not 129
have jurisdiction over a violation that is required to be 130
handled by a parking violations bureau or joint parking 131
violations bureau pursuant to Chapter 4521. of the Revised Code. 132
However, the municipal court has jurisdiction over the violation 133
of a vehicle parking or standing resolution or regulation if a 134

local authority, as defined in division (D) of section 4521.01 135
of the Revised Code, has specified that it is not to be 136
considered a criminal offense, if the violation is committed 137
within the limits of the court's territory, and if the violation 138
is not required to be handled by a parking violations bureau or 139
joint parking violations bureau pursuant to Chapter 4521. of the 140
Revised Code. 141

The municipal court, if it has a housing or environmental 142
division, has jurisdiction over any criminal action over which 143
the housing or environmental division is given jurisdiction by 144
section 1901.181 of the Revised Code, provided that, except as 145
specified in division (B) of that section, no judge of the court 146
other than the judge of the division shall hear or determine any 147
action over which the division has jurisdiction. In all such 148
prosecutions and cases, the court shall proceed to a final 149
determination of the prosecution or case. 150

(2) A judge of a municipal court does not have the 151
authority to dismiss a criminal complaint, charge, information, 152
or indictment solely at the request of the complaining witness 153
and over the objection of the prosecuting attorney, village 154
solicitor, city director of law, or other chief legal officer 155
who is responsible for the prosecution of the case. 156

(3) (a) If a person commits a reclassified misdemeanor drug 157
possession offense within the territory of a municipal court and 158
the person is charged with the offense, subject to division (A) 159
(3) (b) of this section, the charges in the case shall be filed 160
in the court of common pleas of the county in which the offense 161
was committed. When the charges are filed in the court of common 162
pleas, subject to division (A) (3) (b) of this section, that court 163
has exclusive jurisdiction over all actions or proceedings in 164

the case. 165

(b) The jurisdiction of the court of common pleas 166
specified in division (A) (3) (a) of this section does not limit 167
or restrict, and shall not be construed as limiting or 168
restricting, a prosecutor from accepting a plea agreement to a 169
felony drug possession offense that reduces the offense to a 170
misdemeanor or accepting a plea agreement to a reclassified 171
misdemeanor drug possession offense, including an offense that 172
is an unclassified misdemeanor under section 2925.11 or 2925.112 173
of the Revised Code, that reduces the unclassified misdemeanor 174
to a misdemeanor of the first, second, third, or fourth degree 175
or to a minor misdemeanor or that reduces any other misdemeanor 176
to a misdemeanor of a lesser degree. 177

(4) As used in division (A) (3) of this section, 178
"reclassified misdemeanor drug possession offense" means any 179
violation of section 2925.11, 2925.111, or 2925.112 of the 180
Revised Code committed on or after the effective date of this 181
amendment or of the version of section 2925.11 of the Revised 182
Code that was in effect prior to the effective date of this 183
amendment and was committed prior to that effective date, and to 184
which all of the following apply: 185

(a) Prior to the effective date of this amendment, the 186
conduct constituting the violation was a felony under the 187
version of section 2925.11 of the Revised Code that then was in 188
effect. 189

(b) On the effective date of this amendment, the offense 190
classification of the felony violation referred to in division 191
(A) (4) (a) of this section was reduced to a misdemeanor under the 192
version of section 2925.11, 2925.111, or 2925.112 of the Revised 193
Code that took effect on that date. 194

(c) If the offense is a violation of the version of 195
section 2925.11 of the Revised Code that was in effect prior to 196
the effective date of this amendment and was committed prior to 197
that effective date, the penalty, forfeiture, or punishment for 198
that violation has not been imposed as of the effective date of 199
this amendment. 200

(B) The municipal court has jurisdiction to hear felony 201
cases committed within its territory. In all felony cases, the 202
court may conduct preliminary hearings and other necessary 203
hearings prior to the indictment of the defendant or prior to 204
the court's finding that there is probable and reasonable cause 205
to hold or recognize the defendant to appear before a court of 206
common pleas and may discharge, recognize, or commit the 207
defendant. 208

(C) A municipal court has jurisdiction over an appeal from 209
a judgment or default judgment entered pursuant to Chapter 4521. 210
of the Revised Code, as authorized by division (D) of section 211
4521.08 of the Revised Code. The appeal shall be placed on the 212
regular docket of the court and shall be determined by a judge 213
of the court. 214

(D) As used in this section, "violation of a state traffic 215
law or a municipal traffic ordinance" includes, but is not 216
limited to, a traffic law violation recorded by a traffic law 217
photo-monitoring device, as defined in section 4511.092 of the 218
Revised Code. 219

Sec. 1901.261. (A) (1) A municipal court may determine that 220
for the efficient operation of the court additional funds are 221
required to computerize the court, to make available 222
computerized legal research services, or to do both. Upon making 223
a determination that additional funds are required for either or 224

both of those purposes, the court shall include in its schedule 225
of fees and costs under section 1901.26 of the Revised Code one 226
additional fee not to exceed three dollars on the filing of each 227
cause of action or appeal equivalent to one described in 228
division (A), (Q), or (U) of section 2303.20 of the Revised Code 229
and shall direct the clerk of the court to charge the fee. 230

(2) All fees collected under this section shall be paid on 231
or before the twentieth day of the month following the month in 232
which they are collected to the county treasurer if the court is 233
a county-operated municipal court or to the city treasurer if 234
the court is not a county-operated municipal court. The 235
treasurer shall place the funds from the fees in a separate fund 236
to be disbursed upon an order of the court, subject to an 237
appropriation by the board of county commissioners if the court 238
is a county-operated municipal court or by the legislative 239
authority of the municipal corporation if the court is not a 240
county-operated municipal court, or upon an order of the court, 241
subject to the court making an annual report available to the 242
public listing the use of all such funds, in an amount not 243
greater than the actual cost to the court of computerizing the 244
court, procuring and maintaining computerized legal research 245
services, or both. 246

(3) If the court determines that the funds in the fund 247
described in division (A) (2) of this section are more than 248
sufficient to satisfy the purpose for which the additional fee 249
described in division (A) (1) of this section was imposed, the 250
court may declare a surplus in the fund and, subject to an 251
appropriation by the board of county commissioners if the court 252
is a county-operated municipal court or by the legislative 253
authority of the municipal corporation if the court is not a 254
county-operated municipal court, expend those surplus funds, or 255

upon an order of the court, subject to the court making an 256
annual report available to the public listing the use of all 257
such funds, expend those surplus funds, for other appropriate 258
technological expenses of the court. 259

(B) (1) A municipal court may determine that, for the 260
efficient operation of the court, additional funds are required 261
to computerize the office of the clerk of the court and, upon 262
that determination, may include in its schedule of fees and 263
costs under section 1901.26 of the Revised Code an additional 264
fee not to exceed ~~ten~~ twenty dollars on the filing of each cause 265
of action or appeal, on the filing, docketing, and endorsing of 266
each certificate of judgment, or on the docketing and indexing 267
of each aid in execution or petition to vacate, revive, or 268
modify a judgment that is equivalent to one described in 269
division (A), (P), (Q), (T), or (U) of section 2303.20 of the 270
Revised Code. Subject to division (B) (2) of this section, all 271
moneys collected under division (B) (1) of this section shall be 272
paid on or before the twentieth day of the month following the 273
month in which they are collected to the county treasurer if the 274
court is a county-operated municipal court or to the city 275
treasurer if the court is not a county-operated municipal court. 276
The treasurer shall place the funds from the fees in a separate 277
fund to be disbursed, upon an order of the municipal court and 278
subject to an appropriation by the board of county commissioners 279
if the court is a county-operated municipal court or by the 280
legislative authority of the municipal corporation if the court 281
is not a county-operated municipal court, in an amount no 282
greater than the actual cost to the court of procuring and 283
maintaining computer systems for the office of the clerk of the 284
municipal court. 285

(2) If a municipal court makes the determination described 286

in division (B) (1) of this section, the board of county 287
commissioners of the county if the court is a county-operated 288
municipal court or the legislative authority of the municipal 289
corporation if the court is not a county-operated municipal 290
court, may issue one or more general obligation bonds for the 291
purpose of procuring and maintaining the computer systems for 292
the office of the clerk of the municipal court. In addition to 293
the purposes stated in division (B) (1) of this section for which 294
the moneys collected under that division may be expended, the 295
moneys additionally may be expended to pay debt charges and 296
financing costs related to any general obligation bonds issued 297
pursuant to division (B) (2) of this section as they become due. 298
General obligation bonds issued pursuant to division (B) (2) of 299
this section are Chapter 133. securities. 300

Sec. 1907.02. (A) (1) In addition to other jurisdiction 301
granted a county court in the Revised Code, a county court has 302
jurisdiction of all misdemeanor cases, subject to division (A) 303
(3) of this section. A county court has jurisdiction to conduct 304
preliminary hearings in felony cases, to bind over alleged 305
felons to the court of common pleas, and to take other action in 306
felony cases as authorized by Criminal Rule 5. 307

(2) A judge of a county court does not have the authority 308
to dismiss a criminal complaint, charge, information, or 309
indictment solely at the request of the complaining witness and 310
over the objection of the prosecuting attorney, village 311
solicitor, city director of law, or other chief legal officer 312
who is responsible for the prosecution of the case. 313

(3) (a) If a person commits a reclassified misdemeanor drug 314
possession offense within the territory of a county court and 315
the person is charged with the offense, subject to division (A) 316

(3) (b) of this section, the charges in the case shall be filed 317
in the court of common pleas of the county in which the offense 318
was committed. When the charges are filed in the court of common 319
pleas, subject to division (A) (3) (b) of this section, that court 320
has exclusive jurisdiction over all actions or proceedings in 321
the case. 322

(b) The jurisdiction of the court of common pleas 323
specified in division (A) (3) (a) of this section does not limit 324
or restrict, and shall not be construed as limiting or 325
restricting, a prosecutor from accepting a plea agreement to a 326
felony drug possession offense that reduces the offense to a 327
misdemeanor or accepting a plea agreement to a reclassified 328
misdemeanor drug possession offense, including an offense that 329
is an unclassified misdemeanor under section 2925.11 or 2925.112 330
of the Revised Code, that reduces the unclassified misdemeanor 331
to a misdemeanor of the first, second, third, or fourth degree 332
or to a minor misdemeanor or that reduces any other misdemeanor 333
to a misdemeanor of a lesser degree. 334

(4) As used in division (A) (3) of this section, 335
"reclassified misdemeanor drug possession offense" has the same 336
meaning as in section 1901.20 of the Revised Code. 337

(B) A county court has jurisdiction of the violation of a 338
vehicle parking or standing ordinance, resolution, or regulation 339
if a local authority, as defined in division (D) of section 340
4521.01 of the Revised Code, has specified that it is not to be 341
considered a criminal offense, if the violation is committed 342
within the limits of the court's territory, and if the violation 343
is not required to be handled by a parking violations bureau or 344
joint parking violations bureau pursuant to Chapter 4521. of the 345
Revised Code. A county court does not have jurisdiction over 346

violations of ordinances, resolutions, or regulations that are 347
required to be handled by a parking violations bureau or joint 348
parking violations bureau pursuant to that chapter. 349

A county court also has jurisdiction of an appeal from a 350
judgment or default judgment entered pursuant to Chapter 4521. 351
of the Revised Code, as authorized by division (D) of section 352
4521.08 of the Revised Code. Any such appeal shall be placed on 353
the regular docket of the court and shall be determined by a 354
judge of the court. 355

(C) A county court has exclusive jurisdiction over every 356
civil action concerning a violation of a state traffic law or a 357
municipal traffic ordinance, if the violation is committed 358
within the limits of the court's territory. 359

(D) As used in this section, "violation of a state traffic 360
law or a municipal traffic ordinance" has the same meaning as in 361
section 1901.20 of the Revised Code. 362

Sec. 1907.261. (A) (1) A county court may determine that 363
for the efficient operation of the court additional funds are 364
required to computerize the court, to make available 365
computerized legal research services, or to do both. Upon making 366
a determination that additional funds are required for either or 367
both of those purposes, the court shall include in its schedule 368
of fees and costs under section 1907.24 of the Revised Code one 369
additional fee not to exceed three dollars on the filing of each 370
cause of action or appeal equivalent to one described in 371
division (A), (Q), or (U) of section 2303.20 of the Revised Code 372
and shall direct the clerk of the court to charge the fee. 373

(2) All fees collected under this section shall be paid on 374
or before the twentieth day of the month following the month in 375

which they are collected to the county treasurer. The treasurer 376
shall place the funds from the fees in a separate fund to be 377
disbursed either upon an order of the court, subject to an 378
appropriation by the board of county commissioners, or upon an 379
order of the court, subject to the court making an annual report 380
available to the public listing the use of all such funds, in an 381
amount not greater than the actual cost to the court of 382
computerizing the court, procuring and maintaining computerized 383
legal research services, or both. 384

(3) If the court determines that the funds in the fund 385
described in division (A) (2) of this section are more than 386
sufficient to satisfy the purpose for which the additional fee 387
described in division (A) (1) of this section was imposed, the 388
court may declare a surplus in the fund and, subject to an 389
appropriation by the board of county commissioners, expend those 390
surplus funds, or upon an order of the court, subject to the 391
court making an annual report available to the public listing 392
the use of all such funds, expend those surplus funds, for other 393
appropriate technological expenses of the court. 394

(B) (1) A county court may determine that, for the 395
efficient operation of the court, additional funds are required 396
to computerize the office of the clerk of the court and, upon 397
that determination, may include in its schedule of fees and 398
costs under section 1907.24 of the Revised Code an additional 399
fee not to exceed ~~ten~~ twenty dollars on the filing of each cause 400
of action or appeal, on the filing, docketing, and endorsing of 401
each certificate of judgment, or on the docketing and indexing 402
of each aid in execution or petition to vacate, revive, or 403
modify a judgment that is equivalent to one described in 404
division (A), (P), (Q), (T), or (U) of section 2303.20 of the 405
Revised Code. Subject to division (B) (2) of this section, all 406

moneys collected under division (B)(1) of this section shall be 407
paid on or before the twentieth day of the month following the 408
month in which they are collected to the county treasurer. The 409
treasurer shall place the funds from the fees in a separate fund 410
to be disbursed, upon an order of the county court and subject 411
to an appropriation by the board of county commissioners, in an 412
amount no greater than the actual cost to the court of procuring 413
and maintaining computer systems for the office of the clerk of 414
the county court. 415

(2) If a county court makes the determination described in 416
division (B)(1) of this section, the board of county 417
commissioners of that county may issue one or more general 418
obligation bonds for the purpose of procuring and maintaining 419
the computer systems for the office of the clerk of the county 420
court. In addition to the purposes stated in division (B)(1) of 421
this section for which the moneys collected under that division 422
may be expended, the moneys additionally may be expended to pay 423
debt charges and financing costs related to any general 424
obligation bonds issued pursuant to division (B)(2) of this 425
section as they become due. General obligation bonds issued 426
pursuant to division (B)(2) of this section are Chapter 133. 427
securities. 428

Sec. 2152.75. (A) As used in this section: 429

(1) "Charged or adjudicated delinquent child" means any 430
female child to whom both of the following apply: 431

(a) The child is charged with a delinquent act or, with 432
respect to a delinquent act, is subject to juvenile court 433
proceedings, has been adjudicated a delinquent child, or is 434
serving a disposition. 435

(b) The child is in custody of any law enforcement, court, 436
or corrections official. 437

(2) "Health care professional" has the same meaning as in 438
section 2108.61 of the Revised Code. 439

(3) "Law enforcement, court, or corrections official" 440
means any officer or employee of this state or a political 441
subdivision of this state who has custody or control of any 442
child who is a charged or adjudicated delinquent child. 443

(4) "Restrain" means to use any shackles, handcuffs, or 444
other physical restraint. 445

(5) "Confine" means to place in solitary confinement in an 446
enclosed space. 447

(6) "Unborn child" means a member of the species homo 448
sapiens who is carried in the womb of a child who is a charged 449
or adjudicated delinquent child, during a period that begins 450
with fertilization and continues until live birth occurs. 451

(7) "Emergency circumstance" means a sudden, urgent, 452
unexpected incident or occurrence that requires an immediate 453
reaction and restraint of the charged or adjudicated delinquent 454
child who is pregnant for an emergency situation faced by a law 455
enforcement, court, or corrections official. 456

(B) Except as otherwise provided in division (C) of this 457
section, no law enforcement, court, or corrections official, 458
with knowledge that the female child is pregnant or was 459
pregnant, shall knowingly restrain or confine a female child who 460
is a charged or adjudicated delinquent child during any of the 461
following periods of time: 462

(1) If the child is pregnant, at any time during her 463

pregnancy; 464

(2) If the child is pregnant, during transport to a 465
hospital, during labor, or during delivery; 466

(3) If the child was pregnant, during any period of 467
postpartum recovery up to six weeks after the child's pregnancy. 468

(C) (1) Except as otherwise provided in division (D) of 469
this section, a law enforcement, court, or corrections official 470
may restrain or confine a female child who is a charged or 471
adjudicated delinquent child during a period of time specified 472
in division (B) of this section if all of the following apply: 473

(a) The official determines that the child presents a 474
serious threat of physical harm to herself, to the official, to 475
other law enforcement or court personnel, or to any other 476
person, presents a serious threat of physical harm to property, 477
presents a substantial security risk, or presents a substantial 478
flight risk. 479

(b) (i) Except as provided in division (C) (1) (b) (ii) of 480
this section, prior to restraining or confining the child, the 481
official contacts a health care professional who is treating the 482
child and notifies the professional that the official wishes to 483
restrain or confine the child and identifies the type of 484
restraint and the expected duration of its use or communicates 485
the expected duration of confinement. 486

(ii) The official is not required to contact a health care 487
professional who is treating the child prior to restraining the 488
child in accordance with division (D) of this section if an 489
emergency circumstance exists. The use of restraint in an 490
emergency circumstance shall be in accordance with division (D) 491
of this section. Once the child is restrained, the official 492

shall contact a health care professional who is treating the 493
child and identify the type of restraint and the expected 494
duration of its use. 495

(c) Upon being contacted by the official as described in 496
division (C) (1) (b) (i) of this section, the health care 497
professional does not object to the use of the specified type of 498
restraint for the expected duration of its use or does not 499
object to the expected duration of confinement. 500

(2) A health care professional who is contacted by a law 501
enforcement, court, or corrections official as described in 502
division (C) (1) (b) (i) of this section shall not object to the 503
use of the specified type of restraint for the expected duration 504
of its use, or the expected duration of confinement, unless the 505
professional determines that the specified type of restraint, 506
the use of that type of restraint for the expected duration, or 507
the expected duration of confinement poses a risk of physical 508
harm to the child or to the child's unborn child. 509

(D) A law enforcement, court, or corrections official who 510
restrains a female child who is a charged or adjudicated 511
delinquent child during a period of time specified in division 512
(B) of this section under authority of division (C) of this 513
section shall not use any leg, ankle, or waist restraint to 514
restrain the child. 515

(E) (1) If a law enforcement, court, or corrections 516
official restrains or confines a female child who is a charged 517
or adjudicated delinquent child during a period of time 518
specified in division (B) of this section under authority of 519
division (C) of this section, the official shall remove the 520
restraint or cease confinement if, at any time while the 521
restraint is in use or the child is in confinement, a health 522

care professional who is treating the child provides a notice to 523
the official or to the official's employing agency or court 524
stating that the restraint or confinement poses a risk of 525
physical harm to the child or to the child's unborn child. 526

(2) A law enforcement, court, or corrections official 527
shall not restrain or confine a female child who is a charged or 528
adjudicated delinquent child during a period of time specified 529
in division (B) of this section if, prior to the use of the 530
restraint or confinement, a health care professional who is 531
treating the child provides a notice to the official or to the 532
official's employing agency or court stating that any restraint 533
or confinement of the child during a period of time specified in 534
division (B) of this section poses a risk of physical harm to 535
the child or to the child's unborn child. A notice provided as 536
described in this division applies throughout all periods of 537
time specified in division (B) of this section that occur after 538
the provision of the notice. 539

(F)(1) Whoever violates division (B) of this section is 540
guilty of interfering with civil rights in violation of division 541
(B) of section 2921.45 of the Revised Code. 542

(2) A female child who is restrained or confined in 543
violation of division (B) of this section may commence a civil 544
action under section 2307.60 of the Revised Code against the law 545
enforcement, court, or corrections official who committed the 546
violation, against the official's employing agency or court, or 547
against both the official and the official's employing agency or 548
court. In the action, in addition to the full damages specified 549
in section 2307.60 of the Revised Code, the child may recover 550
punitive damages, the costs of maintaining the action and 551
reasonable attorney's fees, or both punitive damages and the 552

costs of maintaining the action and reasonable attorney's fees. 553

(3) Divisions (F) (1) and (2) of this section do not limit 554
any right of a person to obtain injunctive relief or to recover 555
damages in a civil action under any other statutory or common 556
law of this state or the United States. 557

Sec. 2901.10. (A) As used in this section: 558

(1) "Charged or convicted criminal offender" means any 559
woman to whom both of the following apply: 560

(a) The woman is charged with a crime or, with respect to 561
a crime, is being tried, has been convicted of or pleaded 562
guilty, or is serving a sentence. 563

(b) The woman is in custody of any law enforcement, court, 564
or corrections official. 565

(2) "Health care professional" has the same meaning as in 566
section 2108.61 of the Revised Code. 567

(3) "Law enforcement, court, or corrections official" 568
means any officer or employee of this state or a political 569
subdivision of this state who has custody or control of any 570
woman who is a charged or convicted criminal offender. 571

(4) "Restrain" means to use any shackles, handcuffs, or 572
other physical restraint. 573

(5) "Confine" means to place in solitary confinement in an 574
enclosed space. 575

(6) "Unborn child" means a member of the species homo 576
sapiens who is carried in the womb of a woman who is a charged 577
or convicted criminal offender, during a period that begins with 578
fertilization and continues until live birth occurs. 579

(7) "Emergency circumstance" means a sudden, urgent, 580
unexpected incident or occurrence that requires an immediate 581
reaction and restraint of the charged or convicted criminal 582
offender who is pregnant for an emergency situation faced by a 583
law enforcement, court, or corrections official. 584

(B) Except as otherwise provided in division (C) of this 585
section, no law enforcement, court, or corrections official, 586
with knowledge that the woman is pregnant or was pregnant, shall 587
knowingly restrain or confine a woman who is a charged or 588
convicted criminal offender during any of the following periods 589
of time: 590

(1) If the woman is pregnant, at any time during her 591
pregnancy; 592

(2) If the woman is pregnant, during transport to a 593
hospital, during labor, or during delivery; 594

(3) If the woman was pregnant, during any period of 595
postpartum recovery up to six weeks after the woman's pregnancy. 596

(C) (1) Except as otherwise provided in division (D) of 597
this section, a law enforcement, court, or corrections official 598
may restrain or confine a woman who is a charged or convicted 599
criminal offender during a period of time specified in division 600
(B) of this section if all of the following apply: 601

(a) The official determines that the woman presents a 602
serious threat of physical harm to herself, to the official, to 603
other law enforcement or court personnel, or to any other 604
person, presents a serious threat of physical harm to property, 605
presents a substantial security risk, or presents a substantial 606
flight risk. 607

(b) (i) Except as otherwise provided in division (C) (1) (b) 608

(ii) of this section, prior to restraining or confining the 609
woman, the official contacts a health care professional who is 610
treating the woman and notifies the professional that the 611
official wishes to restrain or confine the woman and identifies 612
the type of restraint and the expected duration of its use or 613
communicates the expected duration of confinement. 614

(ii) The official is not required to contact a health care 615
professional who is treating the woman prior to restraining the 616
woman in accordance with division (D) of this section if an 617
emergency circumstance exists. The use of restraint in an 618
emergency circumstance shall be in accordance with division (D) 619
of this section. Once the woman is restrained, the official 620
shall contact a health care professional who is treating the 621
woman and identify the type of restraint and the expected 622
duration of its use. 623

(c) Upon being contacted by the official as described in 624
division (C)(1)(b)(i) of this section, the health care 625
professional does not object to the use of the specified type of 626
restraint for the expected duration of its use or does not 627
object to the expected duration of confinement. 628

(2) A health care professional who is contacted by a law 629
enforcement, court, or corrections official as described in 630
division (C)(1)(b)(i) of this section shall not object to the 631
use of the specified type of restraint for the expected duration 632
of its use, or the expected duration of confinement, unless the 633
professional determines that the specified type of restraint, 634
the use of that type of restraint for the expected duration, or 635
the expected duration of confinement poses a risk of physical 636
harm to the woman or to the woman's unborn child. 637

(D) A law enforcement, court, or corrections official who 638

restrains a woman who is a charged or convicted criminal 639
offender during a period of time specified in division (B) of 640
this section under authority of division (C) of this section 641
shall not use any leg, ankle, or waist restraint to restrain the 642
woman. 643

(E) (1) If a law enforcement, court, or corrections 644
official restrains or confines a woman who is a charged or 645
convicted criminal offender during a period of time specified in 646
division (B) of this section under authority of division (C) of 647
this section, the official shall remove the restraint or cease 648
confinement if, at any time while the restraint is in use or the 649
woman is in confinement, a health care professional who is 650
treating the woman provides a notice to the official or to the 651
official's employing agency or court stating that the restraint 652
or confinement poses a risk of physical harm to the woman or to 653
the woman's unborn child. 654

(2) A law enforcement, court, or corrections official 655
shall not restrain or confine a woman who is a charged or 656
convicted criminal offender during a period of time specified in 657
division (B) of this section if, prior to the use of the 658
restraint or confinement, a health care professional who is 659
treating the woman provides a notice to the official or to the 660
official's employing agency or court stating that any restraint 661
or confinement of the woman during a period of time specified in 662
division (B) of this section poses a risk of physical harm to 663
the woman or to the woman's unborn child. A notice provided as 664
described in this division applies throughout all periods of 665
time specified in division (B) of this section that occur after 666
the provision of the notice. 667

(F) (1) Whoever violates division (B) of this section is 668

guilty of interfering with civil rights in violation of division 669
(B) of section 2921.45 of the Revised Code. 670

(2) A woman who is restrained or confined in violation of 671
division (B) of this section may commence a civil action under 672
section 2307.60 of the Revised Code against the law enforcement, 673
court, or corrections official who committed the violation, 674
against the official's employing agency or court, or against 675
both the official and the official's employing agency or court. 676
In the action, in addition to the full damages specified in 677
section 2307.60 of the Revised Code, the woman may recover 678
punitive damages, the costs of maintaining the action and 679
reasonable attorney's fees, or both punitive damages and the 680
costs of maintaining the action and reasonable attorney's fees. 681

(3) Divisions (F) (1) and (2) of this section do not limit 682
any right of a person to obtain injunctive relief or to recover 683
damages in a civil action under any other statutory or common 684
law of this state or the United States. 685

Sec. 2901.13. (A) (1) Except as provided in division (A) 686
(2), (3), or (4) of this section or as otherwise provided in 687
this section, a prosecution shall be barred unless it is 688
commenced within the following periods after an offense is 689
committed: 690

(a) For a felony, six years; 691

(b) For a misdemeanor other than a minor misdemeanor, two 692
years; 693

(c) For a minor misdemeanor, six months. 694

(2) There is no period of limitation for the prosecution 695
of a violation of section 2903.01 or 2903.02 of the Revised 696
Code. 697

(3) Except as otherwise provided in divisions (B) to (J) 698
of this section, a prosecution of any of the following offenses 699
shall be barred unless it is commenced within twenty years after 700
the offense is committed: 701

(a) A violation of section 2903.03, 2903.04, 2905.01, 702
2905.32, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 703
2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 704
2911.11, 2911.12, or 2917.02 of the Revised Code, a violation of 705
section 2903.11 or 2903.12 of the Revised Code if the victim is 706
a peace officer, a violation of section 2903.13 of the Revised 707
Code that is a felony, or a violation of former section 2907.12 708
of the Revised Code; 709

(b) A conspiracy to commit, attempt to commit, or 710
complicity in committing a violation set forth in division (A) 711
(3) (a) of this section. 712

(4) Except as otherwise provided in divisions (D) to (L) 713
of this section, a prosecution of a violation of section 2907.02 714
or 2907.03 of the Revised Code or a conspiracy to commit, 715
attempt to commit, or complicity in committing a violation of 716
either section shall be barred unless it is commenced within 717
twenty-five years after the offense is committed. 718

(B) (1) Except as otherwise provided in division (B) (2) of 719
this section, if the period of limitation provided in division 720
(A) (1) or (3) of this section has expired, prosecution shall be 721
commenced for an offense of which an element is fraud or breach 722
of a fiduciary duty, within one year after discovery of the 723
offense either by an aggrieved person, or by the aggrieved 724
person's legal representative who is not a party to the offense. 725

(2) If the period of limitation provided in division (A) 726

(1) or (3) of this section has expired, prosecution for a 727
violation of section 2913.49 of the Revised Code shall be 728
commenced within five years after discovery of the offense 729
either by an aggrieved person or the aggrieved person's legal 730
representative who is not a party to the offense. 731

(C) (1) If the period of limitation provided in division 732
(A) (1) or (3) of this section has expired, prosecution shall be 733
commenced for the following offenses during the following 734
specified periods of time: 735

(a) For an offense involving misconduct in office by a 736
public servant, at any time while the accused remains a public 737
servant, or within two years thereafter; 738

(b) For an offense by a person who is not a public servant 739
but whose offense is directly related to the misconduct in 740
office of a public servant, at any time while that public 741
servant remains a public servant, or within two years 742
thereafter. 743

(2) As used in this division: 744

(a) An "offense is directly related to the misconduct in 745
office of a public servant" includes, but is not limited to, a 746
violation of section 101.71, 101.91, 121.61 or 2921.13, division 747
(F) or (H) of section 102.03, division (A) of section 2921.02, 748
division (A) or (B) of section 2921.43, or division (F) or (G) 749
of section 3517.13 of the Revised Code, that is directly related 750
to an offense involving misconduct in office of a public 751
servant. 752

(b) "Public servant" has the same meaning as in section 753
2921.01 of the Revised Code. 754

(D) (1) If a DNA record made in connection with the 755

criminal investigation of the commission of a violation of 756
section 2907.02 or 2907.03 of the Revised Code is determined to 757
match another DNA record that is of an identifiable person and 758
if the time of the determination is later than twenty-five years 759
after the offense is committed, prosecution of that person for a 760
violation of the section may be commenced within five years 761
after the determination is complete. 762

(2) If a DNA record made in connection with the criminal 763
investigation of the commission of a violation of section 764
2907.02 or 2907.03 of the Revised Code is determined to match 765
another DNA record that is of an identifiable person and if the 766
time of the determination is within twenty-five years after the 767
offense is committed, prosecution of that person for a violation 768
of the section may be commenced within the longer of twenty-five 769
years after the offense is committed or five years after the 770
determination is complete. 771

(3) As used in this division, "DNA record" has the same 772
meaning as in section 109.573 of the Revised Code. 773

(E) An offense is committed when every element of the 774
offense occurs. In the case of an offense of which an element is 775
a continuing course of conduct, the period of limitation does 776
not begin to run until such course of conduct or the accused's 777
accountability for it terminates, whichever occurs first. 778

(F) A prosecution is commenced on the date an indictment 779
is returned or an information filed, or on the date a lawful 780
arrest without a warrant is made, or on the date a warrant, 781
summons, citation, or other process is issued, whichever occurs 782
first. A prosecution is not commenced by the return of an 783
indictment or the filing of an information unless reasonable 784
diligence is exercised to issue and execute process on the same. 785

A prosecution is not commenced upon issuance of a warrant, 786
summons, citation, or other process, unless reasonable diligence 787
is exercised to execute the same. 788

(G) The period of limitation shall not run during any time 789
when the corpus delicti remains undiscovered. 790

(H) The period of limitation shall not run during any time 791
when the accused purposely avoids prosecution. Proof that the 792
accused departed this state or concealed the accused's identity 793
or whereabouts is prima-facie evidence of the accused's purpose 794
to avoid prosecution. 795

(I) The period of limitation shall not run during any time 796
a prosecution against the accused based on the same conduct is 797
pending in this state, even though the indictment, information, 798
or process that commenced the prosecution is quashed or the 799
proceedings on the indictment, information, or process are set 800
aside or reversed on appeal. 801

(J) The period of limitation for a violation of any 802
provision of Title XXIX of the Revised Code that involves a 803
physical or mental wound, injury, disability, or condition of a 804
nature that reasonably indicates abuse or neglect of a child 805
under eighteen years of age or of a child with a developmental 806
disability or physical impairment under twenty-one years of age 807
shall not begin to run until either of the following occurs: 808

(1) The victim of the offense reaches the age of majority. 809

(2) A public children services agency, or a municipal or 810
county peace officer that is not the parent or guardian of the 811
child, in the county in which the child resides or in which the 812
abuse or neglect is occurring or has occurred has been notified 813
that abuse or neglect is known, suspected, or believed to have 814

occurred. 815

(K) As used in this section, "peace officer" has the same 816
meaning as in section 2935.01 of the Revised Code. 817

(L) The amendments to divisions (A) and (D) of this 818
section apply to a violation of section 2907.02 or 2907.03 of 819
the Revised Code committed on and after July 16, 2015, and apply 820
to a violation of either of those sections committed prior to 821
July 16, 2015, if prosecution for that violation was not barred 822
under this section as it existed on the day prior to July 16, 823
2015. 824

(M) If, prior to the effective date of this amendment, a 825
person committed a violation of the version of section 2925.11 826
of the Revised Code that was in effect prior to that effective 827
date, if the violation at the time it was committed was a 828
felony, if the violation is changed on that effective date to an 829
unclassified misdemeanor, and if the prosecution of the person 830
for that violation has not been commenced prior to that 831
effective date, notwithstanding the change of the classification 832
of the violation to an unclassified misdemeanor, on and after 833
that effective date, any prosecution of the person for the 834
violation shall be commenced within the times specified in 835
divisions (A) to (L) of this section that would apply to the 836
violation if it had remained as a felony. 837

Sec. 2921.45. (A) No public servant, under color of ~~his~~ 838
the public servant's office, employment, or authority, shall 839
knowingly deprive, or conspire or attempt to deprive any person 840
of a constitutional or statutory right. 841

(B) No law enforcement, court, or corrections official 842
shall violate division (B) of section 2152.75 or section 2901.10 843

of the Revised Code. 844

(C) Whoever violates this section is guilty of interfering 845
with civil rights, a misdemeanor of the first degree. 846

Sec. 2923.02. (A) No person, purposely or knowingly, and 847
when purpose or knowledge is sufficient culpability for the 848
commission of an offense, shall engage in conduct that, if 849
successful, would constitute or result in the offense. 850

(B) It is no defense to a charge under this section that, 851
in retrospect, commission of the offense that was the object of 852
the attempt was either factually or legally impossible under the 853
attendant circumstances, if that offense could have been 854
committed had the attendant circumstances been as the actor 855
believed them to be. 856

(C) No person who is convicted of committing a specific 857
offense, of complicity in the commission of an offense, or of 858
conspiracy to commit an offense shall be convicted of an attempt 859
to commit the same offense in violation of this section. 860

(D) It is an affirmative defense to a charge under this 861
section that the actor abandoned the actor's effort to commit 862
the offense or otherwise prevented its commission, under 863
circumstances manifesting a complete and voluntary renunciation 864
of the actor's criminal purpose. 865

(E) (1) Whoever violates this section is guilty of an 866
attempt to commit an offense. An attempt to commit aggravated 867
murder, murder, or an offense for which the maximum penalty is 868
imprisonment for life is a felony of the first degree. An 869
attempt to commit a drug abuse offense for which the penalty is 870
determined by the amount or number of unit doses of the 871
controlled substance involved in the drug abuse offense is an 872

offense of the same degree as the drug abuse offense attempted 873
would be if that drug abuse offense had been committed and had 874
involved an amount or number of unit doses of the controlled 875
substance that is within the next lower range of controlled 876
substance amounts than was involved in the attempt. ~~An Except as~~ 877
otherwise provided in this division, an attempt to commit any 878
other offense is an offense of the next lesser degree than the 879
offense attempted. An attempt to commit a violation of any 880
provision of Chapter 2925. of the Revised Code that is an 881
unclassified misdemeanor shall be a misdemeanor of the first 882
degree, but, notwithstanding the provisions of Chapter 2929. of 883
the Revised Code that generally govern the sentencing of an 884
offender convicted of a misdemeanor of the first degree, the 885
court sentencing the offender shall have available any 886
sentencing alternative that would be available for the 887
unclassified misdemeanor if it had been committed. In the case 888
of an attempt to commit an offense other than a violation of 889
Chapter 3734. of the Revised Code that is not specifically 890
classified, an attempt is a misdemeanor of the first degree if 891
the offense attempted is a felony, and a misdemeanor of the 892
fourth degree if the offense attempted is a misdemeanor. In the 893
case of an attempt to commit a violation of any provision of 894
Chapter 3734. of the Revised Code, other than section 3734.18 of 895
the Revised Code, that relates to hazardous wastes, an attempt 896
is a felony punishable by a fine of not more than twenty-five 897
thousand dollars or imprisonment for not more than eighteen 898
months, or both. An attempt to commit a minor misdemeanor, or to 899
engage in conspiracy, is not an offense under this section. 900

(2) If a person is convicted of or pleads guilty to 901
attempted rape and also is convicted of or pleads guilty to a 902
specification of the type described in section 2941.1418, 903

2941.1419, or 2941.1420 of the Revised Code, the offender shall 904
be sentenced to a prison term or term of life imprisonment 905
pursuant to section 2971.03 of the Revised Code. 906

(3) In addition to any other sanctions imposed pursuant to 907
division (E)(1) of this section for an attempt to commit 908
aggravated murder or murder in violation of division (A) of this 909
section, if the offender used a motor vehicle as the means to 910
attempt to commit the offense, the court shall impose upon the 911
offender a class two suspension of the offender's driver's 912
license, commercial driver's license, temporary instruction 913
permit, probationary license, or nonresident operating privilege 914
as specified in division (A)(2) of section 4510.02 of the 915
Revised Code. 916

(4) If a person is convicted of or found guilty of an 917
attempt to commit aggravated murder of the type described in 918
division (E) or (F) of section 2903.01 of the Revised Code, the 919
court shall impose as a mandatory prison term one of the prison 920
terms prescribed for a felony of the first degree. 921

(F) As used in this section: 922

(1) "Drug abuse offense" has the same meaning as in 923
section 2925.01 of the Revised Code. 924

(2) "Motor vehicle" has the same meaning as in section 925
4501.01 of the Revised Code. 926

Sec. 2923.13. (A) Unless relieved from disability under 927
operation of law or legal process, no person shall knowingly 928
acquire, have, carry, or use any firearm or dangerous ordnance, 929
if any of the following apply: 930

(1) The person is a fugitive from justice. 931

(2) The person is under indictment for or has been 932
convicted of any felony offense of violence or has been 933
adjudicated a delinquent child for the commission of an offense 934
that, if committed by an adult, would have been a felony offense 935
of violence. 936

(3) The person is under indictment for or has been 937
convicted of any felony offense involving the illegal 938
possession, use, sale, administration, distribution, or 939
trafficking in any drug of abuse~~or~~, is charged with or has been 940
convicted of any unclassified misdemeanor offense involving the 941
illegal possession of a controlled substance, has been 942
adjudicated a delinquent child for the commission of an offense 943
that, if committed by an adult, would have been a felony offense 944
involving the illegal possession, use, sale, administration, 945
distribution, or trafficking in any drug of abuse, or has been 946
adjudicated a delinquent child for the commission of an offense 947
that, if committed by an adult, would have been an unclassified 948
misdemeanor offense involving the illegal possession of a 949
controlled substance. 950

(4) The person is drug dependent, in danger of drug 951
dependence, or a chronic alcoholic. 952

(5) The person is under adjudication of mental 953
incompetence, has been adjudicated as a mental defective, has 954
been committed to a mental institution, has been found by a 955
court to be a mentally ill person subject to court order, or is 956
an involuntary patient other than one who is a patient only for 957
purposes of observation. As used in this division, "mentally ill 958
person subject to court order" and "patient" have the same 959
meanings as in section 5122.01 of the Revised Code. 960

(B) Whoever violates this section is guilty of having 961

weapons while under disability, a felony of the third degree. 962

(C) For the purposes of this section, "under operation of 963
law or legal process" shall not itself include mere completion, 964
termination, or expiration of a sentence imposed as a result of 965
a criminal conviction. 966

Sec. 2925.01. As used in this chapter: 967

(A) "Administer," "controlled substance," "controlled 968
substance analog," "dispense," "distribute," "hypodermic," 969
"manufacturer," "official written order," "person," 970
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 971
"schedule III," "schedule IV," "schedule V," and "wholesaler" 972
have the same meanings as in section 3719.01 of the Revised 973
Code. 974

(B) "Drug dependent person" and "drug of abuse" have the 975
same meanings as in section 3719.011 of the Revised Code. 976

(C) "Drug," "dangerous drug," "licensed health 977
professional authorized to prescribe drugs," and "prescription" 978
have the same meanings as in section 4729.01 of the Revised 979
Code. 980

(D) "Bulk amount" of a controlled substance means any of 981
the following: 982

(1) For any compound, mixture, preparation, or substance 983
included in schedule I, schedule II, or schedule III, with the 984
exception of any controlled substance analog, marihuana, 985
cocaine, L.S.D., heroin, any fentanyl-related compound, and 986
hashish and except as provided in division (D) (2), (5), or (6) 987
of this section, whichever of the following is applicable: 988

(a) An amount equal to or exceeding either ten grams or 989

twenty-five unit doses of a compound, mixture, preparation, or 990
substance that is or contains any amount of a schedule I opiate 991
or opium derivative; 992

(b) An amount equal to or exceeding ten grams of a 993
compound, mixture, preparation, or substance that is or contains 994
any amount of raw or gum opium; 995

(c) An amount equal to or exceeding either thirty grams or 996
ten unit doses of a compound, mixture, preparation, or substance 997
that is or contains any amount of a schedule I hallucinogen 998
other than tetrahydrocannabinol or lysergic acid amide, or a 999
schedule I stimulant or depressant; 1000

(d) An amount equal to or exceeding either twenty grams or 1001
five times the maximum daily dose in the usual dose range 1002
specified in a standard pharmaceutical reference manual of a 1003
compound, mixture, preparation, or substance that is or contains 1004
any amount of a schedule II opiate or opium derivative; 1005

(e) An amount equal to or exceeding either five grams or 1006
ten unit doses of a compound, mixture, preparation, or substance 1007
that is or contains any amount of phencyclidine; 1008

(f) An amount equal to or exceeding either one hundred 1009
twenty grams or thirty times the maximum daily dose in the usual 1010
dose range specified in a standard pharmaceutical reference 1011
manual of a compound, mixture, preparation, or substance that is 1012
or contains any amount of a schedule II stimulant that is in a 1013
final dosage form manufactured by a person authorized by the 1014
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 1015
U.S.C.A. 301, as amended, and the federal drug abuse control 1016
laws, as defined in section 3719.01 of the Revised Code, that is 1017
or contains any amount of a schedule II depressant substance or 1018

a schedule II hallucinogenic substance; 1019

(g) An amount equal to or exceeding three grams of a 1020
compound, mixture, preparation, or substance that is or contains 1021
any amount of a schedule II stimulant, or any of its salts or 1022
isomers, that is not in a final dosage form manufactured by a 1023
person authorized by the Federal Food, Drug, and Cosmetic Act 1024
and the federal drug abuse control laws. 1025

(2) An amount equal to or exceeding either one hundred 1026
twenty grams or thirty times the maximum daily dose in the usual 1027
dose range specified in a standard pharmaceutical reference 1028
manual of a compound, mixture, preparation, or substance that is 1029
or contains any amount of a schedule III or IV substance other 1030
than an anabolic steroid or a schedule III opiate or opium 1031
derivative; 1032

(3) An amount equal to or exceeding either twenty grams or 1033
five times the maximum daily dose in the usual dose range 1034
specified in a standard pharmaceutical reference manual of a 1035
compound, mixture, preparation, or substance that is or contains 1036
any amount of a schedule III opiate or opium derivative; 1037

(4) An amount equal to or exceeding either two hundred 1038
fifty milliliters or two hundred fifty grams of a compound, 1039
mixture, preparation, or substance that is or contains any 1040
amount of a schedule V substance; 1041

(5) An amount equal to or exceeding two hundred solid 1042
dosage units, equal to or exceeding sixteen grams, or equal to 1043
or exceeding sixteen milliliters of a compound, mixture, 1044
preparation, or substance that is or contains any amount of a 1045
schedule III anabolic steroid; 1046

(6) For any compound, mixture, preparation, or substance 1047

that is a combination of a fentanyl-related compound and any 1048
other compound, mixture, preparation, or substance included in 1049
schedule III, schedule IV, or schedule V, if the defendant is 1050
charged with a violation of section 2925.11 of the Revised Code 1051
and the sentencing provisions set forth in divisions (C) ~~(10)~~ (5) 1052
(b) and (C) ~~(11)~~ (6) of that section will not apply regarding the 1053
defendant and the violation, the bulk amount of the controlled 1054
substance for purposes of the violation is the amount specified 1055
in division (D) (1), (2), (3), (4), or (5) of this section for 1056
the other schedule III, IV, or V controlled substance that is 1057
combined with the fentanyl-related compound. 1058

(E) "Unit dose" means an amount or unit of a compound, 1059
mixture, or preparation containing a controlled substance that 1060
is separately identifiable and in a form that indicates that it 1061
is the amount or unit by which the controlled substance is 1062
separately administered to or taken by an individual. 1063

(F) "Cultivate" includes planting, watering, fertilizing, 1064
or tilling. 1065

(G) "Drug abuse offense" means any of the following: 1066

(1) A violation of division (A) of section 2913.02 that 1067
constitutes theft of drugs, or a violation of section 2925.02, 1068
2925.03, 2925.031, 2925.032, 2925.04, 2925.041, 2925.05, 1069
2925.06, 2925.11, 2925.111, 2925.112, 2925.12, 2925.13, 2925.22, 1070
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the 1071
Revised Code; 1072

(2) A violation of an existing or former law of this or 1073
any other state or of the United States that is substantially 1074
equivalent to any section listed in division (G) (1) of this 1075
section; 1076

(3) An offense under an existing or former law of this or 1077
any other state, or of the United States, of which planting, 1078
cultivating, harvesting, processing, making, manufacturing, 1079
producing, shipping, transporting, delivering, acquiring, 1080
possessing, storing, distributing, dispensing, selling, inducing 1081
another to use, administering to another, using, or otherwise 1082
dealing with a controlled substance is an element; 1083

(4) A conspiracy to commit, attempt to commit, or 1084
complicity in committing or attempting to commit any offense 1085
under division (G) (1), (2), or (3) of this section. 1086

(H) "Felony drug abuse offense" means any drug abuse 1087
offense that would constitute, or that at the time it was 1088
committed constituted, a felony under the laws of this state, 1089
any other state, or the United States. 1090

(I) "Harmful intoxicant" does not include beer or 1091
intoxicating liquor but means any of the following: 1092

(1) Any compound, mixture, preparation, or substance the 1093
gas, fumes, or vapor of which when inhaled can induce 1094
intoxication, excitement, giddiness, irrational behavior, 1095
depression, stupefaction, paralysis, unconsciousness, 1096
asphyxiation, or other harmful physiological effects, and 1097
includes, but is not limited to, any of the following: 1098

(a) Any volatile organic solvent, plastic cement, model 1099
cement, fingernail polish remover, lacquer thinner, cleaning 1100
fluid, gasoline, or other preparation containing a volatile 1101
organic solvent; 1102

(b) Any aerosol propellant; 1103

(c) Any fluorocarbon refrigerant; 1104

(d) Any anesthetic gas.	1105
(2) Gamma Butyrolactone;	1106
(3) 1,4 Butanediol.	1107
(J) "Manufacture" means to plant, cultivate, harvest,	1108
process, make, prepare, or otherwise engage in any part of the	1109
production of a drug, by propagation, extraction, chemical	1110
synthesis, or compounding, or any combination of the same, and	1111
includes packaging, repackaging, labeling, and other activities	1112
incident to production.	1113
(K) "Possess" or "possession" means having control over a	1114
thing or substance, but may not be inferred solely from mere	1115
access to the thing or substance through ownership or occupation	1116
of the premises upon which the thing or substance is found.	1117
(L) "Sample drug" means a drug or pharmaceutical	1118
preparation that would be hazardous to health or safety if used	1119
without the supervision of a licensed health professional	1120
authorized to prescribe drugs, or a drug of abuse, and that, at	1121
one time, had been placed in a container plainly marked as a	1122
sample by a manufacturer.	1123
(M) "Standard pharmaceutical reference manual" means the	1124
current edition, with cumulative changes if any, of references	1125
that are approved by the state board of pharmacy.	1126
(N) "Juvenile" means a person under eighteen years of age.	1127
(O) "Counterfeit controlled substance" means any of the	1128
following:	1129
(1) Any drug that bears, or whose container or label	1130
bears, a trademark, trade name, or other identifying mark used	1131
without authorization of the owner of rights to that trademark,	1132

trade name, or identifying mark; 1133

(2) Any unmarked or unlabeled substance that is 1134
represented to be a controlled substance manufactured, 1135
processed, packed, or distributed by a person other than the 1136
person that manufactured, processed, packed, or distributed it; 1137

(3) Any substance that is represented to be a controlled 1138
substance but is not a controlled substance or is a different 1139
controlled substance; 1140

(4) Any substance other than a controlled substance that a 1141
reasonable person would believe to be a controlled substance 1142
because of its similarity in shape, size, and color, or its 1143
markings, labeling, packaging, distribution, or the price for 1144
which it is sold or offered for sale. 1145

(P) An offense is "committed in the vicinity of a school" 1146
if the offender commits the offense on school premises, in a 1147
school building, or within one thousand feet of the boundaries 1148
of any school premises, regardless of whether the offender knows 1149
the offense is being committed on school premises, in a school 1150
building, or within one thousand feet of the boundaries of any 1151
school premises. 1152

(Q) "School" means any school operated by a board of 1153
education, any community school established under Chapter 3314. 1154
of the Revised Code, or any nonpublic school for which the state 1155
board of education prescribes minimum standards under section 1156
3301.07 of the Revised Code, whether or not any instruction, 1157
extracurricular activities, or training provided by the school 1158
is being conducted at the time a criminal offense is committed. 1159

(R) "School premises" means either of the following: 1160

(1) The parcel of real property on which any school is 1161

situated, whether or not any instruction, extracurricular 1162
activities, or training provided by the school is being 1163
conducted on the premises at the time a criminal offense is 1164
committed; 1165

(2) Any other parcel of real property that is owned or 1166
leased by a board of education of a school, the governing 1167
authority of a community school established under Chapter 3314. 1168
of the Revised Code, or the governing body of a nonpublic school 1169
for which the state board of education prescribes minimum 1170
standards under section 3301.07 of the Revised Code and on which 1171
some of the instruction, extracurricular activities, or training 1172
of the school is conducted, whether or not any instruction, 1173
extracurricular activities, or training provided by the school 1174
is being conducted on the parcel of real property at the time a 1175
criminal offense is committed. 1176

(S) "School building" means any building in which any of 1177
the instruction, extracurricular activities, or training 1178
provided by a school is conducted, whether or not any 1179
instruction, extracurricular activities, or training provided by 1180
the school is being conducted in the school building at the time 1181
a criminal offense is committed. 1182

(T) "Disciplinary counsel" means the disciplinary counsel 1183
appointed by the board of commissioners on grievances and 1184
discipline of the supreme court under the Rules for the 1185
Government of the Bar of Ohio. 1186

(U) "Certified grievance committee" means a duly 1187
constituted and organized committee of the Ohio state bar 1188
association or of one or more local bar associations of the 1189
state of Ohio that complies with the criteria set forth in Rule 1190
V, section 6 of the Rules for the Government of the Bar of Ohio. 1191

(V) "Professional license" means any license, permit, 1192
certificate, registration, qualification, admission, temporary 1193
license, temporary permit, temporary certificate, or temporary 1194
registration that is described in divisions (W) (1) to (37) of 1195
this section and that qualifies a person as a professionally 1196
licensed person. 1197

(W) "Professionally licensed person" means any of the 1198
following: 1199

(1) A person who has received a certificate or temporary 1200
certificate as a certified public accountant or who has 1201
registered as a public accountant under Chapter 4701. of the 1202
Revised Code and who holds an Ohio permit issued under that 1203
chapter; 1204

(2) A person who holds a certificate of qualification to 1205
practice architecture issued or renewed and registered under 1206
Chapter 4703. of the Revised Code; 1207

(3) A person who is registered as a landscape architect 1208
under Chapter 4703. of the Revised Code or who holds a permit as 1209
a landscape architect issued under that chapter; 1210

(4) A person licensed under Chapter 4707. of the Revised 1211
Code; 1212

(5) A person who has been issued a certificate of 1213
registration as a registered barber under Chapter 4709. of the 1214
Revised Code; 1215

(6) A person licensed and regulated to engage in the 1216
business of a debt pooling company by a legislative authority, 1217
under authority of Chapter 4710. of the Revised Code; 1218

(7) A person who has been issued a cosmetologist's 1219

license, hair designer's license, manicurist's license, 1220
esthetician's license, natural hair stylist's license, advanced 1221
cosmetologist's license, advanced hair designer's license, 1222
advanced manicurist's license, advanced esthetician's license, 1223
advanced natural hair stylist's license, cosmetology 1224
instructor's license, hair design instructor's license, 1225
manicurist instructor's license, esthetics instructor's license, 1226
natural hair style instructor's license, independent 1227
contractor's license, or tanning facility permit under Chapter 1228
4713. of the Revised Code; 1229

(8) A person who has been issued a license to practice 1230
dentistry, a general anesthesia permit, a conscious sedation 1231
permit, a limited resident's license, a limited teaching 1232
license, a dental hygienist's license, or a dental hygienist's 1233
teacher's certificate under Chapter 4715. of the Revised Code; 1234

(9) A person who has been issued an embalmer's license, a 1235
funeral director's license, a funeral home license, or a 1236
crematory license, or who has been registered for an embalmer's 1237
or funeral director's apprenticeship under Chapter 4717. of the 1238
Revised Code; 1239

(10) A person who has been licensed as a registered nurse 1240
or practical nurse, or who has been issued a certificate for the 1241
practice of nurse-midwifery under Chapter 4723. of the Revised 1242
Code; 1243

(11) A person who has been licensed to practice optometry 1244
or to engage in optical dispensing under Chapter 4725. of the 1245
Revised Code; 1246

(12) A person licensed to act as a pawnbroker under 1247
Chapter 4727. of the Revised Code; 1248

(13) A person licensed to act as a precious metals dealer	1249
under Chapter 4728. of the Revised Code;	1250
(14) A person licensed under Chapter 4729. of the Revised	1251
Code as a pharmacist or pharmacy intern or registered under that	1252
chapter as a registered pharmacy technician, certified pharmacy	1253
technician, or pharmacy technician trainee;	1254
(15) A person licensed under Chapter 4729. of the Revised	1255
Code as a manufacturer of dangerous drugs, outsourcing facility,	1256
third-party logistics provider, repackager of dangerous drugs,	1257
wholesale distributor of dangerous drugs, or terminal	1258
distributor of dangerous drugs;	1259
(16) A person who is authorized to practice as a physician	1260
assistant under Chapter 4730. of the Revised Code;	1261
(17) A person who has been issued a license to practice	1262
medicine and surgery, osteopathic medicine and surgery, or	1263
podiatric medicine and surgery under Chapter 4731. of the	1264
Revised Code or has been issued a certificate to practice a	1265
limited branch of medicine under that chapter;	1266
(18) A person licensed as a psychologist or school	1267
psychologist under Chapter 4732. of the Revised Code;	1268
(19) A person registered to practice the profession of	1269
engineering or surveying under Chapter 4733. of the Revised	1270
Code;	1271
(20) A person who has been issued a license to practice	1272
chiropractic under Chapter 4734. of the Revised Code;	1273
(21) A person licensed to act as a real estate broker or	1274
real estate salesperson under Chapter 4735. of the Revised Code;	1275
(22) A person registered as a registered sanitarian under	1276

Chapter 4736. of the Revised Code;	1277
(23) A person licensed to operate or maintain a junkyard	1278
under Chapter 4737. of the Revised Code;	1279
(24) A person who has been issued a motor vehicle salvage	1280
dealer's license under Chapter 4738. of the Revised Code;	1281
(25) A person who has been licensed to act as a steam	1282
engineer under Chapter 4739. of the Revised Code;	1283
(26) A person who has been issued a license or temporary	1284
permit to practice veterinary medicine or any of its branches,	1285
or who is registered as a graduate animal technician under	1286
Chapter 4741. of the Revised Code;	1287
(27) A person who has been issued a hearing aid dealer's	1288
or fitter's license or trainee permit under Chapter 4747. of the	1289
Revised Code;	1290
(28) A person who has been issued a class A, class B, or	1291
class C license or who has been registered as an investigator or	1292
security guard employee under Chapter 4749. of the Revised Code;	1293
(29) A person licensed and registered to practice as a	1294
nursing home administrator under Chapter 4751. of the Revised	1295
Code;	1296
(30) A person licensed to practice as a speech-language	1297
pathologist or audiologist under Chapter 4753. of the Revised	1298
Code;	1299
(31) A person issued a license as an occupational	1300
therapist or physical therapist under Chapter 4755. of the	1301
Revised Code;	1302
(32) A person who is licensed as a licensed professional	1303

clinical counselor, licensed professional counselor, social 1304
worker, independent social worker, independent marriage and 1305
family therapist, or marriage and family therapist, or 1306
registered as a social work assistant under Chapter 4757. of the 1307
Revised Code; 1308

(33) A person issued a license to practice dietetics under 1309
Chapter 4759. of the Revised Code; 1310

(34) A person who has been issued a license or limited 1311
permit to practice respiratory therapy under Chapter 4761. of 1312
the Revised Code; 1313

(35) A person who has been issued a real estate appraiser 1314
certificate under Chapter 4763. of the Revised Code; 1315

(36) A person who has been issued a home inspector license 1316
under Chapter 4764. of the Revised Code; 1317

(37) A person who has been admitted to the bar by order of 1318
the supreme court in compliance with its prescribed and 1319
published rules. 1320

(X) "Cocaine" means any of the following: 1321

(1) A cocaine salt, isomer, or derivative, a salt of a 1322
cocaine isomer or derivative, or the base form of cocaine; 1323

(2) Coca leaves or a salt, compound, derivative, or 1324
preparation of coca leaves, including ecgonine, a salt, isomer, 1325
or derivative of ecgonine, or a salt of an isomer or derivative 1326
of ecgonine; 1327

(3) A salt, compound, derivative, or preparation of a 1328
substance identified in division (X)(1) or (2) of this section 1329
that is chemically equivalent to or identical with any of those 1330
substances, except that the substances shall not include 1331

decocainized coca leaves or extraction of coca leaves if the 1332
extractions do not contain cocaine or ecgonine. 1333

(Y) "L.S.D." means lysergic acid diethylamide. 1334

(Z) "Hashish" means the resin or a preparation of the 1335
resin contained in marihuana, whether in solid form or in a 1336
liquid concentrate, liquid extract, or liquid distillate form. 1337

(AA) "Marihuana" has the same meaning as in section 1338
3719.01 of the Revised Code, except that it does not include 1339
hashish. 1340

(BB) An offense is "committed in the vicinity of a 1341
juvenile" if the offender commits the offense within one hundred 1342
feet of a juvenile or within the view of a juvenile, regardless 1343
of whether the offender knows the age of the juvenile, whether 1344
the offender knows the offense is being committed within one 1345
hundred feet of or within view of the juvenile, or whether the 1346
juvenile actually views the commission of the offense. 1347

(CC) "Presumption for a prison term" or "presumption that 1348
a prison term shall be imposed" means a presumption, as 1349
described in division (D) of section 2929.13 of the Revised 1350
Code, that a prison term is a necessary sanction for a felony in 1351
order to comply with the purposes and principles of sentencing 1352
under section 2929.11 of the Revised Code. 1353

(DD) "Major drug offender" has the same meaning as in 1354
section 2929.01 of the Revised Code. 1355

(EE) "Minor drug possession offense" means ~~either~~ any of 1356
the following: 1357

(1) A violation of section 2925.11 of the Revised Code as 1358
it existed prior to July 1, 1996; 1359

(2) A violation of section 2925.11 of the Revised Code as 1360
it ~~exists~~existed on and after July 1, 1996, that ~~is~~was a 1361
misdemeanor or a felony of the fifth degree on or after that 1362
date and prior to the effective date of this amendment and that 1363
remains a misdemeanor or a felony of the fifth degree on and 1364
after the effective date of this amendment; 1365

(3) A violation of section 2925.11, 2925.111, or 2925.112 1366
of the Revised Code as they exist on and after the effective 1367
date of this amendment and that is a misdemeanor or a felony of 1368
the fifth degree. 1369

(FF) "Mandatory prison term" has the same meaning as in 1370
section 2929.01 of the Revised Code. 1371

(GG) "Adulterate" means to cause a drug to be adulterated 1372
as described in section 3715.63 of the Revised Code. 1373

(HH) "Public premises" means any hotel, restaurant, 1374
tavern, store, arena, hall, or other place of public 1375
accommodation, business, amusement, or resort. 1376

(II) "Methamphetamine" means methamphetamine, any salt, 1377
isomer, or salt of an isomer of methamphetamine, or any 1378
compound, mixture, preparation, or substance containing 1379
methamphetamine or any salt, isomer, or salt of an isomer of 1380
methamphetamine. 1381

(JJ) "Deception" has the same meaning as in section 1382
2913.01 of the Revised Code. 1383

(KK) "Fentanyl-related compound" means any of the 1384
following: 1385

(1) Fentanyl; 1386

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 1387

phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-	1388
phenylethyl)-4-(N-propanilido) piperidine);	1389
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	1390
thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);	1391
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	1392
piperidinyl]-N-phenylpropanamide);	1393
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	1394
hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-	1395
phenylpropanamide);	1396
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-	1397
piperidyl]-N- phenylpropanamide);	1398
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-	1399
(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	1400
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-	1401
phenethyl)-4-piperidinyl]propanamide;	1402
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-	1403
piperidinyl]-propanamide;	1404
(10) Alfentanil;	1405
(11) Carfentanil;	1406
(12) Remifentanil;	1407
(13) Sufentanil;	1408
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-	1409
phenethyl)-4-piperidinyl]-N-phenylacetamide); and	1410
(15) Any compound that meets all of the following fentanyl	1411
pharmacophore requirements to bind at the mu receptor, as	1412
identified by a report from an established forensic laboratory,	1413

including acetylfentanyl, furanylfentanyl, valerylfentanyl, 1414
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 1415
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 1416
fluorofentanyl: 1417

(a) A chemical scaffold consisting of both of the 1418
following: 1419

(i) A five, six, or seven member ring structure containing 1420
a nitrogen, whether or not further substituted; 1421

(ii) An attached nitrogen to the ring, whether or not that 1422
nitrogen is enclosed in a ring structure, including an attached 1423
aromatic ring or other lipophilic group to that nitrogen. 1424

(b) A polar functional group attached to the chemical 1425
scaffold, including but not limited to a hydroxyl, ketone, 1426
amide, or ester; 1427

(c) An alkyl or aryl substitution off the ring nitrogen of 1428
the chemical scaffold; and 1429

(d) The compound has not been approved for medical use by 1430
the United States food and drug administration. 1431

(LL) "First degree felony mandatory prison term" means one 1432
of the definite prison terms prescribed in division (A) (1) (b) of 1433
section 2929.14 of the Revised Code for a felony of the first 1434
degree, except that if the violation for which sentence is being 1435
imposed is committed on or after the effective date of this 1436
amendment, it means one of the minimum prison terms prescribed 1437
in division (A) (1) (a) of that section for a felony of the first 1438
degree. 1439

(MM) "Second degree felony mandatory prison term" means 1440
one of the definite prison terms prescribed in division (A) (2) 1441

(b) of section 2929.14 of the Revised Code for a felony of the 1442
second degree, except that if the violation for which sentence 1443
is being imposed is committed on or after the effective date of 1444
this amendment, it means one of the minimum prison terms 1445
prescribed in division (A)(2)(a) of that section for a felony of 1446
the second degree. 1447

(NN) "Maximum first degree felony mandatory prison term" 1448
means the maximum definite prison term prescribed in division 1449
(A)(1)(b) of section 2929.14 of the Revised Code for a felony of 1450
the first degree, except that if the violation for which 1451
sentence is being imposed is committed on or after the effective 1452
date of this amendment, it means the longest minimum prison term 1453
prescribed in division (A)(1)(a) of that section for a felony of 1454
the first degree. 1455

(OO) "Maximum second degree felony mandatory prison term" 1456
means the maximum definite prison term prescribed in division 1457
(A)(2)(b) of section 2929.14 of the Revised Code for a felony of 1458
the second degree, except that if the violation for which 1459
sentence is being imposed is committed on or after the effective 1460
date of this amendment, it means the longest minimum prison term 1461
prescribed in division (A)(2)(a) of that section for a felony of 1462
the second degree. 1463

(PP) "Sexual assault-enabling drug" means any of the 1464
following: 1465

(1) Gamma hydroxybutyric acid; 1466

(2) Flunitrazepam; 1467

(3) Ketamine; 1468

(4) Any controlled substance not listed in division (PP) 1469
(1) to (3) of this section, if all of the following apply with 1470

respect to the controlled substance: 1471

(a) An offender convicted of a violation of section 1472
2925.03, 2925.031, 2925.032, or 2925.11 of the Revised Code 1473
possessed the controlled substance immediately prior to, or at 1474
the time of, the violation; 1475

(b) For the purpose of preventing another person's 1476
resistance to sexual activity, the offender knowingly 1477
substantially impaired the other person's judgment or control by 1478
administering the controlled substance to the other person 1479
surreptitiously or by force, threat of force, or deception; 1480

(c) After the administration of the controlled substance 1481
as described in division (PP) (4) (b) of this section, the 1482
offender engaged in sexual activity with the other person to 1483
whom the controlled substance was administered; 1484

(d) Either the offender's possession of the controlled 1485
substance at the time of the conduct described in division (PP) 1486
(4) (b) of this section was in violation of section 2925.11 of 1487
the Revised Code or the offender's possession of the controlled 1488
substance at that time was not in violation of that section but 1489
the offender's use of the controlled substance was not for the 1490
intended purpose for which the offender legally possessed the 1491
controlled substance. 1492

Sec. 2925.03. ~~(A) No~~ (1) (a) Except as otherwise provided 1493
in division (B) of this section, no person shall knowingly do 1494
any of the following: 1495

~~(1) Sell~~ obtain, possess, sell, or offer to sell a 1496
controlled substance or a controlled substance analog; 1497

~~(2) Prepare~~ in an amount listed in division (A) (2) of this 1498
section. 1499

(b) Except as otherwise provided in division (B) of this 1500
section, no person shall prepare for shipment, ship, transport, 1501
deliver, prepare for distribution, or distribute a controlled 1502
substance or a controlled substance analog in an amount listed 1503
in division (A) (2) of this section, when the ~~offender~~ person 1504
knows or has reasonable cause to believe that the controlled 1505
substance or a controlled substance analog is intended for sale 1506
or resale by the offender or another person. 1507

(2) Division (A) (1) of this section applies to conduct 1508
involving any of the following: 1509

(a) If the drug involved in the conduct described in 1510
division (A) (1) of this section is any compound, mixture, 1511
preparation, or substance included in schedule I or schedule II, 1512
other than marihuana, cocaine, L.S.D., heroin, a fentanyl- 1513
related compound, hashish, or a controlled substance analog, an 1514
amount of the drug so involved that equals or exceeds fifty 1515
times the bulk amount; 1516

(b) If the drug involved in the conduct described in 1517
division (A) (1) of this section is cocaine or a compound, 1518
mixture, preparation, or substance containing cocaine, an amount 1519
of the drug so involved that equals or exceeds twenty grams; 1520

(c) If the drug involved in the conduct described in 1521
division (A) (1) of this section is L.S.D. or a compound, 1522
mixture, preparation, or substance containing L.S.D., an amount 1523
of the drug so involved that equals or exceeds two hundred fifty 1524
unit doses of L.S.D. in solid form or equals or exceeds twenty- 1525
five grams of L.S.D. in liquid concentrate, liquid extract, or 1526
liquid distillate form; 1527

(d) If the drug involved in the conduct described in 1528

division (A) (1) of this section is heroin or a compound, 1529
mixture, preparation, or substance containing heroin, an amount 1530
of the drug so involved that equals or exceeds either one 1531
hundred unit doses or ten grams; 1532

(e) If the drug involved in the conduct described in 1533
division (A) (1) of this section is a fentanyl-related compound 1534
or a compound, mixture, preparation, or substance containing a 1535
fentanyl-related compound, an amount of the drug so involved 1536
that equals or exceeds either one hundred unit doses or ten 1537
grams; 1538

(f) If the drug involved in the conduct described in 1539
division (A) (1) of this section is marihuana other than hashish 1540
or a compound, mixture, preparation, or substance containing 1541
marihuana other than hashish, an amount of the drug so involved 1542
that equals or exceeds twenty thousand grams; 1543

(g) If the drug involved in the conduct described in 1544
division (A) (1) of this section is hashish or a compound, 1545
mixture, preparation, or substance containing hashish, an amount 1546
of the drug so involved that equals or exceeds one thousand 1547
grams; 1548

(h) If the drug involved in the conduct described in 1549
division (A) (1) of this section is a controlled substance analog 1550
or a compound, mixture, preparation, or substance containing a 1551
controlled substance analog, an amount of the drug so involved 1552
that equals or exceeds thirty grams. 1553

(B) ~~This~~ All of the following are affirmative defenses to 1554
a charge under this section ~~does not apply to any of the~~ 1555
following: 1556

(1) ~~Manufacturers~~ If the person charged is a manufacturer, 1557

licensed health ~~professionals~~professional authorized to 1558
prescribe drugs, ~~pharmacists~~pharmacist, ~~owners~~owner of 1559
~~pharmacies~~a pharmacy, and ~~or other persons whose person, the~~ 1560
manufacturer's, licensed health professional's, pharmacist's, 1561
pharmacy owner's, or other person's conduct ~~is~~was in accordance 1562
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1563
4741. of the Revised Code; 1564

(2) If the offense involves an anabolic steroid, ~~any the~~ 1565
~~person who is charged was~~ conducting or participating in a 1566
research project involving the use of an anabolic steroid if the 1567
project has been approved by the United States food and drug 1568
administration; 1569

(3) ~~Any The person who sells, offers charged sold, offered~~ 1570
~~for sale, prescribes~~prescribed, dispensesdispensed, or 1571
~~administers administered~~ for livestock or other nonhuman species 1572
an anabolic steroid that ~~is~~was expressly intended for 1573
administration through implants to livestock or other nonhuman 1574
species and approved for that purpose under the "Federal Food, 1575
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1576
as amended, and ~~is~~was sold, offered for sale, prescribed, 1577
dispensed, or administered for that purpose in accordance with 1578
that act. 1579

(C) ~~Whoever violates division (A) of this section is~~ 1580
~~guilty of one of the following:~~ 1581

~~(1) If the drug involved in the violation is any compound,~~ 1582
~~mixture, preparation, or substance included in schedule I or~~ 1583
~~schedule II, with the exception of marihuana, cocaine, L.S.D.,~~ 1584
~~heroin, any fentanyl-related compound, hashish, and any~~ 1585
~~controlled substance analog, whoever violates division (A) of~~ 1586
~~this section is guilty of aggravated trafficking in drugs. The~~ 1587

~~penalty for the offense shall be determined as follows:~~

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

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

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

~~(d) Except as otherwise provided in this division, if the~~

~~amount of the drug involved equals or exceeds five times the~~ 1618
~~bulk amount but is less than fifty times the bulk amount,~~ 1619
~~aggravated trafficking in drugs is a felony of the second~~ 1620
~~degree, and the court shall impose as a mandatory prison term a~~ 1621
~~second degree felony mandatory prison term. If the amount of the~~ 1622
~~drug involved is within that range and if the offense was~~ 1623
~~committed in the vicinity of a school or in the vicinity of a~~ 1624
~~juvenile, aggravated trafficking in drugs is a felony of the~~ 1625
~~first degree, and the court shall impose as a mandatory prison~~ 1626
~~term a first degree felony mandatory prison term.~~ 1627

~~(e) If the amount of the drug involved equals or exceeds~~ 1628
~~fifty times the bulk amount but is less than one hundred times~~ 1629
~~the bulk amount and regardless of whether the offense was~~ 1630
~~committed in the vicinity of a school or in the vicinity of a~~ 1631
~~juvenile, aggravated trafficking in drugs is a felony of the~~ 1632
~~first degree, and the court shall impose as a mandatory prison~~ 1633
~~term a first degree felony mandatory prison term.~~ 1634

~~(f) If the amount of the drug involved equals or exceeds~~ 1635
~~one hundred times the bulk amount and regardless of whether the~~ 1636
~~offense was committed in the vicinity of a school or in the~~ 1637
~~vicinity of a juvenile, aggravated trafficking in drugs is a~~ 1638
~~felony of the first degree, the offender is a major drug~~ 1639
~~offender, and the court shall impose as a mandatory prison term~~ 1640
~~a maximum first degree felony mandatory prison term.~~ 1641

~~(2) If the drug involved in the violation is any compound,~~ 1642
~~mixture, preparation, or substance included in schedule III, IV,~~ 1643
~~or V, whoever violates division (A) of this section is guilty of~~ 1644
~~trafficking in drugs. The penalty for the offense shall be~~ 1645
~~determined as follows:~~ 1646

~~(a) Except as otherwise provided in division (C) (2) (b),~~ 1647

~~(c), (d), or (e) of this section, trafficking in drugs is a~~ 1648
~~felony of the fifth degree, and division (B) of section 2929.13~~ 1649
~~of the Revised Code applies in determining whether to impose a~~ 1650
~~prison term on the offender.~~ 1651

~~(b) Except as otherwise provided in division (C) (2) (c),~~ 1652
~~(d), or (e) of this section, if the offense was committed in the~~ 1653
~~vicinity of a school or in the vicinity of a juvenile,~~ 1654
~~trafficking in drugs is a felony of the fourth degree, and~~ 1655
~~division (C) of section 2929.13 of the Revised Code applies in~~ 1656
~~determining whether to impose a prison term on the offender.~~ 1657

~~(c) Except as otherwise provided in this division, if the~~ 1658
~~amount of the drug involved equals or exceeds the bulk amount~~ 1659
~~but is less than five times the bulk amount, trafficking in~~ 1660
~~drugs is a felony of the fourth degree, and division (B) of~~ 1661
~~section 2929.13 of the Revised Code applies in determining~~ 1662
~~whether to impose a prison term for the offense. If the amount~~ 1663
~~of the drug involved is within that range and if the offense was~~ 1664
~~committed in the vicinity of a school or in the vicinity of a~~ 1665
~~juvenile, trafficking in drugs is a felony of the third degree,~~ 1666
~~and there is a presumption for a prison term for the offense.~~ 1667

~~(d) Except as otherwise provided in this division, if the~~ 1668
~~amount of the drug involved equals or exceeds five times the~~ 1669
~~bulk amount but is less than fifty times the bulk amount,~~ 1670
~~trafficking in drugs is a felony of the third degree, and there~~ 1671
~~is a presumption for a prison term for the offense. If the~~ 1672
~~amount of the drug involved is within that range and if the~~ 1673
~~offense was committed in the vicinity of a school or in the~~ 1674
~~vicinity of a juvenile, trafficking in drugs is a felony of the~~ 1675
~~second degree, and there is a presumption for a prison term for~~ 1676
~~the offense.~~ 1677

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

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

~~(a) Except as otherwise provided in division (C) (3) (b), (c), (d), (e), (f), (g), or (h) of this section, trafficking in marihuana is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~

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

~~(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, trafficking in marihuana is~~

~~a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~

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

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

~~(f) Except as otherwise provided in this division, if the~~

~~amount of the drug involved equals or exceeds twenty thousand~~ 1738
~~grams but is less than forty thousand grams, trafficking in~~ 1739
~~marihuana is a felony of the second degree, and the court shall~~ 1740
~~impose as a mandatory prison term a second degree felony~~ 1741
~~mandatory prison term of five, six, seven, or eight years. If~~ 1742
~~the amount of the drug involved is within that range and if the~~ 1743
~~offense was committed in the vicinity of a school or in the~~ 1744
~~vicinity of a juvenile, trafficking in marihuana is a felony of~~ 1745
~~the first degree, and the court shall impose as a mandatory~~ 1746
~~prison term a maximum first degree felony mandatory prison term.~~ 1747

~~(g) Except as otherwise provided in this division, if the~~ 1748
~~amount of the drug involved equals or exceeds forty thousand~~ 1749
~~grams, trafficking in marihuana is a felony of the second~~ 1750
~~degree, and the court shall impose as a mandatory prison term a~~ 1751
~~maximum second degree felony mandatory prison term. If the~~ 1752
~~amount of the drug involved equals or exceeds forty thousand~~ 1753
~~grams and if the offense was committed in the vicinity of a~~ 1754
~~school or in the vicinity of a juvenile, trafficking in~~ 1755
~~marihuana is a felony of the first degree, and the court shall~~ 1756
~~impose as a mandatory prison term a maximum first degree felony~~ 1757
~~mandatory prison term.~~ 1758

~~(h) Except as otherwise provided in this division, if the~~ 1759
~~offense involves a gift of twenty grams or less of marihuana,~~ 1760
~~trafficking in marihuana is a minor misdemeanor upon a first~~ 1761
~~offense and a misdemeanor of the third degree upon a subsequent~~ 1762
~~offense. If the offense involves a gift of twenty grams or less~~ 1763
~~of marihuana and if the offense was committed in the vicinity of~~ 1764
~~a school or in the vicinity of a juvenile, trafficking in~~ 1765
~~marihuana is a misdemeanor of the third degree.~~ 1766

~~(4) If the drug involved in the violation is cocaine or a~~ 1767

~~compound, mixture, preparation, or substance containing cocaine, 1768~~
~~whoever violates division (A) of this section is guilty of 1769~~
~~trafficking in cocaine. The penalty for the offense shall be 1770~~
~~determined as follows: 1771~~

~~(a) Except as otherwise provided in division (C) (4) (b), 1772~~
~~(c), (d), (e), (f), or (g) of this section, trafficking in 1773~~
~~cocaine is a felony of the fifth degree, and division (B) of 1774~~
~~section 2929.13 of the Revised Code applies in determining 1775~~
~~whether to impose a prison term on the offender. 1776~~

~~(b) Except as otherwise provided in division (C) (4) (c), 1777~~
~~(d), (e), (f), or (g) of this section, if the offense was 1778~~
~~committed in the vicinity of a school or in the vicinity of a 1779~~
~~juvenile, trafficking in cocaine is a felony of the fourth 1780~~
~~degree, and division (C) of section 2929.13 of the Revised Code 1781~~
~~applies in determining whether to impose a prison term on the 1782~~
~~offender. 1783~~

~~(c) Except as otherwise provided in this division, if the 1784~~
~~amount of the drug involved equals or exceeds five grams but is 1785~~
~~less than ten grams of cocaine, trafficking in cocaine is a 1786~~
~~felony of the fourth degree, and division (B) of section 2929.13 1787~~
~~of the Revised Code applies in determining whether to impose a 1788~~
~~prison term for the offense. If the amount of the drug involved 1789~~
~~is within that range and if the offense was committed in the 1790~~
~~vicinity of a school or in the vicinity of a juvenile, 1791~~
~~trafficking in cocaine is a felony of the third degree, and 1792~~
~~there is a presumption for a prison term for the offense. 1793~~

~~(d) Except as otherwise provided in this division, if the 1794~~
~~amount of the drug involved equals or exceeds ten grams but is 1795~~
~~less than twenty grams of cocaine, trafficking in cocaine is a 1796~~
~~felony of the third degree, and, except as otherwise provided in 1797~~

~~this division, there is a presumption for a prison term for the~~ 1798
~~offense. If trafficking in cocaine is a felony of the third~~ 1799
~~degree under this division and if the offender two or more times~~ 1800
~~previously has been convicted of or pleaded guilty to a felony~~ 1801
~~drug abuse offense, the court shall impose as a mandatory prison~~ 1802
~~term one of the prison terms prescribed for a felony of the~~ 1803
~~third degree. If the amount of the drug involved is within that~~ 1804
~~range and if the offense was committed in the vicinity of a~~ 1805
~~school or in the vicinity of a juvenile, trafficking in cocaine~~ 1806
~~is a felony of the second degree, and the court shall impose as~~ 1807
~~a mandatory prison term a second degree felony mandatory prison~~ 1808
~~term.~~ 1809

~~(e) Except as otherwise provided in this division, if the~~ 1810
~~amount of the drug involved equals or exceeds twenty grams but~~ 1811
~~is less than twenty seven grams of cocaine, trafficking in~~ 1812
~~cocaine is a felony of the second degree, and the court shall~~ 1813
~~impose as a mandatory prison term a second degree felony~~ 1814
~~mandatory prison term. If the amount of the drug involved is~~ 1815
~~within that range and if the offense was committed in the~~ 1816
~~vicinity of a school or in the vicinity of a juvenile,~~ 1817
~~trafficking in cocaine is a felony of the first degree, and the~~ 1818
~~court shall impose as a mandatory prison term a first degree~~ 1819
~~felony mandatory prison term.~~ 1820

~~(f) If the amount of the drug involved equals or exceeds~~ 1821
~~twenty seven grams but is less than one hundred grams of cocaine~~ 1822
~~and regardless of whether the offense was committed in the~~ 1823
~~vicinity of a school or in the vicinity of a juvenile,~~ 1824
~~trafficking in cocaine is a felony of the first degree, and the~~ 1825
~~court shall impose as a mandatory prison term a first degree~~ 1826
~~felony mandatory prison term.~~ 1827

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

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

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

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

~~(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the fourth degree,~~

~~and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the third degree, and there is a presumption for a prison term for the offense.~~

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

~~(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid~~

~~extract, or liquid distillate form, trafficking in L.S.D. is a~~ 1889
~~felony of the second degree, and the court shall impose as a~~ 1890
~~mandatory prison term a second degree felony mandatory prison~~ 1891
~~term. If the amount of the drug involved is within that range~~ 1892
~~and if the offense was committed in the vicinity of a school or~~ 1893
~~in the vicinity of a juvenile, trafficking in L.S.D. is a felony~~ 1894
~~of the first degree, and the court shall impose as a mandatory~~ 1895
~~prison term a first degree felony mandatory prison term.~~ 1896

~~(f) If the amount of the drug involved equals or exceeds~~ 1897
~~one thousand unit doses but is less than five thousand unit~~ 1898
~~doses of L.S.D. in a solid form or equals or exceeds one hundred~~ 1899
~~grams but is less than five hundred grams of L.S.D. in a liquid~~ 1900
~~concentrate, liquid extract, or liquid distillate form and~~ 1901
~~regardless of whether the offense was committed in the vicinity~~ 1902
~~of a school or in the vicinity of a juvenile, trafficking in~~ 1903
~~L.S.D. is a felony of the first degree, and the court shall~~ 1904
~~impose as a mandatory prison term a first degree felony~~ 1905
~~mandatory prison term.~~ 1906

~~(g) If the amount of the drug involved equals or exceeds~~ 1907
~~five thousand unit doses of L.S.D. in a solid form or equals or~~ 1908
~~exceeds five hundred grams of L.S.D. in a liquid concentrate,~~ 1909
~~liquid extract, or liquid distillate form and regardless of~~ 1910
~~whether the offense was committed in the vicinity of a school or~~ 1911
~~in the vicinity of a juvenile, trafficking in L.S.D. is a felony~~ 1912
~~of the first degree, the offender is a major drug offender, and~~ 1913
~~the court shall impose as a mandatory prison term a maximum~~ 1914
~~first degree felony mandatory prison term.~~ 1915

~~(6) If the drug involved in the violation is heroin or a~~ 1916
~~compound, mixture, preparation, or substance containing heroin,~~ 1917
~~whoever violates division (A) of this section is guilty of~~ 1918

~~trafficking in heroin. The penalty for the offense shall be determined as follows:~~

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

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

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

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

~~prison term for the offense. If the amount of the drug involved— 1949~~
~~is within that range and if the offense was committed in the— 1950~~
~~vicinity of a school or in the vicinity of a juvenile,— 1951~~
~~trafficking in heroin is a felony of the second degree, and— 1952~~
~~there is a presumption for a prison term for the offense.— 1953~~

~~(e) Except as otherwise provided in this division, if the— 1954~~
~~amount of the drug involved equals or exceeds one hundred unit— 1955~~
~~doses but is less than five hundred unit doses or equals or— 1956~~
~~exceeds ten grams but is less than fifty grams, trafficking in— 1957~~
~~heroin is a felony of the second degree, and the court shall— 1958~~
~~impose as a mandatory prison term a second degree felony— 1959~~
~~mandatory prison term. If the amount of the drug involved is— 1960~~
~~within that range and if the offense was committed in the— 1961~~
~~vicinity of a school or in the vicinity of a juvenile,— 1962~~
~~trafficking in heroin is a felony of the first degree, and the— 1963~~
~~court shall impose as a mandatory prison term a first degree— 1964~~
~~felony mandatory prison term.— 1965~~

~~(f) If the amount of the drug involved equals or exceeds— 1966~~
~~five hundred unit doses but is less than one thousand unit doses— 1967~~
~~or equals or exceeds fifty grams but is less than one hundred— 1968~~
~~grams and regardless of whether the offense was committed in the— 1969~~
~~vicinity of a school or in the vicinity of a juvenile,— 1970~~
~~trafficking in heroin is a felony of the first degree, and the— 1971~~
~~court shall impose as a mandatory prison term a first degree— 1972~~
~~felony mandatory prison term.— 1973~~

~~(g) If the amount of the drug involved equals or exceeds— 1974~~
~~one thousand unit doses or equals or exceeds one hundred grams— 1975~~
~~and regardless of whether the offense was committed in the— 1976~~
~~vicinity of a school or in the vicinity of a juvenile,— 1977~~
~~trafficking in heroin is a felony of the first degree, the— 1978~~

~~offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~

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

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

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

~~(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the~~

~~vicinity of a juvenile, trafficking in hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~

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

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

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

~~(g) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second degree, and the court shall impose as a mandatory prison term a maximum second degree felony mandatory prison term. If the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the first degree, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~

~~(8) If the drug involved in the violation is a controlled substance analog or compound, mixture, preparation, or substance~~

~~that contains a controlled substance analog, whoever violates~~
~~division (A) of this section is guilty of trafficking in a~~
~~controlled substance analog. The penalty for the offense shall~~
~~be determined as follows:~~

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

~~(b) Except as otherwise provided in division (C) (8) (c),~~
~~(d), (e), (f), or (g) of this section, if the offense was~~
~~committed in the vicinity of a school or in the vicinity of a~~
~~juvenile, trafficking in a controlled substance analog is a~~
~~felony of the fourth degree, and division (C) of section 2929.13~~
~~of the Revised Code applies in determining whether to impose a~~
~~prison term on the offender.~~

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

~~(d) Except as otherwise provided in this division, if the~~
~~amount of the drug involved equals or exceeds twenty grams but~~
~~is less than thirty grams, trafficking in a controlled substance~~

~~analog is a felony of the third degree, and there is a~~ 2100
~~presumption for a prison term for the offense. If the amount of~~ 2101
~~the drug involved is within that range and if the offense was~~ 2102
~~committed in the vicinity of a school or in the vicinity of a~~ 2103
~~juvenile, trafficking in a controlled substance analog is a~~ 2104
~~felony of the second degree, and there is a presumption for a~~ 2105
~~prison term for the offense.~~ 2106

~~(e) Except as otherwise provided in this division, if the~~ 2107
~~amount of the drug involved equals or exceeds thirty grams but~~ 2108
~~is less than forty grams, trafficking in a controlled substance~~ 2109
~~analog is a felony of the second degree, and the court shall~~ 2110
~~impose as a mandatory prison term a second degree felony~~ 2111
~~mandatory prison term. If the amount of the drug involved is~~ 2112
~~within that range and if the offense was committed in the~~ 2113
~~vicinity of a school or in the vicinity of a juvenile,~~ 2114
~~trafficking in a controlled substance analog is a felony of the~~ 2115
~~first degree, and the court shall impose as a mandatory prison a~~ 2116
~~first degree felony mandatory prison term.~~ 2117

~~(f) If the amount of the drug involved equals or exceeds~~ 2118
~~forty grams but is less than fifty grams and regardless of~~ 2119
~~whether the offense was committed in the vicinity of a school or~~ 2120
~~in the vicinity of a juvenile, trafficking in a controlled~~ 2121
~~substance analog is a felony of the first degree, and the court~~ 2122
~~shall impose as a mandatory prison term a first degree felony~~ 2123
~~mandatory prison term.~~ 2124

~~(g) If the amount of the drug involved equals or exceeds~~ 2125
~~fifty grams and regardless of whether the offense was committed~~ 2126
~~in the vicinity of a school or in the vicinity of a juvenile,~~ 2127
~~trafficking in a controlled substance analog is a felony of the~~ 2128
~~first degree, the offender is a major drug offender, and the~~ 2129

~~court shall impose as a mandatory prison term a maximum first-~~ 2130
~~degree felony mandatory prison term.~~ 2131

~~(9) If the drug involved in the violation is a fentanyl-~~ 2132
~~related compound or a compound, mixture, preparation, or~~ 2133
~~substance containing a fentanyl-related compound and division~~ 2134
~~(C) (10) (a) of this section does not apply to the drug involved,~~ 2135
~~whoever violates division (A) Whoever violates division (A) (1)~~ 2136
~~of this section based on an amount specified in division (A) (2)~~ 2137
~~(a) of this section is guilty of aggravated trafficking in~~ 2138
~~drugs. The penalty for the offense shall be determined as~~ 2139
~~follows:~~ 2140

(1) If the amount of the drug involved equals or exceeds 2141
fifty times the bulk amount but is less than one hundred times 2142
the bulk amount, aggravated trafficking in drugs is a felony of 2143
the first degree, and the court shall impose as a mandatory 2144
prison term a first degree felony mandatory prison term. 2145

(2) If the amount of the drug involved equals or exceeds 2146
one hundred times the bulk amount, aggravated trafficking in 2147
drugs is a felony of the first degree, the offender is a major 2148
drug offender, and the court shall impose as a mandatory prison 2149
term a first degree felony mandatory prison term. 2150

(D) Whoever violates division (A) (1) of this section based 2151
on an amount specified in division (A) (2) (b) of this section is 2152
guilty of aggravated trafficking in cocaine. The penalty for the 2153
offense shall be determined as follows: 2154

(1) (a) If the amount of the drug involved equals or 2155
exceeds twenty grams but is less than twenty-seven grams, except 2156
as otherwise provided in division (D) (1) (b) of this section, 2157
aggravated trafficking in cocaine is a felony of the second 2158

degree, division (C) of section 2929.13 of the Revised Code 2159
applies in determining whether to impose a prison term on the 2160
offender, and if the court decides to impose a prison term on 2161
the offender, notwithstanding division (A) (2) of section 2929.14 2162
of the Revised Code, the court may impose as a prison term a 2163
definite prison term of two, three, four, five, six, seven, or 2164
eight years. 2165

(b) If the amount of the drug involved is within the range 2166
specified in division (D) (1) (a) of this section and the offense 2167
was committed in the vicinity of a school, aggravated 2168
trafficking in cocaine is a felony of the second degree, and the 2169
court shall impose as a mandatory prison term a second degree 2170
felony mandatory prison term. 2171

(2) (a) If the amount of the drug involved equals or 2172
exceeds twenty-seven grams but is less than fifty grams, except 2173
as otherwise provided in division (D) (2) (b) of this section, 2174
aggravated trafficking in cocaine is a felony of the first 2175
degree, division (C) of section 2929.13 of the Revised Code 2176
applies in determining whether to impose a prison term on the 2177
offender, and if the court decides to impose a prison term on 2178
the offender, notwithstanding division (A) (1) of section 2929.14 2179
of the Revised Code, the court may impose as a prison term a 2180
definite prison term of three, four, five, six, seven, eight, 2181
nine, ten, or eleven years. 2182

(b) If the amount of the drug involved is within the range 2183
specified in division (D) (2) (a) of this section and the offense 2184
was committed in the vicinity of a school, aggravated 2185
trafficking in cocaine is a felony of the first degree, and the 2186
court shall impose as a mandatory prison term a first degree 2187
felony mandatory prison term. 2188

(3) If the amount of the drug involved equals or exceeds 2189
fifty grams but is less than one hundred grams, aggravated 2190
trafficking in cocaine is a felony of the first degree, and the 2191
court shall impose as a mandatory prison term a first degree 2192
felony mandatory prison term. 2193

(4) If the amount of the drug involved equals or exceeds 2194
one hundred grams, aggravated trafficking in cocaine is a felony 2195
of the first degree, the offender is a major drug offender, and 2196
the court shall impose as a mandatory prison term a first degree 2197
felony mandatory prison term of ten or eleven years. 2198

(E) Whoever violates division (A) (1) of this section based 2199
on an amount specified in division (A) (2) (c) of this section is 2200
guilty of aggravated trafficking in L.S.D. The penalty for the 2201
offense shall be determined as follows: 2202

(1) If the amount of the drug involved equals or exceeds 2203
two hundred fifty unit doses but is less than one thousand unit 2204
doses in a solid form or equals or exceeds twenty-five grams but 2205
is less than one hundred grams in a liquid concentrate, liquid 2206
extract, or liquid distillate form, except as otherwise provided 2207
in this division, aggravated trafficking in L.S.D. is a felony 2208
of the second degree, and the court shall impose as a mandatory 2209
prison term a second degree felony mandatory prison term. If the 2210
amount of the drug involved is within that range and the offense 2211
was committed in the vicinity of a school, aggravated 2212
trafficking in L.S.D. is a felony of the first degree, and the 2213
court shall impose as a mandatory prison term a first degree 2214
felony mandatory prison term. 2215

(2) If the amount of the drug involved equals or exceeds 2216
one thousand unit doses but is less than five thousand unit 2217
doses in a solid form or equals or exceeds one hundred grams but 2218

is less than five hundred grams in a liquid concentrate, liquid 2219
extract, or liquid distillate form, aggravated trafficking in 2220
L.S.D. is a felony of the first degree, and the court shall 2221
impose as a mandatory prison term a first degree felony 2222
mandatory prison term. 2223

(3) If the amount of the drug involved equals or exceeds 2224
five thousand unit doses in a solid form or equals or exceeds 2225
five hundred grams in a liquid concentrate, liquid extract, or 2226
liquid distillate form, aggravated trafficking in L.S.D. is a 2227
felony of the first degree, the offender is a major drug 2228
offender, and the court shall impose as a mandatory prison term 2229
a maximum first degree felony mandatory prison term. 2230

(F) Whoever violates division (A) (1) of this section based 2231
on an amount specified in division (A) (2) (d) of this section is 2232
guilty of aggravated trafficking in heroin. The penalty for the 2233
offense shall be determined as follows: 2234

(1) (a) If the amount of the drug involved equals or 2235
exceeds either one hundred unit doses or ten grams but is less 2236
than either three hundred unit doses or thirty grams, except as 2237
otherwise provided in division (F) (1) (b) of this section, 2238
aggravated trafficking in heroin is a felony of the second 2239
degree, division (C) of section 2929.13 of the Revised Code 2240
applies in determining whether to impose a prison term on the 2241
offender, and if the court decides to impose a prison term on 2242
the offender, notwithstanding division (A) (2) of section 2929.14 2243
of the Revised Code, the court may impose as a prison term a 2244
definite prison term of two, three, four, five, six, seven, or 2245
eight years. 2246

(b) If the amount of the drug involved is within the range 2247
specified in division (F) (1) (a) of this section and the offense 2248

was committed in the vicinity of a school, aggravated 2249
trafficking in heroin is a felony of the second degree, and the 2250
court shall impose as a mandatory prison term a second degree 2251
felony mandatory prison term. 2252

(2) (a) If the amount of the drug involved equals or 2253
exceeds either three hundred unit doses or thirty grams but is 2254
less than either five hundred unit doses or fifty grams, except 2255
as otherwise provided in division (F) (2) (b) of this section, 2256
aggravated trafficking in heroin is a felony of the second 2257
degree, and the court shall impose as a mandatory prison term a 2258
second degree felony mandatory prison term. 2259

(b) If the amount of the drug involved is within the range 2260
specified in division (F) (2) (a) of this section and the offense 2261
was committed in the vicinity of a school, aggravated 2262
trafficking in heroin is a felony of the first degree, and the 2263
court shall impose as a mandatory prison term a first degree 2264
felony mandatory prison term. 2265

(3) If the amount of the drug involved equals or exceeds 2266
either five hundred unit doses or fifty grams but is less than 2267
either one thousand unit doses or one hundred grams, aggravated 2268
trafficking in heroin is a felony of the first degree, and the 2269
court shall impose as a mandatory prison term a first degree 2270
felony mandatory prison term. 2271

(4) If the amount of the drug involved equals or exceeds 2272
one thousand unit doses or equals or exceeds one hundred grams, 2273
aggravated trafficking in heroin is a felony of the first 2274
degree, the offender is a major drug offender, and the court 2275
shall impose as a mandatory prison term a maximum first degree 2276
felony mandatory prison term. 2277

(G) Whoever violates division (A) (1) of this section based 2278
on an amount specified in division (A) (2) (e) of this section, 2279
subject to division (H) of this section, is guilty of aggravated 2280
trafficking in a fentanyl-related compound. The penalty for the 2281
offense shall be determined as follows: 2282

~~(a) Except as otherwise provided in division (C) (9) (b),~~ 2283
~~(c), (d), (e), (f), (g), or (h) of this section, trafficking in~~ 2284
~~a fentanyl-related compound is a felony of the fifth degree, and~~ 2285
~~division (B) of section 2929.13 of the Revised Code applies in~~ 2286
~~determining whether to impose a prison term on the offender.~~ 2287

~~(b) Except as otherwise provided in division (C) (9) (c),~~ 2288
~~(d), (e), (f), (g), or (h) of this section, if the offense was~~ 2289
~~committed in the vicinity of a school or in the vicinity of a~~ 2290
~~juvenile, trafficking in a fentanyl-related compound is a felony~~ 2291
~~of the fourth degree, and division (C) of section 2929.13 of the~~ 2292
~~Revised Code applies in determining whether to impose a prison~~ 2293
~~term on the offender.~~ 2294

~~(c) Except as otherwise provided in this division, if the~~ 2295
~~amount of the drug involved equals or exceeds ten unit doses but~~ 2296
~~is less than fifty unit doses or equals or exceeds one gram but~~ 2297
~~is less than five grams, trafficking in a fentanyl-related~~ 2298
~~compound is a felony of the fourth degree, and division (B) of~~ 2299
~~section 2929.13 of the Revised Code applies in determining~~ 2300
~~whether to impose a prison term for the offense. If the amount~~ 2301
~~of the drug involved is within that range and if the offense was~~ 2302
~~committed in the vicinity of a school or in the vicinity of a~~ 2303
~~juvenile, trafficking in a fentanyl-related compound is a felony~~ 2304
~~of the third degree, and there is a presumption for a prison~~ 2305
~~term for the offense.~~ 2306

~~(d) Except as otherwise provided in this division, if the~~ 2307

~~amount of the drug involved equals or exceeds fifty unit doses— 2308~~
~~but is less than one hundred unit doses or equals or exceeds— 2309~~
~~five grams but is less than ten grams, trafficking in a 2310~~
~~fentanyl-related compound is a felony of the third degree, and 2311~~
~~there is a presumption for a prison term for the offense. If the 2312~~
~~amount of the drug involved is within that range and if the 2313~~
~~offense was committed in the vicinity of a school or in the 2314~~
~~vicinity of a juvenile, trafficking in a fentanyl related 2315~~
~~compound is a felony of the second degree, and there is a 2316~~
~~presumption for a prison term for the offense.— 2317~~

~~(c) Except as otherwise provided in this division, if (1) 2318~~
~~If the amount of the drug involved equals or exceeds one hundred 2319~~
~~unit doses but is less than two hundred unit doses or equals or 2320~~
~~exceeds ten grams but is less than twenty grams, one of the 2321~~
~~following applies: 2322~~

~~(a) Except as otherwise provided in division (G) (1) (b) of 2323~~
~~this section, aggravated trafficking in a fentanyl-related 2324~~
~~compound is a felony of the second degree, and the court shall 2325~~
~~impose as a mandatory prison term ~~one of the prison terms—~~ 2326~~
~~~~prescribed for a felony of the~~ a second degree felony mandatory 2327~~  
~~prison term. 2328~~

~~(b) If the amount of the drug involved is within that 2329~~  
~~range and if the offense was committed in the vicinity of a 2330~~  
~~school or in the vicinity of a juvenile, aggravated trafficking 2331~~  
~~in a fentanyl-related compound is a felony of the first degree, 2332~~  
~~and the court shall impose as a mandatory prison term ~~one of the~~ 2333~~  
~~~~prison terms prescribed for a felony of the~~ a first degree 2334~~  
~~felony mandatory prison term. 2335~~

~~(f) (2) If the amount of the drug involved equals or 2336~~
~~exceeds two hundred unit doses but is less than five hundred 2337~~

unit doses or equals or exceeds twenty grams but is less than 2338
fifty grams ~~and regardless of whether the offense was committed~~ 2339
~~in the vicinity of a school or in the vicinity of a juvenile,~~ 2340
aggravated trafficking in a fentanyl-related compound is a 2341
felony of the first degree, and the court shall impose as a 2342
mandatory prison term ~~one of the prison terms prescribed for a~~ 2343
~~felony of the~~ a first degree felony mandatory prison term. 2344

~~(g)~~ (3) If the amount of the drug involved equals or 2345
exceeds five hundred unit doses but is less than one thousand 2346
unit doses or equals or exceeds fifty grams but is less than one 2347
hundred grams ~~and regardless of whether the offense was~~ 2348
~~committed in the vicinity of a school or in the vicinity of a~~ 2349
~~juvenile,~~ aggravated trafficking in a fentanyl-related compound 2350
is a felony of the first degree, and the court shall impose as a 2351
mandatory prison term ~~the a maximum prison term prescribed for a~~ 2352
~~felony of the first degree~~ felony mandatory prison term. 2353

~~(h)~~ (4) If the amount of the drug involved equals or 2354
exceeds one thousand unit doses or equals or exceeds one hundred 2355
grams ~~and regardless of whether the offense was committed in the~~ 2356
~~vicinity of a school or in the vicinity of a juvenile,~~ 2357
aggravated trafficking in a fentanyl-related compound is a 2358
felony of the first degree, the offender is a major drug 2359
offender, and the court shall impose as a mandatory prison term 2360
~~the a maximum prison term prescribed for a felony of the first~~ 2361
degree felony mandatory prison term. 2362

~~(i)~~ (H) If the drug involved in the violation of division 2363
(A) (1) of this section is a compound, mixture, preparation, or 2364
substance that is a combination of a fentanyl-related compound 2365
and marihuana, one of the following applies: 2366

~~(a)~~ (1) Except as otherwise provided in division ~~(C) (10) (b)~~ 2367

(H) (2) of this section, the offender is guilty of aggravated 2368
trafficking in marihuana or major trafficking in drugs, 2369
involving marihuana and shall be punished under division ~~(C) (3)~~ 2370
(I) of this section, or under division (C) (1) of section 2371
2925.031 of the Revised Code, as appropriate by the amount of 2372
the drug involved. The offender is not guilty of aggravated 2373
trafficking in a fentanyl-related compound and shall not be 2374
charged with, convicted of, or punished under division ~~(C) (9)~~ (G) 2375
of this section for aggravated trafficking in a fentanyl-related 2376
compound. 2377

~~(b)~~ (2) If the offender knows or has reason to know that 2378
the compound, mixture, preparation, or substance that is the 2379
drug involved contains a fentanyl-related compound, the offender 2380
is guilty of aggravated trafficking in a fentanyl-related 2381
compound and shall be punished under division ~~(C) (9)~~ (G) of this 2382
section. 2383

~~(D)~~ (I) Whoever violates division (A) (1) of this section 2384
based on an amount specified in division (A) (2) (f) of this 2385
section is guilty of aggravated trafficking in marihuana. Except 2386
as otherwise provided in this division, aggravated trafficking 2387
in marihuana is a felony of the second degree, and the court 2388
shall impose as a mandatory prison term a prison term of five, 2389
six, seven, or eight years. If the offense was committed in the 2390
vicinity of a school, aggravated trafficking in marihuana is a 2391
felony of the first degree, and the court shall impose as a 2392
mandatory prison term a maximum first degree felony mandatory 2393
prison term. 2394

(J) Whoever violates division (A) (1) of this section based 2395
on an amount specified in division (A) (2) (g) of this section is 2396
guilty of aggravated trafficking in hashish. Except as otherwise 2397

provided in this division, aggravated trafficking in hashish is 2398
a felony of the second degree, and the court shall impose as a 2399
mandatory prison term a prison term of five, six, seven, or 2400
eight years. If the offense was committed in the vicinity of a 2401
school, aggravated trafficking in hashish is a felony of the 2402
first degree, and the court shall impose as a mandatory prison 2403
term a maximum first degree felony mandatory prison term. 2404

(K) Whoever violates division (A) (1) of this section based 2405
on an amount specified in division (A) (2) (h) of this section is 2406
guilty of aggravated trafficking in a controlled substance 2407
analog. The penalty for the offense shall be determined as 2408
follows: 2409

(1) If the amount of the drug involved equals or exceeds 2410
thirty grams but is less than forty grams, except as otherwise 2411
provided in this division, aggravated trafficking in a 2412
controlled substance analog is a felony of the second degree, 2413
and the court shall impose as a mandatory prison term a second 2414
degree felony mandatory prison term. If the amount of the drug 2415
involved is within that range and the offense was committed in 2416
the vicinity of a school, aggravated trafficking in a controlled 2417
substance analog is a felony of the first degree, and the court 2418
shall impose as a mandatory prison term a first degree felony 2419
mandatory prison term. 2420

(2) If the amount of the drug involved equals or exceeds 2421
forty grams but is less than fifty grams, aggravated trafficking 2422
in a controlled substance analog is a felony of the first 2423
degree, and the court shall impose as a mandatory prison term a 2424
first degree felony mandatory prison term. 2425

(3) If the amount of the drug involved equals or exceeds 2426
fifty grams, aggravated trafficking in a controlled substance 2427

analog is a felony of the first degree, the offender is a major 2428
drug offender, and the court shall impose as a mandatory prison 2429
term a first degree felony mandatory prison term of ten or 2430
eleven years. 2431

(L) In addition to any prison term authorized or required 2432
by ~~division~~ divisions (C) to (K) of this section and sections 2433
2929.13 and 2929.14 of the Revised Code, and in addition to any 2434
other sanction imposed for the offense under this section or 2435
sections 2929.11 to 2929.18 of the Revised Code, the court that 2436
sentences an offender who is convicted of or pleads guilty to a 2437
violation of division (A) (1) of this section may suspend the 2438
driver's or commercial driver's license or permit of the 2439
offender in accordance with division ~~(G)~~ (O) of this section. 2440
However, if the offender pleaded guilty to or was convicted of a 2441
violation of section 4511.19 of the Revised Code or a 2442
substantially similar municipal ordinance or the law of another 2443
state or the United States arising out of the same set of 2444
circumstances as the violation, the court shall suspend the 2445
offender's driver's or commercial driver's license or permit in 2446
accordance with division ~~(G)~~ (O) of this section. If applicable, 2447
the court also shall do the following: 2448

(1) If the violation of division (A) (1) of this section is 2449
a felony of the first, second, or third degree, the court shall 2450
impose upon the offender the mandatory fine specified for the 2451
offense under division (B) (1) of section 2929.18 of the Revised 2452
Code unless, as specified in that division, the court determines 2453
that the offender is indigent. Except as otherwise provided in 2454
division ~~(H)~~ (P) (1) of this section, a mandatory fine or any 2455
other fine imposed for a violation of this section is subject to 2456
division ~~(F)~~ (N) of this section. If a person is charged with a 2457
violation of this section that is a felony of the first, second, 2458

or third degree, posts bail, and forfeits the bail, the clerk of 2459
the court shall pay the forfeited bail pursuant to divisions ~~(D)~~ 2460
(L) (1) and ~~(F)~~ (N) of this section, as if the forfeited bail was 2461
a fine imposed for a violation of this section. If any amount of 2462
the forfeited bail remains after that payment and if a fine is 2463
imposed under division ~~(H)~~ (P) (1) of this section, the clerk of 2464
the court shall pay the remaining amount of the forfeited bail 2465
pursuant to divisions ~~(H)~~ (P) (2) and (3) of this section, as if 2466
that remaining amount was a fine imposed under division ~~(H)~~ (P) 2467
(1) of this section. 2468

(2) If the offender is a professionally licensed person, 2469
the court immediately shall comply with section 2925.38 of the 2470
Revised Code. 2471

~~(E)~~ (M) When a person is charged with the sale of or offer 2472
to sell a bulk amount or a multiple of a bulk amount of a 2473
controlled substance, the jury, or the court trying the accused, 2474
shall determine the amount of the controlled substance involved 2475
at the time of the offense and, if a guilty verdict is returned, 2476
shall return the findings as part of the verdict. In any such 2477
case, it is unnecessary to find and return the exact amount of 2478
the controlled substance involved, and it is sufficient if the 2479
finding and return is to the effect that the amount of the 2480
controlled substance involved is the requisite amount, or that 2481
the amount of the controlled substance involved is less than the 2482
requisite amount. 2483

~~(F)~~ (N) (1) Notwithstanding any contrary provision of 2484
section 3719.21 of the Revised Code and except as provided in 2485
division ~~(H)~~ (P) of this section, the clerk of the court shall 2486
pay any mandatory fine imposed pursuant to division ~~(D)~~ (L) (1) of 2487
this section and any fine other than a mandatory fine that is 2488

imposed for a violation of this section pursuant to division (A) 2489
or (B) (5) of section 2929.18 of the Revised Code to the county, 2490
township, municipal corporation, park district, as created 2491
pursuant to section 511.18 or 1545.04 of the Revised Code, or 2492
state law enforcement agencies in this state that primarily were 2493
responsible for or involved in making the arrest of, and in 2494
prosecuting, the offender. However, the clerk shall not pay a 2495
mandatory fine so imposed to a law enforcement agency unless the 2496
agency has adopted a written internal control policy under 2497
division ~~(F)~~ (N) (2) of this section that addresses the use of the 2498
fine moneys that it receives. Each agency shall use the 2499
mandatory fines so paid to subsidize the agency's law 2500
enforcement efforts that pertain to drug offenses, in accordance 2501
with the written internal control policy adopted by the 2502
recipient agency under division ~~(F)~~ (N) (2) of this section. 2503

(2) Prior to receiving any fine moneys under division ~~(F)~~ 2504
(N) (1) of this section or division (B) of section 2925.42 of the 2505
Revised Code, a law enforcement agency shall adopt a written 2506
internal control policy that addresses the agency's use and 2507
disposition of all fine moneys so received and that provides for 2508
the keeping of detailed financial records of the receipts of 2509
those fine moneys, the general types of expenditures made out of 2510
those fine moneys, and the specific amount of each general type 2511
of expenditure. The policy shall not provide for or permit the 2512
identification of any specific expenditure that is made in an 2513
ongoing investigation. All financial records of the receipts of 2514
those fine moneys, the general types of expenditures made out of 2515
those fine moneys, and the specific amount of each general type 2516
of expenditure by an agency are public records open for 2517
inspection under section 149.43 of the Revised Code. 2518
Additionally, a written internal control policy adopted under 2519

this division is such a public record, and the agency that 2520
adopted it shall comply with it. 2521

(3) As used in division ~~(F)~~(N) of this section: 2522

(a) "Law enforcement agencies" includes, but is not 2523
limited to, the state board of pharmacy and the office of a 2524
prosecutor. 2525

(b) "Prosecutor" has the same meaning as in section 2526
2935.01 of the Revised Code. 2527

~~(G)~~(O) (1) If the sentencing court suspends the offender's 2528
driver's or commercial driver's license or permit under division 2529
~~(D)~~(L) of this section or any other provision of this chapter, 2530
the court shall suspend the license, by order, for not more than 2531
five years. If an offender's driver's or commercial driver's 2532
license or permit is suspended pursuant to this division, the 2533
offender, at any time after the expiration of two years from the 2534
day on which the offender's sentence was imposed or from the day 2535
on which the offender finally was released from a prison term 2536
under the sentence, whichever is later, may file a motion with 2537
the sentencing court requesting termination of the suspension; 2538
upon the filing of such a motion and the court's finding of good 2539
cause for the termination, the court may terminate the 2540
suspension. 2541

(2) Any offender who received a mandatory suspension of 2542
the offender's driver's or commercial driver's license or permit 2543
under this section prior to September 13, 2016, may file a 2544
motion with the sentencing court requesting the termination of 2545
the suspension. However, an offender who pleaded guilty to or 2546
was convicted of a violation of section 4511.19 of the Revised 2547
Code or a substantially similar municipal ordinance or law of 2548

another state or the United States that arose out of the same 2549
set of circumstances as the violation for which the offender's 2550
license or permit was suspended under this section shall not 2551
file such a motion. 2552

Upon the filing of a motion under division ~~(G)~~(O) (2) of 2553
this section, the sentencing court, in its discretion, may 2554
terminate the suspension. 2555

~~(H)~~(P) (1) In addition to any prison term authorized or 2556
required by ~~division~~divisions (C) to (K) of this section and 2557
sections 2929.13 and 2929.14 of the Revised Code, in addition to 2558
any other penalty or sanction imposed for the offense under this 2559
section or sections 2929.11 to 2929.18 of the Revised Code, and 2560
in addition to the forfeiture of property in connection with the 2561
offense as prescribed in Chapter 2981. of the Revised Code, the 2562
court that sentences an offender who is convicted of or pleads 2563
guilty to a violation of division (A) (1) of this section may 2564
impose upon the offender an additional fine specified for the 2565
offense in division (B) (4) of section 2929.18 of the Revised 2566
Code. A fine imposed under division ~~(H)~~(P) (1) of this section is 2567
not subject to division ~~(F)~~(N) of this section and shall be used 2568
solely for the support of one or more eligible community 2569
addiction services providers in accordance with divisions ~~(H)~~(P) 2570
(2) and (3) of this section. 2571

(2) The court that imposes a fine under division ~~(H)~~(P) (1) 2572
of this section shall specify in the judgment that imposes the 2573
fine one or more eligible community addiction services providers 2574
for the support of which the fine money is to be used. No 2575
community addiction services provider shall receive or use money 2576
paid or collected in satisfaction of a fine imposed under 2577
division ~~(H)~~(P) (1) of this section unless the services provider 2578

is specified in the judgment that imposes the fine. No community 2579
addiction services provider shall be specified in the judgment 2580
unless the services provider is an eligible community addiction 2581
services provider and, except as otherwise provided in division 2582
~~(H)~~(P) (2) of this section, unless the services provider is 2583
located in the county in which the court that imposes the fine 2584
is located or in a county that is immediately contiguous to the 2585
county in which that court is located. If no eligible community 2586
addiction services provider is located in any of those counties, 2587
the judgment may specify an eligible community addiction 2588
services provider that is located anywhere within this state. 2589

(3) Notwithstanding any contrary provision of section 2590
3719.21 of the Revised Code, the clerk of the court shall pay 2591
any fine imposed under division ~~(H)~~(P) (1) of this section to the 2592
eligible community addiction services provider specified 2593
pursuant to division ~~(H)~~(P) (2) of this section in the judgment. 2594
The eligible community addiction services provider that receives 2595
the fine moneys shall use the moneys only for the alcohol and 2596
drug addiction services identified in the application for 2597
certification of services under section 5119.36 of the Revised 2598
Code or in the application for a license under section 5119.37 2599
of the Revised Code filed with the department of mental health 2600
and addiction services by the community addiction services 2601
provider specified in the judgment. 2602

(4) Each community addiction services provider that 2603
receives in a calendar year any fine moneys under division ~~(H)~~ 2604
(P) (3) of this section shall file an annual report covering that 2605
calendar year with the court of common pleas and the board of 2606
county commissioners of the county in which the services 2607
provider is located, with the court of common pleas and the 2608
board of county commissioners of each county from which the 2609

services provider received the moneys if that county is 2610
different from the county in which the services provider is 2611
located, and with the attorney general. The community addiction 2612
services provider shall file the report no later than the first 2613
day of March in the calendar year following the calendar year in 2614
which the services provider received the fine moneys. The report 2615
shall include statistics on the number of persons served by the 2616
community addiction services provider, identify the types of 2617
alcohol and drug addiction services provided to those persons, 2618
and include a specific accounting of the purposes for which the 2619
fine moneys received were used. No information contained in the 2620
report shall identify, or enable a person to determine the 2621
identity of, any person served by the community addiction 2622
services provider. Each report received by a court of common 2623
pleas, a board of county commissioners, or the attorney general 2624
is a public record open for inspection under section 149.43 of 2625
the Revised Code. 2626

(5) As used in divisions ~~(H)~~ (P) (1) to (5) of this section: 2627

(a) "Community addiction services provider" and "alcohol 2628
and drug addiction services" have the same meanings as in 2629
section 5119.01 of the Revised Code. 2630

(b) "Eligible community addiction services provider" means 2631
a community addiction services provider, including a community 2632
addiction services provider that operates an opioid treatment 2633
program licensed under section 5119.37 of the Revised Code. 2634

~~(I)~~ (Q) As used in this section, "drug" includes any 2635
substance that is represented to be a drug. 2636

~~(J)~~ (R) It is an affirmative defense to a charge of 2637
aggravated trafficking in a controlled substance analog under 2638

division ~~(C) (8)~~ (A) (1) of this section that the person charged 2639
with violating that offense sold or offered to sell, or prepared 2640
for shipment, shipped, transported, delivered, prepared for 2641
distribution, or distributed one of the following items that are 2642
excluded from the meaning of "controlled substance analog" under 2643
section 3719.01 of the Revised Code: 2644

(1) A controlled substance; 2645

(2) Any substance for which there is an approved new drug 2646
application; 2647

(3) With respect to a particular person, any substance if 2648
an exemption is in effect for investigational use for that 2649
person pursuant to federal law to the extent that conduct with 2650
respect to that substance is pursuant to that exemption. 2651

(S) (1) As used in division (S) (2) of this section, "former 2652
section 2925.03 of the Revised Code" means the version of 2653
section 2925.03 of the Revised Code in effect prior to the 2654
effective date of this amendment. 2655

(2) If a person has been charged with a violation of 2656
former section 2925.03 of the Revised Code allegedly committed 2657
prior to the effective date of this amendment, all of the 2658
following apply: 2659

(a) The conduct constituting the violation shall be 2660
considered for purposes of divisions (S) (2) (b) and (c) of this 2661
section to be a violation of section 2925.03, 2925.031, or 2662
2925.032 of the Revised Code, whichever would apply to that 2663
conduct if it were committed on or after the effective date of 2664
this amendment. 2665

(b) If the charges are pending on the effective date of 2666
this amendment, the provisions of section 2925.03, 2925.031, or 2667

2925.032 of the Revised Code, whichever would apply to the 2668
conduct constituting the violation, including the sentencing 2669
provisions under those sections, apply with respect to the 2670
charges. 2671

(c) If the person has been convicted of or pleaded guilty 2672
to the violation and the penalty, forfeiture, or punishment for 2673
the violation that includes the conduct has not been imposed as 2674
of the effective date of this amendment, both of the following 2675
apply: 2676

(i) If the penalty, forfeiture, or punishment for the 2677
violation, as set forth in section 2925.03, 2925.031, or 2678
2925.032 of the Revised Code, is a reduction of the penalty, 2679
forfeiture, or punishment for the violation that applied under 2680
former section 2925.03 of the Revised Code, the penalty, 2681
forfeiture, or punishment for the violation shall be imposed 2682
according to section 2925.03, 2925.031, or 2925.032 of the 2683
Revised Code, whichever is applicable regarding the conduct. 2684

(ii) If division (S)(2)(c)(i) of this section does not 2685
apply, the penalty, forfeiture, or punishment for the violation 2686
shall be imposed according to former section 2925.03 of the 2687
Revised Code. 2688

Sec. 2925.031. (A)(1)(a) Except as provided in division 2689
(B) of this section, no person shall knowingly obtain, possess, 2690
sell, or offer to sell a controlled substance or controlled 2691
substance analog in an amount listed in division (A)(2) of this 2692
section. 2693

(b) Except as otherwise provided in division (B) of this 2694
section, no person shall prepare for shipment, ship, transport, 2695
deliver, prepare for distribution, or distribute a controlled 2696

substance or controlled substance analog in an amount listed in 2697
division (A) (2) of this section when the person knows or has 2698
reasonable cause to believe that the controlled substance or 2699
controlled substance analog is intended for sale or resale. 2700

(2) Division (A) (1) of this section applies to conduct 2701
involving any of the following: 2702

(a) If the drug involved in the conduct described in 2703
division (A) (1) of this section is any compound, mixture, 2704
preparation, or substance included in schedule I or schedule II, 2705
other than marihuana, cocaine, L.S.D., heroin, a fentanyl- 2706
related compound, hashish, or a controlled substance analog, an 2707
amount of the drug so involved that equals or exceeds the bulk 2708
amount but is less than fifty times the bulk amount; 2709

(b) If the drug involved in the conduct described in 2710
division (A) (1) of this section is any compound, mixture, 2711
preparation, or substance included in schedule III, schedule IV, 2712
or schedule V, an amount of the drug so involved that equals or 2713
exceeds five times the bulk amount; 2714

(c) If the drug involved in the conduct described in 2715
division (A) (1) of this section is cocaine or a compound, 2716
mixture, preparation, or substance containing cocaine, an amount 2717
of the drug so involved that equals or exceeds ten grams but is 2718
less than twenty grams; 2719

(d) If the drug involved in the conduct described in 2720
division (A) (1) of this section is L.S.D. or a compound, 2721
mixture, preparation, or substance containing L.S.D., an amount 2722
of the drug so involved that equals or exceeds fifty unit doses 2723
but is less than two hundred fifty unit doses of L.S.D. in solid 2724
form or equals or exceeds five grams but is less than twenty- 2725

five grams of L.S.D. in liquid concentrate, liquid extract, or 2726
liquid distillate form; 2727

(e) If the drug involved in the conduct described in 2728
division (A) (1) of this section is heroin or a compound, 2729
mixture, preparation, or substance containing heroin, an amount 2730
of the drug so involved that equals or exceeds either fifty unit 2731
doses or five grams but is less than either one hundred unit 2732
doses or ten grams; 2733

(f) If the drug involved in the conduct described in 2734
division (A) (1) of this section is a fentanyl-related compound 2735
or a compound, mixture, preparation, or substance containing a 2736
fentanyl-related compound, an amount of the drug so involved 2737
that equals or exceeds either fifty unit doses or five grams but 2738
is less than either one hundred unit doses or ten grams; 2739

(g) If the drug involved in the conduct described in 2740
division (A) (1) of this section is marihuana other than hashish 2741
or a compound, mixture, preparation, or substance containing 2742
marihuana other than hashish, an amount of the drug so involved 2743
that equals or exceeds one thousand grams but is less than 2744
twenty thousand grams; 2745

(h) If the drug involved in the conduct described in 2746
division (A) (1) of this section is hashish or a compound, 2747
mixture, preparation, or substance containing hashish, an amount 2748
of the drug so involved that equals or exceeds fifty grams but 2749
is less than one thousand grams; 2750

(i) If the drug involved in the conduct described in 2751
division (A) (1) of this section is a controlled substance analog 2752
or a compound, mixture, preparation, or substance containing a 2753
controlled substance analog, an amount of the drug so involved 2754

that equals or exceeds twenty grams but is less than thirty 2755
grams. 2756

(B) All of the following are affirmative defenses to a 2757
charge under this section: 2758

(1) If the person charged is a manufacturer, licensed 2759
health professional authorized to prescribe drugs, pharmacist, 2760
owner of a pharmacy, or other person, the manufacturer's, 2761
licensed health professional's, pharmacist's, pharmacy owner's, 2762
or other person's conduct was in accordance with Chapters 3719., 2763
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised 2764
Code; 2765

(2) If the offense involves an anabolic steroid, the 2766
person charged was conducting or participating in a research 2767
project involving the use of an anabolic steroid if the project 2768
has been approved by the United States food and drug 2769
administration; 2770

(3) The person charged sold, offered for sale, prescribed, 2771
dispensed, or administered for livestock or other nonhuman 2772
species an anabolic steroid that was expressly intended for 2773
administration through implants to livestock or other nonhuman 2774
species and approved for that purpose under the "Federal Food, 2775
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, as 2776
amended, and was sold, offered for sale, prescribed, dispensed, 2777
or administered for that purpose in accordance with that act. 2778

(4) The person charged obtained the controlled substance 2779
under a lawful prescription issued by a licensed health 2780
professional authorized to prescribe drugs. 2781

(C) Whoever violates division (A) (1) of this section is 2782
guilty of major trafficking in drugs and shall be punished as 2783

follows:

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(1) If the drug involved is a compound, mixture,
preparation, or substance included in schedule I or schedule II,
one of the following applies:

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(a) Except as otherwise provided in division (C) (1) (b),
(c), or (d) of this section, major trafficking in drugs
committed in those circumstances is a felony of the third degree
and division (C) of section 2929.13 of the Revised Code applies
in determining whether to impose a prison term on the offender.
If the offender two or more times previously has been convicted
of or pleaded guilty to a felony drug abuse offense, the court
shall impose as a mandatory prison term a third degree felony
mandatory prison term.

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(b) If the offense was committed in the vicinity of a
school or in the vicinity of a juvenile, except as otherwise
provided in division (C) (1) (c) or (d) of this section, major
trafficking in drugs committed in those circumstances is a
felony of the second degree, and the court shall impose as a
mandatory prison term a second degree felony mandatory prison
term.

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(c) If the amount of the drug involved equals or exceeds
five times the bulk amount but is less than fifty times the bulk
amount, except as otherwise provided in division (C) (1) (d) of
this section, major trafficking in drugs committed in those
circumstances is a felony of the second degree, division (C) of
section 2929.13 of the Revised Code applies in determining
whether to impose a prison term on the offender, and if the
court decides to impose a prison term on the offender,
notwithstanding division (A) (2) of section 2929.14 of the
Revised Code, the court may impose as a prison term a definite

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prison term of two, three, four, five, six, seven, or eight 2814
years. 2815

(d) If the amount of the drug involved is within the range 2816
specified in division (C)(1)(c) of this section and the offense 2817
was committed in the vicinity of a school or in the vicinity of 2818
a juvenile, major trafficking in drugs committed in those 2819
circumstances is a felony of the first degree, and the court 2820
shall impose as a mandatory prison term a first degree felony 2821
mandatory prison term. 2822

(2) If the drug involved is a compound, mixture, 2823
preparation, or substance included in schedule III, schedule IV, 2824
or schedule V, one of the following applies: 2825

(a) Except as otherwise provided in division (C)(2)(b), 2826
(c), or (d) of this section, major trafficking in drugs 2827
committed in those circumstances is a felony of the third 2828
degree, and division (C) of section 2929.13 of the Revised Code 2829
applies in determining whether to impose a prison term on the 2830
offender; 2831

(b) If the offense was committed in the vicinity of a 2832
school or in the vicinity of a juvenile, except as otherwise 2833
provided in division (C)(2)(c) or (d) of this section, major 2834
trafficking in drugs committed in those circumstances is a 2835
felony of the second degree and there is a presumption for a 2836
prison term for the offense; 2837

(c) If the amount of the drug involved equals or exceeds 2838
fifty times the bulk amount, except as otherwise provided in 2839
division (C)(2)(d) of this section, major trafficking in drugs 2840
committed in those circumstances is a felony of the second 2841
degree, and the court shall impose as a mandatory prison term a 2842

second degree felony mandatory prison term. 2843

(d) If the amount of the drug involved is within the range 2844
specified in division (C) (2) (c) of this section and the offense 2845
was committed in the vicinity of a school or in the vicinity of 2846
a juvenile, major trafficking in drugs committed in those 2847
circumstances is a felony of the first degree, and the court 2848
shall impose as a mandatory prison term a first degree felony 2849
mandatory prison term. 2850

(3) If the drug involved is cocaine or a compound, 2851
mixture, preparation, or substance containing cocaine, one of 2852
the following applies: 2853

(a) Except as otherwise provided in division (C) (3) (b) of 2854
this section, major trafficking in drugs committed in those 2855
circumstances is a felony of the third degree, and division (C) 2856
of section 2929.13 of the Revised Code applies in determining 2857
whether to impose a prison term on the offender, except that if 2858
the offender two or more times previously has been convicted of 2859
or pleaded guilty to a drug abuse offense, the court shall 2860
impose a third degree felony mandatory prison term; 2861

(b) If the offense was committed in the vicinity of a 2862
school or in the vicinity of a juvenile, major trafficking in 2863
drugs committed in those circumstances is a felony of the second 2864
degree, and the court shall impose as a mandatory prison term a 2865
second degree felony mandatory prison term. 2866

(4) If the drug involved in the violation is L.S.D. or a 2867
compound, mixture, preparation, or substance containing L.S.D., 2868
one of the following applies: 2869

(a) Except as otherwise provided in division (C) (4) (b) of 2870
this section, major trafficking in drugs committed in those 2871

circumstances is a felony of the third degree, and division (C) 2872
of section 2929.13 of the Revised Code applies in determining 2873
whether to impose a prison term on the offender, except that if 2874
the offender two or more times previously has been convicted of 2875
or pleaded guilty to a felony drug abuse offense the court shall 2876
impose as a mandatory prison term a third degree felony 2877
mandatory prison term. 2878

(b) If the offense was committed in the vicinity of a 2879
school or in the vicinity of a juvenile, major trafficking in 2880
drugs committed in those circumstances is a felony of the second 2881
degree, and the court shall impose as a mandatory prison term a 2882
second degree felony mandatory prison term. 2883

(5) If the drug involved in the violation is heroin or a 2884
compound, mixture, preparation, or substance containing heroin, 2885
one of the following applies: 2886

(a) Except as otherwise provided in division (C) (5) (b) of 2887
this section, major trafficking in drugs committed in those 2888
circumstances is a felony of the third degree, and division (C) 2889
of section 2929.13 of the Revised Code applies in determining 2890
whether to impose a prison term on the offender. 2891

(b) If the offense was committed in the vicinity of a 2892
school or in the vicinity of a juvenile, major trafficking in 2893
drugs committed in those circumstances is a felony of the second 2894
degree, and there is a presumption for a prison term for the 2895
offense. 2896

(6) If the drug involved is a fentanyl-related compound or 2897
a compound, mixture, preparation, or substance containing a 2898
fentanyl-related compound, one of the following applies: 2899

(a) Except as otherwise provided in division (C) (6) (b) of 2900

this section, major trafficking in drugs committed in those 2901
circumstances is a felony of the third degree, and there is a 2902
presumption for a prison term for the offense. 2903

(b) If the offense was committed in the vicinity of a 2904
school or in the vicinity of a juvenile, major trafficking in 2905
drugs committed in those circumstances is a felony of the second 2906
degree, and there is a presumption for a prison term for the 2907
offense. 2908

(7) If the drug involved in the violation is a compound, 2909
mixture, preparation, or substance that is a combination of a 2910
fentanyl-related compound and marihuana, one of the following 2911
applies: 2912

(a) Except as otherwise provided in division (C) (7) (b) of 2913
this section, the offender is guilty of major trafficking in 2914
drugs, involving marihuana, and shall be punished under division 2915
(C) (8) of this section. The offender is not guilty of major 2916
trafficking in drugs, involving a fentanyl-related compound, and 2917
shall not be punished as described in division (C) (7) (b) of this 2918
section for major trafficking in drugs, involving a fentanyl- 2919
related compound. 2920

(b) If the offender knows or has reason to know that the 2921
compound, mixture, preparation, or substance that is the drug 2922
involved contains a fentanyl-related compound, the offender is 2923
guilty of major trafficking in drugs, involving a fentanyl- 2924
related compound, and shall be punished under division (C) (6) of 2925
this section. 2926

(8) If the drug involved in the violation is marihuana or 2927
a compound, mixture, preparation, or substance containing 2928
marihuana other than hashish, one of the following applies: 2929

(a) Except as otherwise provided in division (C) (8) (b) of 2930
this section, major trafficking in drugs committed in those 2931
circumstances is a felony of the third degree, and division (C) 2932
of section 2929.13 of the Revised Code applies in determining 2933
whether to impose a prison term on the offender. 2934

(b) If the offense was committed in the vicinity of a 2935
school or in the vicinity of a juvenile, major trafficking in 2936
drugs committed in those circumstances is a felony of the second 2937
degree, and there is a presumption that a prison term shall be 2938
imposed for the offense. 2939

(9) If the drug involved in the violation is hashish or a 2940
compound, mixture, preparation, or substance containing hashish, 2941
one of the following applies: 2942

(a) Except as otherwise provided in division (C) (9) (b) of 2943
this section, major trafficking in drugs committed in those 2944
circumstances is a felony of the third degree, and division (C) 2945
of section 2929.13 of the Revised Code applies in determining 2946
whether to impose a prison term on the offender. 2947

(b) If the offense was committed in the vicinity of a 2948
school or in the vicinity of a juvenile, major trafficking in 2949
drugs committed in those circumstances is a felony of the second 2950
degree, and there is a presumption that a prison term shall be 2951
imposed for the offense. 2952

(10) If the drug involved in the violation is a controlled 2953
substance analog or compound, mixture, preparation, or substance 2954
that contains a controlled substance analog, one of the 2955
following applies: 2956

(a) Except as otherwise provided in division (C) (10) (b) of 2957
this section, major trafficking in drugs committed in those 2958

circumstances is a felony of the third degree, and division (C) 2959
of section 2929.13 of the Revised Code applies in determining 2960
whether to impose a prison term on the offender. 2961

(b) If the offense was committed in the vicinity of a 2962
school or in the vicinity of a juvenile, major trafficking in 2963
drugs committed in those circumstances is a felony of the second 2964
degree, and there is a presumption for a prison term for the 2965
offense. 2966

(D) If the offender is a professionally licensed person, 2967
in addition to any other sanction imposed for a violation of 2968
this section, the court immediately shall comply with section 2969
2925.38 of the Revised Code. 2970

(E) Divisions (L) to (Q) of section 2925.03 of the Revised 2971
Code apply with respect to a charge or conviction of, or guilty 2972
plea to, a violation of division (A) of this section or a 2973
sentence imposed for such a violation, except to the extent that 2974
by their terms they clearly are inapplicable. Any reference in 2975
divisions (L) to (Q) of section 2925.03 of the Revised Code to a 2976
charge or conviction of, or guilty plea to, a violation of that 2977
section or to a sentence imposed for a violation of that section 2978
shall be construed for purposes of this section as a reference 2979
to a charge or conviction of, or guilty plea to, a violation of 2980
this section or to a sentence imposed for such a violation. 2981

(F) It is an affirmative defense to a charge of major 2982
trafficking in drugs, involving a controlled substance analog, 2983
under this section that the person charged with committing that 2984
offense sold or offered to sell, or prepared for shipment, 2985
shipped, transported, delivered, prepared for distribution, or 2986
distributed an item described in division (HH) (2) (a), (b), or 2987
(c) of section 3719.01 of the Revised Code. 2988

Sec. 2925.032. (A)(1)(a) Except as otherwise provided in 2989
division (C) of this section, no person shall knowingly sell or 2990
offer to sell a controlled substance or controlled substance 2991
analog in an amount listed in division (A)(2) of this section. 2992

(b) Except as otherwise provided in division (C) of this 2993
section, no person shall obtain or possess, with purpose to 2994
distribute or sell, a controlled substance or controlled 2995
substance analog in an amount listed in division (A)(2) of this 2996
section. 2997

(c) Except as otherwise provided in division (C) of this 2998
section, no person shall prepare for shipment, ship, transport, 2999
deliver, prepare for distribution, or distribute a controlled 3000
substance or controlled substance analog in an amount listed in 3001
division (A)(2) of this section when the person knows or has 3002
reasonable cause to believe that the controlled substance or 3003
controlled substance analog is intended for sale or resale. 3004

(2) Division (A)(1) of this section applies to conduct 3005
involving all of the following: 3006

(a) If the drug involved in the conduct described in 3007
division (A)(1) of this section is any compound, mixture, 3008
preparation, or substance included in schedule I or schedule II, 3009
other than marihuana, cocaine, L.S.D., heroin, a fentanyl- 3010
related compound, hashish, or a controlled substance analog, an 3011
amount of the drug so involved that equals or exceeds twenty- 3012
five one-thousandths of one gram but is less than the bulk 3013
amount; 3014

(b) If the drug involved in the conduct described in 3015
division (A)(1) of this section is any compound, mixture, 3016
preparation, or substance included in schedule III, schedule IV, 3017

or schedule V, an amount of the drug so involved that equals or 3018
exceeds twenty-five one-thousandths of one gram but is less than 3019
five times the bulk amount; 3020

(c) If the drug involved in the conduct described in 3021
division (A) (1) of this section is cocaine or a compound, 3022
mixture, preparation, or substance containing cocaine, an amount 3023
of the drug so involved that equals or exceeds twenty-five one- 3024
thousandths of one gram but is less than ten grams; 3025

(d) If the drug involved in the conduct described in 3026
division (A) (1) of this section is L.S.D. or a compound, 3027
mixture, preparation, or substance containing L.S.D., an amount 3028
of the drug so involved that equals or exceeds one-fourth of one 3029
unit dose but is less than fifty unit doses, of L.S.D. in solid 3030
form, or equals or exceeds twenty-five one-thousandths of one 3031
gram but is less than five grams, of L.S.D. in liquid 3032
concentrate, liquid extract, or liquid distillate form; 3033

(e) If the drug involved in the conduct described in 3034
division (A) (1) of this section is heroin or a compound, 3035
mixture, preparation, or substance containing heroin, an amount 3036
of the drug so involved that equals or exceeds either twenty- 3037
five one-thousandths of one gram or one-fourth of one unit dose 3038
but is less than either five grams or fifty unit doses; 3039

(f) If the drug involved in the conduct described in 3040
division (A) (1) of this section is a fentanyl-related compound 3041
or a compound, mixture, preparation, or substance containing a 3042
fentanyl-related compound, an amount of the drug so involved 3043
that equals or exceeds either twenty-five one-thousandths of one 3044
gram or one-fourth of one unit dose but is less than either five 3045
grams or fifty unit doses; 3046

(g) If the drug involved in the conduct described in 3047
division (A) (1) of this section is marihuana other than hashish 3048
or a compound, mixture, preparation, or substance containing 3049
marihuana other than hashish, an amount of the drug so involved 3050
that equals or exceeds twenty-five one-thousandths of one gram 3051
but is less than one thousand grams; 3052

(h) If the drug involved in the conduct described in 3053
division (A) (1) of this section is hashish or a compound, 3054
mixture, preparation, or substance containing hashish, an amount 3055
of the drug so involved that equals or exceeds twenty-five one- 3056
thousandths of one gram but is less than fifty grams; 3057

(i) If the drug involved in the conduct described in 3058
division (A) (1) of this section is a controlled substance analog 3059
or a compound, mixture, preparation, or substance containing a 3060
controlled substance analog, an amount of the drug so involved 3061
that equals or exceeds twenty-five one-thousandths of one gram 3062
but is less than twenty grams. 3063

(B) (1) Whoever violates division (A) (1) of this section 3064
based on an amount specified in division (A) (2) (a) of this 3065
section is guilty of trafficking in schedule I or schedule II 3066
drugs. The penalty for the offense shall be determined as 3067
follows: 3068

(a) Except as otherwise provided in division (B) (1) (b) of 3069
this section, trafficking in schedule I or schedule II drugs is 3070
one of the following: 3071

(i) Except as otherwise provided in division (B) (1) (a) (ii) 3072
of this section, trafficking in schedule I or schedule II drugs 3073
is a felony of the fifth degree, and division (B) of section 3074
2929.13 of the Revised Code applies in determining whether to 3075

impose a prison term on the offender.

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

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

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

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

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

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

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(i) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, except as otherwise provided in this division, trafficking in

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drugs is a felony of the fourth degree, and division (C) of 3105
section 2929.13 of the Revised Code applies in determining 3106
whether to impose a prison term on the offender. If the amount 3107
of the drug involved is within that range and the offense was 3108
committed in the vicinity of a school, trafficking in drugs is a 3109
felony of the third degree, and there is a presumption that a 3110
prison term shall be imposed for the offense. 3111

(ii) If the amount of the drug involved equals or exceeds 3112
twenty-five one-thousandths of one gram but is less than the 3113
bulk amount, except as otherwise provided in this division, 3114
trafficking in drugs is a felony of the fifth degree, and 3115
division (B) of section 2929.13 of the Revised Code applies in 3116
determining whether to impose a prison term on the offender. If 3117
the amount of the drug involved is within that range and the 3118
offense was committed in the vicinity of a school, trafficking 3119
in drugs is a felony of the fourth degree, and division (C) of 3120
section 2929.13 of the Revised Code applies in determining 3121
whether to impose a prison term on the offender. 3122

(b) If the drug involved is a sexual assault-enabling drug 3123
or a compound, mixture, preparation, or substance containing a 3124
sexual assault-enabling drug, trafficking in drugs is one of the 3125
following: 3126

(i) If the amount of the drug involved equals or exceeds 3127
the bulk amount but is less than five times the bulk amount, 3128
except as otherwise provided in division (B) (2) (b) (ii) of this 3129
section, trafficking in drugs is a felony of the fourth degree, 3130
and division (B) of section 2929.13 of the Revised Code applies 3131
in determining whether to impose a prison term on the offender. 3132

(ii) If the amount of the drug involved is within the 3133
range specified in division (B) (2) (b) (i) of this section and the 3134

offense was committed in the vicinity of a school or in the 3135
vicinity of a juvenile, trafficking in drugs is a felony of the 3136
third degree, and there is a presumption for a prison term for 3137
the offense. 3138

(iii) If the amount of the drug involved equals or exceeds 3139
twenty-five one-thousandths of one gram but is less than the 3140
bulk amount, except as otherwise provided in division (B) (2) (b) 3141
(iv) of this section, trafficking in drugs is a felony of the 3142
fifth degree, and division (B) of section 2929.13 of the Revised 3143
Code applies in determining whether to impose a prison term on 3144
the offender. 3145

(iv) If the amount of the drug involved is within the 3146
range specified in division (B) (2) (b) (iii) of this section and 3147
the offense was committed in the vicinity of a school or in the 3148
vicinity of a juvenile, trafficking in drugs is a felony of the 3149
fourth degree, and division (C) of section 2929.13 of the 3150
Revised Code applies in determining whether to impose a prison 3151
term on the offender. 3152

(3) Whoever violates division (A) (1) of this section based 3153
on an amount specified in division (A) (2) (c) of this section is 3154
guilty of trafficking in cocaine. The penalty for the offense 3155
shall be determined as follows: 3156

(a) Except as otherwise provided in division (B) (3) (b), 3157
(c), or (d) of this section, trafficking in cocaine is a felony 3158
of the fifth degree, and division (B) of section 2929.13 of the 3159
Revised Code applies in determining whether to impose a prison 3160
term on the offender. 3161

(b) Except as otherwise provided in division (B) (3) (c) or 3162
(d) of this section, if the offense was committed in the 3163

vicinity of a school, trafficking in cocaine is a felony of the 3164
fourth degree, and division (C) of section 2929.13 of the 3165
Revised Code applies in determining whether to impose a prison 3166
term on the offender. 3167

(c) If the amount of the drug involved equals or exceeds 3168
five grams and is less than ten grams, except as otherwise 3169
provided in division (B)(3)(d) of this section, trafficking in 3170
cocaine is a felony of the fourth degree and division (B) of 3171
section 2929.13 of the Revised Code applies in determining 3172
whether to impose a prison term on the offender. 3173

(d) If the amount of the drug involved is within the range 3174
specified in division (B)(3)(c) of this section and the offense 3175
was committed in the vicinity of a school, trafficking in 3176
cocaine is a felony of the third degree, and division (C) of 3177
section 2929.13 of the Revised Code applies in determining 3178
whether to impose a prison term on the offender. 3179

(4) Whoever violates division (A)(1) of this section based 3180
on an amount specified in division (A)(2)(d) of this section is 3181
guilty of trafficking in L.S.D. The penalty for the offense 3182
shall be determined as follows: 3183

(a) Except as otherwise provided in division (B)(4)(b), 3184
(c), or (d) of this section, trafficking in L.S.D. is a felony 3185
of the fifth degree, and division (B) of section 2929.13 of the 3186
Revised Code applies in determining whether to impose a prison 3187
term on the offender. 3188

(b) Except as otherwise provided in division (B)(4)(c) or 3189
(d) of this section, if the offense was committed in the 3190
vicinity of a school, trafficking in L.S.D. is a felony of the 3191
fourth degree, and division (C) of section 2929.13 of the 3192

Revised Code applies in determining whether to impose a prison 3193
term on the offender. 3194

(c) If the amount of the drug involved equals or exceeds 3195
one gram and is less than five grams or equals or exceeds ten 3196
unit doses and is less than fifty unit doses, trafficking in 3197
L.S.D. is a felony of the fourth degree, and division (B) of 3198
section 2929.13 of the Revised Code applies in determining 3199
whether to impose a prison term on the offender. 3200

(d) If the amount of the drug involved is within the range 3201
specified in division (B) (4) (c) of this section and the offense 3202
was committed in the vicinity of a school, trafficking in L.S.D. 3203
is a felony of the third degree, and division (C) of section 3204
2929.13 of the Revised Code applies in determining whether to 3205
impose a prison term on the offender. 3206

(5) Whoever violates division (A) (1) of this section based 3207
on an amount specified in division (A) (2) (e) of this section is 3208
guilty of trafficking in heroin. The penalty for the offense 3209
shall be determined as follows: 3210

(a) If the amount of the drug involved equals or exceeds 3211
either one gram or ten unit doses but is less than either five 3212
grams or fifty unit doses, except as otherwise provided in this 3213
division, trafficking in heroin is a felony of the fourth 3214
degree, and division (C) of section 2929.13 of the Revised Code 3215
applies in determining whether to impose a prison term on the 3216
offender. If the amount of the drug involved in the offense is 3217
within that range and the offense was committed in the vicinity 3218
of a school, trafficking in heroin is a felony of the third 3219
degree and division (C) of section 2929.13 of the Revised Code 3220
applies in determining whether to impose a prison term on the 3221
offender. 3222

(b) If the amount of the drug involved equals or exceeds 3223
either twenty-five one-thousandths of one gram or one-fourth of 3224
one unit dose but is less than either one gram or ten unit 3225
doses, except as otherwise provided in this division, 3226
trafficking in heroin is a felony of the fifth degree, and 3227
division (B) of section 2929.13 of the Revised Code applies in 3228
determining whether to impose a prison term on the offender. If 3229
the amount of the drug involved in the offense is within that 3230
range and the offense was committed in the vicinity of a school, 3231
trafficking in heroin is a felony of the fourth degree and 3232
division (C) of section 2929.13 of the Revised Code applies in 3233
determining whether to impose a prison term on the offender. 3234

(6) Whoever violates division (A) (1) of this section based 3235
on an amount specified in division (A) (2) (f) of this section, 3236
subject to division (B) (7) of this section, is guilty of 3237
trafficking in a fentanyl-related compound. The penalty for the 3238
offense shall be determined as follows: 3239

(a) Except as otherwise provided in division (B) (6) (b), 3240
(c), or (d) of this section, trafficking in a fentanyl-related 3241
compound is a felony of the fifth degree, and division (B) of 3242
section 2929.13 of the Revised Code applies in determining 3243
whether to impose a prison term on the offender. 3244

(b) If the offense was committed in the vicinity of a 3245
school or in the vicinity of a juvenile, except as otherwise 3246
provided in division (B) (6) (c) or (d) of this section, 3247
trafficking in a fentanyl-related compound is a felony of the 3248
fourth degree, and division (C) of section 2929.13 of the 3249
Revised Code applies in determining whether to impose a prison 3250
term on the offender. 3251

(c) If the amount of the drug involved equals or exceeds 3252

ten unit doses but is less than fifty unit doses or equals or 3253
exceeds one gram but is less than five grams, except as 3254
otherwise provided in division (B) (6) (d) of this section, 3255
trafficking in a fentanyl-related compound is a felony of the 3256
fourth degree, and division (B) of section 2929.13 of the 3257
Revised Code applies in determining whether to impose a prison 3258
term for the offense. 3259

(d) If the amount of the drug involved is within the range 3260
specified in division (B) (6) (c) of this section and the offense 3261
was committed in the vicinity of a school or in the vicinity of 3262
a juvenile, trafficking in a fentanyl-related compound is a 3263
felony of the third degree, and there is a presumption for a 3264
prison term for the offense. 3265

(7) If the drug involved in the violation of division (A) 3266
(1) of this section is a compound, mixture, preparation, or 3267
substance that is a combination of a fentanyl-related compound 3268
and marihuana, one of the following applies: 3269

(a) Except as otherwise provided in division (B) (7) (b) of 3270
this section, the offender is guilty of trafficking in marihuana 3271
and shall be punished under division (B) (8) of this section. The 3272
offender is not guilty of trafficking in a fentanyl-related 3273
compound and shall not be charged with, convicted of, or 3274
punished under division (B) (6) of this section for trafficking 3275
in a fentanyl-related compound. 3276

(b) If the offender knows or has reason to know that the 3277
compound, mixture, preparation, or substance that is the drug 3278
involved contains a fentanyl-related compound, the offender is 3279
guilty of trafficking in a fentanyl-related compound and shall 3280
be punished under division (B) (6) of this section. 3281

(8) Whoever violates division (A) (1) of this section based 3282
on an amount specified in division (A) (2) (g) of this section is 3283
guilty of trafficking in marihuana. The penalty for the offense 3284
shall be determined as follows: 3285

(a) Except as otherwise provided in division (B) (8) (b) of 3286
this section, trafficking in marihuana is one of the following: 3287

(i) Except as otherwise provided in division (B) (8) (a) (ii) 3288
of this section, trafficking in marihuana is a felony of the 3289
fifth degree, and division (B) of section 2929.13 of the Revised 3290
Code applies in determining whether to impose a prison term on 3291
the offender. 3292

(ii) If the offense was committed in the vicinity of a 3293
school, except as otherwise provided in division (B) (8) (a) (iii) 3294
of this section, trafficking in marihuana is a felony of the 3295
fourth degree, and division (B) of section 2929.13 of the 3296
Revised Code applies in determining whether to impose a prison 3297
term on the offender. 3298

(iii) If the offense was committed in the vicinity of a 3299
school and the amount of the drug involved equals or exceeds two 3300
hundred grams and is less than one thousand grams, trafficking 3301
in marihuana is a felony of the third degree, and division (C) 3302
of section 2929.13 of the Revised Code applies in determining 3303
whether to impose a prison term on the offender. 3304

(b) If the amount of the drug involved is a gift of less 3305
than twenty grams, trafficking in marihuana is one of the 3306
following: 3307

(i) Except as otherwise provided in division (B) (8) (b) (ii) 3308
of this section, trafficking in marihuana is a minor misdemeanor 3309
on a first offense and a misdemeanor of the third degree on a 3310

subsequent offense. 3311

(ii) If the offense was committed in the vicinity of a 3312
school, trafficking in marihuana is a misdemeanor of the third 3313
degree. 3314

(9) Whoever violates division (A) (1) of this section based 3315
on an amount specified in division (A) (2) (h) of this section is 3316
guilty of trafficking in hashish. Except as otherwise provided 3317
in this division, trafficking in hashish is a felony of the 3318
fifth degree, and division (B) of section 2929.13 of the Revised 3319
Code applies in determining whether to impose a prison term on 3320
the offender. If the offense was committed in the vicinity of a 3321
school, trafficking in hashish is one of the following: 3322

(a) Except as otherwise provided in division (B) (9) (b) of 3323
this section, trafficking in hashish is a felony of the fourth 3324
degree, and division (B) of section 2929.13 of the Revised Code 3325
applies in determining whether to impose a prison term on the 3326
offender. 3327

(b) If the amount of the drug involved equals or exceeds 3328
either ten grams in solid form or two grams in liquid form and 3329
is less than either fifty grams in solid form or ten grams in 3330
liquid form, trafficking in hashish is a felony of the third 3331
degree, and division (C) of section 2929.13 of the Revised Code 3332
applies in determining whether to impose a prison term on the 3333
offender. 3334

(10) Whoever violates division (A) (1) of this section 3335
based on an amount specified in division (A) (2) (i) of this 3336
section is guilty of trafficking in a controlled substance 3337
analog. The penalty for the offense shall be determined as 3338
follows: 3339

(a) If the amount of the drug involved equals or exceeds 3340
ten grams but is less than twenty grams, trafficking in a 3341
controlled substance analog is one of the following: 3342

(i) Except as otherwise provided in division (B) (10) (a) 3343
(ii) of this section, trafficking in a controlled substance 3344
analog is a felony of the fourth degree, and division (C) of 3345
section 2929.13 of the Revised Code applies in determining 3346
whether to impose a prison term on the offender. 3347

(ii) If the offense was committed in the vicinity of a 3348
school, trafficking in a controlled substance analog is a felony 3349
of the third degree and division (C) of section 2929.13 of the 3350
Revised Code applies in determining whether to impose a prison 3351
term on the offender. 3352

(b) If the amount of the drug involved equals or exceeds 3353
twenty-five one-thousandths of one gram but is less than ten 3354
grams, trafficking in a controlled substance analog is one of 3355
the following: 3356

(i) Except as otherwise provided in division (B) (10) (b) 3357
(ii) of this section, trafficking in a controlled substance 3358
analog is a felony of the fifth degree, and division (B) of 3359
section 2929.13 of the Revised Code applies in determining 3360
whether to impose a prison term on the offender. 3361

(ii) If the offense was committed in the vicinity of a 3362
school, trafficking in a controlled substance analog is a felony 3363
of the fourth degree and division (C) of section 2929.13 of the 3364
Revised Code applies in determining whether to impose a prison 3365
term on the offender. 3366

(C) All of the following are affirmative defenses to a 3367
charge under this section: 3368

(1) If the person charged is a manufacturer, licensed 3369
health professional authorized to prescribe drugs, pharmacist, 3370
owner of a pharmacy, or other person, the manufacturer's, 3371
licensed health professional's, pharmacist's, pharmacy owner's, 3372
or other person's conduct was in accordance with Chapters 3719., 3373
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised 3374
Code; 3375

(2) If the offense involves an anabolic steroid, the 3376
person charged was conducting or participating in a research 3377
project involving the use of an anabolic steroid if the project 3378
has been approved by the United States food and drug 3379
administration; 3380

(3) The person charged sold, offered for sale, prescribed, 3381
dispensed, or administered for livestock or other nonhuman 3382
species an anabolic steroid that was expressly intended for 3383
administration through implants to livestock or other nonhuman 3384
species and approved for that purpose under the "Federal Food, 3385
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, 3386
and was sold, offered for sale, prescribed, dispensed, or 3387
administered for that purpose in accordance with that act. 3388

(D) If the offender is a professionally licensed person, 3389
in addition to any other sanction imposed for a violation of 3390
this section, the court immediately shall comply with section 3391
2925.38 of the Revised Code. 3392

(E) Divisions (L) to (Q) of section 2925.03 of the Revised 3393
Code apply with respect to a charge or conviction of, or guilty 3394
plea to, a violation of division (A) of this section or a 3395
sentence imposed for such a violation, except to the extent that 3396
by their terms they clearly are inapplicable. Any reference in 3397
divisions (L) to (Q) of section 2925.03 of the Revised Code to a 3398

charge or conviction of, or guilty plea to, a violation of that 3399
section or to a sentence imposed for a violation of that section 3400
shall be construed for purposes of this section as a reference 3401
to a charge or conviction of, or guilty plea to, a violation of 3402
this section or to a sentence imposed for such a violation. 3403

(F) It is an affirmative defense to a charge of 3404
trafficking in a controlled substance analog under this section 3405
that the person charged with violating that offense sold or 3406
offered to sell, or prepared for shipment, shipped, transported, 3407
delivered, prepared for distribution, or distributed an item 3408
described in division (HH) (2) (a), (b), or (c) of section 3719.01 3409
of the Revised Code. 3410

Sec. 2925.11. (A) ~~No~~ (1) Except as provided in division 3411
(B) of this section, no person shall knowingly obtain, possess, 3412
or use a controlled substance or a controlled substance analog 3413
in an amount listed in division (A) (2) of this section. 3414

(2) Division (A) (1) of this section applies to conduct 3415
involving all of the following: 3416

(a) If the drug involved in the conduct described in 3417
division (A) (1) of this section is any compound, mixture, 3418
preparation, or substance included in schedule I or schedule II, 3419
other than marihuana, cocaine, L.S.D., heroin, a fentanyl- 3420
related compound, hashish, a controlled substance analog, or a 3421
sexual assault-enhancing drug, subject to division (A) (2) (g) of 3422
this section, an amount of the drug so involved that equals or 3423
exceeds twenty-five one-thousandths of one gram but is less than 3424
the bulk amount; 3425

(b) If the drug involved in the conduct described in 3426
division (A) (1) of this section is any compound, mixture, 3427

preparation, or substance included in schedule III, schedule IV, 3428
or schedule V, subject to division (A)(2)(g) of this section, an 3429
amount of the drug so involved that equals or exceeds twenty- 3430
five one-thousandths of one gram but is less than five times the 3431
bulk amount; 3432

(c) If the drug involved in the conduct described in 3433
division (A)(1) of this section is cocaine or a compound, 3434
mixture, preparation, or substance containing cocaine, an amount 3435
of the drug so involved that equals or exceeds twenty-five one- 3436
thousandths of one gram but is less than ten grams; 3437

(d) If the drug involved in the conduct described in 3438
division (A)(1) of this section is L.S.D. or a compound, 3439
mixture, preparation, or substance containing L.S.D., an amount 3440
of the drug so involved that equals or exceeds one-fourth of one 3441
unit dose but is less than fifty unit doses, of L.S.D. in solid 3442
form or equals or exceeds twenty-five one-thousandths of one 3443
gram but is less than five grams, of L.S.D. in liquid 3444
concentrate, liquid extract, or liquid distillate form; 3445

(e) If the drug involved in the conduct described in 3446
division (A)(1) of this section is heroin or a compound, 3447
mixture, preparation, or substance containing heroin, an amount 3448
of the drug so involved that equals or exceeds either twenty- 3449
five one-thousandths of one gram or one-fourth of one unit dose 3450
but is less than either five grams or fifty unit doses; 3451

(f) If the drug involved in the conduct described in 3452
division (A)(1) of this section is a controlled substance analog 3453
or a compound, mixture, preparation, or substance containing a 3454
controlled substance analog, an amount of the drug so involved 3455
that equals or exceeds twenty-five one-thousandths of one gram 3456
but is less than twenty grams; 3457

(g) If the drug involved in the conduct described in 3458
division (A) (1) of this section is a sexual assault-enabling 3459
drug or a compound, mixture, preparation, or substance 3460
containing a sexual assault-enabling drug, an amount of the drug 3461
so involved that is one of the following: 3462

(i) If the sexual assault-enabling drug is a schedule I or 3463
schedule II controlled substance, an amount of the drug so 3464
involved that is less than the bulk amount; 3465

(ii) If the sexual assault-enabling drug is a schedule 3466
III, schedule IV, or schedule V controlled substance, an amount 3467
of the drug that is less than five times the bulk amount. 3468

(h) If the drug involved in the conduct described in 3469
division (A) (1) of this section is a fentanyl-related compound 3470
or a compound, mixture, preparation, or substance containing a 3471
fentanyl-related compound, an amount of the drug so involved 3472
that is less than either fifty unit doses or five grams. 3473

(B) (1) ~~This~~ All of the following are affirmative defenses 3474
to a charge under this section does not apply to any of the 3475
following: 3476

(a) ~~Manufacturers~~ If the person charged is a manufacturer, 3477
licensed health ~~professionals~~ professional authorized to 3478
prescribe drugs, ~~pharmacists~~ pharmacist, ~~owners~~ owner of 3479
~~pharmacies~~ a pharmacy, and or other ~~persons~~ whose person, the 3480
manufacturer's, licensed health professional's, pharmacist's, 3481
pharmacy owner's, or other person's conduct was in accordance 3482
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 3483
4741. of the Revised Code; 3484

(b) If the offense involves an anabolic steroid, ~~any the~~ 3485
person ~~who is charged~~ was conducting or participating in a 3486

research project involving the use of an anabolic steroid if the 3487
project has been approved by the United States food and drug 3488
administration; 3489

(c) ~~Any~~ The person who sells, offers charged sold, offered 3490
for sale, ~~prescribes~~ prescribed, ~~dispenses~~ dispensed, or 3491
~~administers~~ administered for livestock or other nonhuman species 3492
an anabolic steroid that ~~is~~ was expressly intended for 3493
administration through implants to livestock or other nonhuman 3494
species and approved for that purpose under the "Federal Food, 3495
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 3496
as amended, and ~~is~~ was sold, offered for sale, prescribed, 3497
dispensed, or administered for that purpose in accordance with 3498
that act; 3499

(d) ~~Any~~ The person who charged obtained the controlled 3500
substance pursuant to a prescription issued by a licensed health 3501
professional authorized to prescribe drugs if the prescription 3502
was issued for a legitimate medical purpose and not altered, 3503
forged, or obtained through deception or commission of a theft 3504
offense. 3505

As used in division (B) (1) (d) of this section, "deception" 3506
and "theft offense" have the same meanings as in section 2913.01 3507
of the Revised Code. 3508

(2) (a) As used in division (B) (2) of this section: 3509

(i) "Community addiction services provider" has the same 3510
meaning as in section 5119.01 of the Revised Code. 3511

(ii) "Community control sanction" and "drug treatment 3512
program" have the same meanings as in section 2929.01 of the 3513
Revised Code. 3514

(iii) "Health care facility" has the same meaning as in 3515

section 2919.16 of the Revised Code. 3516

(iv) "Minor drug possession offense" ~~means a violation of~~ 3517
~~this section that is a misdemeanor or a felony of the fifth~~ 3518
~~degree~~ has the same meaning as in section 2925.01 of the Revised 3519
Code. 3520

(v) "Post-release control sanction" has the same meaning 3521
as in section 2967.28 of the Revised Code. 3522

(vi) "Peace officer" has the same meaning as in section 3523
2935.01 of the Revised Code. 3524

(vii) "Public agency" has the same meaning as in section 3525
2930.01 of the Revised Code. 3526

(viii) "Qualified individual" means a person who is not on 3527
community control or post-release control and is a person acting 3528
in good faith who seeks or obtains medical assistance for 3529
another person who is experiencing a drug overdose, a person who 3530
experiences a drug overdose and who seeks medical assistance for 3531
that overdose, or a person who is the subject of another person 3532
seeking or obtaining medical assistance for that overdose as 3533
described in division (B) (2) (b) of this section. 3534

(ix) "Seek or obtain medical assistance" includes, but is 3535
not limited to making a 9-1-1 call, contacting in person or by 3536
telephone call an on-duty peace officer, or transporting or 3537
presenting a person to a health care facility. 3538

(b) Subject to division (B) (2) (f) of this section, a 3539
qualified individual shall not be arrested, charged, prosecuted, 3540
convicted, or penalized pursuant to this chapter for a minor 3541
drug possession offense or a violation of section 2925.12, 3542
division (C) (1) of section 2925.14, or section 2925.141 of the 3543
Revised Code if all of the following apply: 3544

(i) The evidence of the obtaining, possession, or use of 3545
the controlled substance~~or~~, controlled substance analog, drug 3546
abuse instruments, or drug paraphernalia that would be the basis 3547
of the offense was obtained as a result of the qualified 3548
individual seeking the medical assistance or experiencing an 3549
overdose and needing medical assistance. 3550

(ii) Subject to division (B) (2) (g) of this section, within 3551
thirty days after seeking or obtaining the medical assistance, 3552
the qualified individual seeks and obtains a screening and 3553
receives a referral for treatment from a community addiction 3554
services provider or a properly credentialed addiction treatment 3555
professional. 3556

(iii) Subject to division (B) (2) (g) of this section, the 3557
qualified individual who obtains a screening and receives a 3558
referral for treatment under division (B) (2) (b) (ii) of this 3559
section, upon the request of any prosecuting attorney, submits 3560
documentation to the prosecuting attorney that verifies that the 3561
qualified individual satisfied the requirements of that 3562
division. The documentation shall be limited to the date and 3563
time of the screening obtained and referral received. 3564

(c) If a person is found to be in violation of any 3565
community control sanction and if the violation is a result of 3566
either of the following, the court shall first consider ordering 3567
the person's participation or continued participation in a drug 3568
treatment program or mitigating the penalty specified in section 3569
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 3570
applicable, after which the court has the discretion either to 3571
order the person's participation or continued participation in a 3572
drug treatment program or to impose the penalty with the 3573
mitigating factor specified in any of those applicable sections: 3574

(i) Seeking or obtaining medical assistance in good faith 3575
for another person who is experiencing a drug overdose; 3576

(ii) Experiencing a drug overdose and seeking medical 3577
assistance for that overdose or being the subject of another 3578
person seeking or obtaining medical assistance for that overdose 3579
as described in division (B) (2) (b) of this section. 3580

(d) If a person is found to be in violation of any post- 3581
release control sanction and if the violation is a result of 3582
either of the following, the court or the parole board shall 3583
first consider ordering the person's participation or continued 3584
participation in a drug treatment program or mitigating the 3585
penalty specified in section 2929.141 or 2967.28 of the Revised 3586
Code, whichever is applicable, after which the court or the 3587
parole board has the discretion either to order the person's 3588
participation or continued participation in a drug treatment 3589
program or to impose the penalty with the mitigating factor 3590
specified in either of those applicable sections: 3591

(i) Seeking or obtaining medical assistance in good faith 3592
for another person who is experiencing a drug overdose; 3593

(ii) Experiencing a drug overdose and seeking medical 3594
assistance for that emergency or being the subject of another 3595
person seeking or obtaining medical assistance for that overdose 3596
as described in division (B) (2) (b) of this section. 3597

(e) Nothing in division (B) (2) (b) of this section shall be 3598
construed to do any of the following: 3599

(i) Limit the admissibility of any evidence in connection 3600
with the investigation or prosecution of a crime with regards to 3601
a defendant who does not qualify for the protections of division 3602
(B) (2) (b) of this section or with regards to any crime other 3603

than a minor drug possession offense or a violation of section 3604
2925.12, division (C) (1) of section 2925.14, or section 2925.141 3605
of the Revised Code committed by a person who qualifies for 3606
protection pursuant to division (B) (2) (b) of this section ~~for a~~ 3607
~~minor drug possession offense;~~ 3608

(ii) Limit any seizure of evidence or contraband otherwise 3609
permitted by law; 3610

(iii) Limit or abridge the authority of a peace officer to 3611
detain or take into custody a person in the course of an 3612
investigation or to effectuate an arrest for any offense except 3613
as provided in that division; 3614

(iv) Limit, modify, or remove any immunity from liability 3615
available pursuant to law in effect prior to September 13, 2016, 3616
to any public agency or to an employee of any public agency. 3617

(f) Division (B) (2) (b) of this section does not apply to 3618
any person who twice previously has been granted an immunity 3619
under division (B) (2) (b) of this section. No person shall be 3620
granted an immunity under division (B) (2) (b) of this section 3621
more than two times. 3622

(g) Nothing in this section shall compel any qualified 3623
individual to disclose protected health information in a way 3624
that conflicts with the requirements of the "Health Insurance 3625
Portability and Accountability Act of 1996," 104 Pub. L. No. 3626
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 3627
regulations promulgated by the United States department of 3628
health and human services to implement the act or the 3629
requirements of 42 C.F.R. Part 2. 3630

~~(C) Whoever violates division (A) of this section is~~ 3631
~~guilty of one of the following:~~ 3632

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

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

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

~~(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, aggravated possession of drugs is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.~~

~~(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount but is less than one hundred times the bulk amount, aggravated possession of drugs is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~

~~(e) If the amount of the drug involved equals or exceeds one hundred times the bulk amount, aggravated possession of drugs is a felony of the first degree, the offender is a major~~

~~drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~

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

~~(a) Except as otherwise provided in division (C) (2) (b), (c), or (d) of this section, possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony of the fifth degree.~~

~~(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, possession of drugs is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~

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

~~(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount, possession of drugs is a felony of the second degree, and the court shall impose upon the offender as a mandatory prison term a second degree felony mandatory prison term.~~

~~(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (A) of~~

~~this section is guilty of possession of marihuana. The penalty
for the offense shall be determined as follows:~~ 3691 3692

~~(a) Except as otherwise provided in division (C) (3) (b),
(c), (d), (e), (f), or (g) of this section, possession of
marihuana is a minor misdemeanor.~~ 3693 3694 3695

~~(b) If the amount of the drug involved equals or exceeds
one hundred grams but is less than two hundred grams, possession
of marihuana is a misdemeanor of the fourth degree.~~ 3696 3697 3698

~~(c) If the amount of the drug involved equals or exceeds
two hundred grams but is less than one thousand grams,
possession of marihuana is a felony of the fifth degree, and
division (B) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.~~ 3699 3700 3701 3702 3703

~~(d) If the amount of the drug involved equals or exceeds
one thousand grams but is less than five thousand grams,
possession of marihuana is a felony of the third degree, and
division (C) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.~~ 3704 3705 3706 3707 3708

~~(e) If the amount of the drug involved equals or exceeds
five thousand grams but is less than twenty thousand grams,
possession of marihuana is a felony of the third degree, and
there is a presumption that a prison term shall be imposed for
the offense.~~ 3709 3710 3711 3712 3713

~~(f) If the amount of the drug involved equals or exceeds
twenty thousand grams but is less than forty thousand grams,
possession of marihuana is a felony of the second degree, and
the court shall impose as a mandatory prison term a second-
degree felony mandatory prison term of five, six, seven, or
eight years.~~ 3714 3715 3716 3717 3718 3719

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

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

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

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

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

~~(d) If the amount of the drug involved equals or exceeds twenty grams but is less than twenty-seven grams of cocaine, possession of cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.~~ 3749
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~~(e) If the amount of the drug involved equals or exceeds twenty-seven grams but is less than one hundred grams of cocaine, possession of cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 3754
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~~(f) If the amount of the drug involved equals or exceeds one hundred grams of cocaine, possession of cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~ 3759
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~~(5) If the drug involved in the violation is L.S.D., whoever violates division (A) of this section is guilty of possession of L.S.D. The penalty for the offense shall be determined as follows:~~ 3764
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~~(a) Except as otherwise provided in division (C) (5) (b), (c), (d), (e), or (f) of this section, possession of L.S.D. is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3768
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~~(b) If the amount of L.S.D. involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the~~ 3773
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~~fourth degree, and division (C) of section 2929.13 of the~~ 3778
~~Revised Code applies in determining whether to impose a prison~~ 3779
~~term on the offender.~~ 3780

~~(c) If the amount of L.S.D. involved equals or exceeds~~ 3781
~~fifty unit doses, but is less than two hundred fifty unit doses~~ 3782
~~of L.S.D. in a solid form or equals or exceeds five grams but is~~ 3783
~~less than twenty five grams of L.S.D. in a liquid concentrate,~~ 3784
~~liquid extract, or liquid distillate form, possession of L.S.D.~~ 3785
~~is a felony of the third degree, and there is a presumption for~~ 3786
~~a prison term for the offense.~~ 3787

~~(d) If the amount of L.S.D. involved equals or exceeds two~~ 3788
~~hundred fifty unit doses but is less than one thousand unit~~ 3789
~~doses of L.S.D. in a solid form or equals or exceeds twenty five~~ 3790
~~grams but is less than one hundred grams of L.S.D. in a liquid~~ 3791
~~concentrate, liquid extract, or liquid distillate form,~~ 3792
~~possession of L.S.D. is a felony of the second degree, and the~~ 3793
~~court shall impose as a mandatory prison term a second degree~~ 3794
~~felony mandatory prison term.~~ 3795

~~(e) If the amount of L.S.D. involved equals or exceeds one~~ 3796
~~thousand unit doses but is less than five thousand unit doses of~~ 3797
~~L.S.D. in a solid form or equals or exceeds one hundred grams~~ 3798
~~but is less than five hundred grams of L.S.D. in a liquid~~ 3799
~~concentrate, liquid extract, or liquid distillate form,~~ 3800
~~possession of L.S.D. is a felony of the first degree, and the~~ 3801
~~court shall impose as a mandatory prison term a first degree~~ 3802
~~felony mandatory prison term.~~ 3803

~~(f) If the amount of L.S.D. involved equals or exceeds~~ 3804
~~five thousand unit doses of L.S.D. in a solid form or equals or~~ 3805
~~exceeds five hundred grams of L.S.D. in a liquid concentrate,~~ 3806
~~liquid extract, or liquid distillate form, possession of L.S.D.~~ 3807

~~is a felony of the first degree, the offender is a major drug
offender, and the court shall impose as a mandatory prison term
a maximum first degree felony mandatory prison term.~~

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

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

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

~~(c) If the amount of the drug involved equals or exceeds
fifty unit doses but is less than one hundred unit doses or
equals or exceeds five grams but is less than ten grams,
possession of heroin is a felony of the third degree, and there
is a presumption for a prison term for the offense.~~

~~(d) If the amount of the drug involved equals or exceeds
one hundred unit doses but is less than five hundred unit doses
or equals or exceeds ten grams but is less than fifty grams,
possession of heroin is a felony of the second degree, and the
court shall impose as a mandatory prison term a second degree~~

~~felony mandatory prison term.~~ 3837

~~(e) If the amount of the drug involved equals or exceeds
five hundred unit doses but is less than one thousand unit doses
or equals or exceeds fifty grams but is less than one hundred
grams, possession of heroin is a felony of the first degree, and
the court shall impose as a mandatory prison term a first degree
felony mandatory prison term.~~ 3838
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~~(f) If the amount of the drug involved equals or exceeds
one thousand unit doses or equals or exceeds one hundred grams,
possession of heroin is a felony of the first degree, the
offender is a major drug offender, and the court shall impose as
a mandatory prison term a maximum first degree felony mandatory
prison term.~~ 3844
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~~(7) If the drug involved in the violation is hashish or a
compound, mixture, preparation, or substance containing hashish,
whoever violates division (A) of this section is guilty of
possession of hashish. The penalty for the offense shall be
determined as follows:~~ 3850
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~~(a) Except as otherwise provided in division (C) (7) (b),
(c), (d), (e), (f), or (g) of this section, possession of
hashish is a minor misdemeanor.~~ 3855
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~~(b) If the amount of the drug involved equals or exceeds
five grams but is less than ten grams of hashish in a solid form
or equals or exceeds one gram but is less than two grams of
hashish in a liquid concentrate, liquid extract, or liquid
distillate form, possession of hashish is a misdemeanor of the
fourth degree.~~ 3858
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~~(c) If the amount of the drug involved equals or exceeds
ten grams but is less than fifty grams of hashish in a solid~~ 3864
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~~form or equals or exceeds two grams but is less than ten grams~~ 3866
~~of hashish in a liquid concentrate, liquid extract, or liquid~~ 3867
~~distillate form, possession of hashish is a felony of the fifth~~ 3868
~~degree, and division (B) of section 2929.13 of the Revised Code~~ 3869
~~applies in determining whether to impose a prison term on the~~ 3870
~~offender.~~ 3871

~~(d) If the amount of the drug involved equals or exceeds~~ 3872
~~fifty grams but is less than two hundred fifty grams of hashish~~ 3873
~~in a solid form or equals or exceeds ten grams but is less than~~ 3874
~~fifty grams of hashish in a liquid concentrate, liquid extract,~~ 3875
~~or liquid distillate form, possession of hashish is a felony of~~ 3876
~~the third degree, and division (C) of section 2929.13 of the~~ 3877
~~Revised Code applies in determining whether to impose a prison~~ 3878
~~term on the offender.~~ 3879

~~(e) If the amount of the drug involved equals or exceeds~~ 3880
~~two hundred fifty grams but is less than one thousand grams of~~ 3881
~~hashish in a solid form or equals or exceeds fifty grams but is~~ 3882
~~less than two hundred grams of hashish in a liquid concentrate,~~ 3883
~~liquid extract, or liquid distillate form, possession of hashish~~ 3884
~~is a felony of the third degree, and there is a presumption that~~ 3885
~~a prison term shall be imposed for the offense.~~ 3886

~~(f) If the amount of the drug involved equals or exceeds~~ 3887
~~one thousand grams but is less than two thousand grams of~~ 3888
~~hashish in a solid form or equals or exceeds two hundred grams~~ 3889
~~but is less than four hundred grams of hashish in a liquid~~ 3890
~~concentrate, liquid extract, or liquid distillate form,~~ 3891
~~possession of hashish is a felony of the second degree, and the~~ 3892
~~court shall impose as a mandatory prison term a second degree~~ 3893
~~felony mandatory prison term of five, six, seven, or eight~~ 3894
~~years.~~ 3895

~~(g) If the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the second degree, and the court shall impose as a mandatory prison term a maximum second degree felony mandatory prison term.~~ 3896
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~~(8) If the drug involved is a controlled substance analog or compound, mixture, preparation, or substance that contains a controlled substance analog, whoever violates division (A) of this section is guilty of possession of a controlled substance analog. The penalty for the offense shall be determined as follows:~~ 3903
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~~(a) Except as otherwise provided in division (C) (8) (b), (c), (d), (e), or (f) of this section, possession of a controlled substance analog is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3909
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~~(b) If the amount of the drug involved equals or exceeds ten grams but is less than twenty grams, possession of a controlled substance analog is a felony of the fourth degree, and there is a presumption for a prison term for the offense.~~ 3914
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~~(c) If the amount of the drug involved equals or exceeds twenty grams but is less than thirty grams, possession of a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense.~~ 3918
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~~(d) If the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, possession of a controlled substance analog is a felony of the second degree,~~ 3922
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~~and the court shall impose as a mandatory prison term a second-~~ 3925
~~degree felony mandatory prison term.~~ 3926

~~(e) If the amount of the drug involved equals or exceeds~~ 3927
~~forty grams but is less than fifty grams, possession of a~~ 3928
~~controlled substance analog is a felony of the first degree, and~~ 3929
~~the court shall impose as a mandatory prison term a first degree~~ 3930
~~felony mandatory prison term.~~ 3931

~~(f) If the amount of the drug involved equals or exceeds~~ 3932
~~fifty grams, possession of a controlled substance analog is a~~ 3933
~~felony of the first degree, the offender is a major drug~~ 3934
~~offender, and the court shall impose as a mandatory prison term~~ 3935
~~a maximum first degree felony mandatory prison term.~~ 3936

~~(9) Whoever violates division (A) (1) of this section is~~ 3937
~~guilty of possession of a controlled substance and shall be~~ 3938
~~penalized as follows:~~ 3939

(1) (a) If the violation is based on an amount specified in 3940
division (A) (2) (a), (b), (c), (d), or (f) of this section, 3941
except as otherwise provided in this division, possession of a 3942
controlled substance is an unclassified misdemeanor and division 3943
(C) (7) of this section applies. If the offender twice previously 3944
has been convicted of or pleaded guilty to a violation of this 3945
section or a substantially equivalent law of this state or 3946
municipal ordinance in the three years immediately preceding the 3947
offense date, possession of a controlled substance is a felony 3948
of the fifth degree and division (B) of section 2929.13 of the 3949
Revised Code applies in determining whether to impose a prison 3950
term on the offender. 3951

(b) If the violation is based on an amount specified in 3952
division (A) (2) (e) of this section, possession of a controlled 3953

substance is one of the following:

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

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(ii) If the amount of the heroin or the compound, mixture,
preparation, or substance containing heroin involved equals or
exceeds either three grams or thirty unit doses but is less than
either five grams or fifty unit doses, possession of a
controlled substance is a felony of the fifth degree and
division (B) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.

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

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(3) If the violation is based on an amount specified in

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division (A) (2) (g) (ii) of this section, the penalty for the 3984
offense shall be determined as follows: 3985

(a) Except as otherwise provided in division (C) (3) (b) or 3986
(c) of this section, possession of a controlled substance 3987
committed in those circumstances is a misdemeanor of the first 3988
degree. 3989

(b) If the offender previously has been convicted of or 3990
pleaded guilty to a drug abuse offense, except as provided in 3991
division (C) (3) (c) of this section, possession of a controlled 3992
substance committed in those circumstances is a felony of the 3993
fifth degree, and division (B) of section 2929.13 of the Revised 3994
Code applies in determining whether to impose a prison term on 3995
the offender; 3996

(c) If the amount of the drug involved equals or exceeds 3997
the bulk amount but is less than five times the bulk amount, 3998
possession of a controlled substance committed in those 3999
circumstances is a felony of the fourth degree, and division (C) 4000
of section 2929.13 of the Revised Code applies in determining 4001
whether to impose a prison term on the offender. 4002

(4) If the drug involved in the violation is a compound, 4003
mixture, preparation, or substance that is a combination of a 4004
fentanyl-related compound and marihuana, one of the following 4005
applies: 4006

(a) Except as otherwise provided in division (C) ~~(9)~~ (4) (b) 4007
of this section, the offender is guilty of possession of 4008
marihuana and shall be punished as provided in ~~division (C) (3)~~ 4009
~~of this section~~ 2925.111 or 2925.112 of the Revised Code. Except 4010
as otherwise provided in division (C) ~~(9)~~ (4) (b) of this section, 4011
the offender is not guilty of possession of a controlled 4012

substance requiring sentencing for a fentanyl-related compound 4013
under division (C) ~~(11)~~ (6) of this section and shall not be 4014
~~charged with, convicted of, or punished~~ under division (C) ~~(11)~~ 4015
(6) of this section for possession of a fentanyl-related 4016
compound. 4017

(b) If the offender knows or has reason to know that the 4018
compound, mixture, preparation, or substance that is the drug 4019
involved contains a fentanyl-related compound, the offender is 4020
guilty of possession of a controlled substance requiring 4021
sentencing for a fentanyl-related compound and shall be punished 4022
under division (C) ~~(11)~~ (6) of this section. 4023

~~(10)~~ (5) If the drug involved in the violation is a 4024
compound, mixture, preparation, or substance that is a 4025
combination of a fentanyl-related compound and any schedule III, 4026
schedule IV, or schedule V controlled substance that is not a 4027
fentanyl-related compound, one of the following applies: 4028

(a) Except as otherwise provided in division (C) ~~(10)~~ (5) (b) 4029
of this section, the offender is guilty of possession of ~~drugs~~ 4030
~~and shall be punished as provided in a controlled substance~~ 4031
requiring sentencing under division (C) ~~(2)~~ (1) of this section. 4032
Except as otherwise provided in division (C) ~~(10)~~ (5) (b) of this 4033
section, the offender is not guilty of possession of a 4034
controlled substance requiring sentencing for a fentanyl-related 4035
compound under division (C) ~~(11)~~ (6) of this section and shall not 4036
be ~~charged with, convicted of, or punished~~ under division (C) 4037
~~(11)~~ (6) of this section ~~for possession of a fentanyl-related~~ 4038
~~compound.~~ 4039

(b) If the offender knows or has reason to know that the 4040
compound, mixture, preparation, or substance that is the drug 4041
involved contains a fentanyl-related compound, the offender is 4042

guilty of possession of a controlled substance requiring 4043
sentencing for a fentanyl-related compound and shall be punished 4044
under division (C) ~~(11)~~ (6) of this section. 4045

~~(11)~~ (6) If the drug involved in the violation is a 4046
fentanyl-related compound and neither division (C) ~~(9)~~ (4) (a) nor 4047
division (C) ~~(10)~~ (5) (a) of this section applies to the drug 4048
involved, or is a compound, mixture, preparation, or substance 4049
that contains a fentanyl-related compound or is a combination of 4050
a fentanyl-related compound and any other controlled substance 4051
and neither division (C) ~~(9)~~ (4) (a) nor division (C) ~~(10)~~ (5) (a) of 4052
this section applies to the drug involved, ~~whoever violates~~ 4053
~~division (A) of this section is guilty of possession of a~~ 4054
~~fentanyl-related compound. The~~ the penalty for the offense shall 4055
be determined as follows: 4056

(a) Except as otherwise provided in division (C) ~~(11)~~ (6) 4057
~~(b), (c), (d), (e), (f), or (g)~~ of this section, possession of a 4058
~~fentanyl-related compound~~ controlled substance in those 4059
circumstances is a felony of the fifth degree, and division (B) 4060
of section 2929.13 of the Revised Code applies in determining 4061
whether to impose a prison term on the offender. 4062

(b) If the amount of the drug involved equals or exceeds 4063
ten unit doses but is less than fifty unit doses or equals or 4064
exceeds one gram but is less than five grams, possession of a 4065
~~fentanyl-related compound~~ controlled substance in those 4066
circumstances is a felony of the fourth degree, and division (C) 4067
of section 2929.13 of the Revised Code applies in determining 4068
whether to impose a prison term on the offender. 4069

~~(c) If the amount of the drug involved equals or exceeds~~ 4070
~~fifty unit doses but is less than one hundred unit doses or~~ 4071
~~equals or exceeds five grams but is less than ten grams,~~ 4072

~~possession of a fentanyl related compound is a felony of the
third degree, and there is a presumption for a prison term for
the offense.~~

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

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

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~~(f) If the amount of the drug involved equals or exceeds
five hundred unit doses but is less than one thousand unit doses
or equals or exceeds fifty grams but is less than one hundred
grams, possession of a fentanyl related compound is a felony of
the first degree, and the court shall impose as a mandatory
prison term the maximum prison term prescribed for a felony of
the first degree.~~

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~~(g) If the amount of the drug involved equals or exceeds
one thousand unit doses or equals or exceeds one hundred grams,
possession of a fentanyl related compound is a felony of the
first degree, the offender is a major drug offender, and the
court shall impose as a mandatory prison term the maximum prison
term prescribed for a felony of the first degree.~~

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(7) (a) When possession of a controlled substance is an 4103
unclassified misdemeanor under division (C) (1) of this section 4104
or under division (C) (1) of section 2925.112 of the Revised 4105
Code, except as otherwise provided in this division, it shall be 4106
presumed that the offender shall be sentenced to treatment under 4107
section 2929.26 or 2929.27 of the Revised Code. The presumption 4108
is a rebuttable presumption that may be rebutted as described in 4109
division (C) (7) (c) of this section. If division (C) (7) (b) of 4110
this section applies with respect to the offender and the 4111
offense, the presumption established under this division does 4112
not apply to the offender. If the presumption established under 4113
this division applies to an offender and it is rebutted as 4114
described in division (C) (7) (c) of this section, or if the 4115
presumption does not apply to an offender pursuant to division 4116
(C) (7) (b) of this section, the court shall proceed as described 4117
in division (C) (7) (d) of this section. 4118

(b) The presumption described in division (C) (7) (a) of 4119
this section does not apply with respect to an offender, and the 4120
court shall proceed as described in division (C) (7) (d) of this 4121
section, if the jury or judge as trier of fact determines that 4122
the offender, in committing the offense or related in any way to 4123
the offense, has made threats of violence to any person. The 4124
presumption described in division (C) (7) (a) of this section does 4125
not apply with respect to an offender, and the court shall 4126
proceed as described in division (C) (7) (d) of this section, if 4127
all of the following apply with respect to the offender and the 4128
unclassified misdemeanor offense: 4129

(i) The prosecution of the offender for the violation that 4130
resulted in the conviction of or plea of guilty to the 4131
unclassified misdemeanor offense had been held in abeyance under 4132
division (D) of this section; 4133

(ii) The court under division (D) (2) (c) of this section 4134
determined that the offender failed to comply with any term or 4135
condition imposed under the abeyance mechanism as part of the 4136
drug treatment program for the offender, and under division (D) 4137
(2) (c) (iv) of this section continued with the prosecution of the 4138
violation that was held in abeyance; 4139

(iii) At the time of making the determination described in 4140
division (C) (7) (b) (ii) of this section or at any other time 4141
prior to imposing sentence, the court determined that the 4142
offender's failure described in division (C) (7) (b) (ii) of this 4143
section consisted of or included the offender's articulated or 4144
demonstrated refusal to participate in the drug treatment 4145
program imposed on the offender or any of its terms or 4146
conditions, and the refusal demonstrated to the court that the 4147
offender had abandoned the objects of the treatment program. 4148

(c) If division (C) (7) (b) of this section does not apply 4149
with respect to the offender, the presumption described in 4150
division (C) (7) (a) of this section applies to an offender unless 4151
the court determines, by clear and convincing evidence, based on 4152
evidence or information provided by the prosecution or otherwise 4153
before the court, that either of the factors described in 4154
division (C) (7) (c) (i) and (ii) of this section apply with 4155
respect to the offender and the offense. If the court determines 4156
that both of those factors apply with respect to the offender 4157
and the offense, the presumption is rebutted and the court shall 4158
proceed as described in division (C) (7) (d) of this section. The 4159
presumption applies to an offender unless the court determines, 4160
beyond a reasonable doubt, based on evidence or information 4161
provided by the prosecution or otherwise before the court, that 4162
either of the following applies with respect to the offender and 4163
the offense: 4164

(i) The offender is unwilling to participate in a 4165
certified treatment program or has signed a statement 4166
stipulating that the offender is unwilling to enroll in a 4167
certified treatment program; 4168

(ii) The court conducts a review, based on the single 4169
validated risk assessment tool selected by the department of 4170
rehabilitation and correction under section 5120.114 of the 4171
Revised Code and using the specified evidence or information, as 4172
to whether the person poses a risk to society that is 4173
sufficiently high enough so that the presumption should not 4174
apply and, based on that review, determines that the offender 4175
poses a risk to society that is sufficiently high enough so that 4176
the presumption should not apply. 4177

(d) If the presumption established under division (C) (7) 4178
(a) of this section applies to an offender and it is rebutted as 4179
described in division (C) (7) (c) of this section, or if the 4180
presumption does not apply to an offender pursuant to division 4181
(C) (7) (b) of this section, the court may sentence the offender 4182
to any sanction or combination of sanctions under sections 4183
2929.21 to 2929.28 of the Revised Code, except that: 4184

(i) Notwithstanding section 2929.24 of the Revised Code 4185
and notwithstanding the provisions of law that generally reserve 4186
the use of a prison term sanction for a person who is convicted 4187
of or pleads guilty to a felony, the court may impose on the 4188
offender a jail term of not more than three hundred sixty-four 4189
days or a prison term of not more than three hundred sixty-four 4190
days, with the court deciding whether the term is a jail term or 4191
a prison term, provided that if, at the time of sentencing, the 4192
department of rehabilitation and correction has certified to the 4193
court, in accordance with rules adopted under division (C) (7) (g) 4194

of this section, that at that time the county in which the 4195
person is being sentenced is unable to house the defendant in a 4196
facility that is operating at or under ninety per cent of the 4197
facility's capacity, the term shall be a prison term; 4198

(ii) Notwithstanding division (A) (2) (a) of section 2929.28 4199
of the Revised Code, the court may fine the offender not more 4200
than one thousand dollars; 4201

(iii) Notwithstanding sections 2929.26 and 2929.27 of the 4202
Revised Code, the court may impose on the offender a term of not 4203
more than six months in a halfway house or community-based 4204
correctional facility. 4205

(e) (i) If a court sentences an offender to a prison term 4206
under division (C) (7) (d) (i) of this section, sections 2949.12 4207
and 5120.16 of the Revised Code apply with respect to the 4208
delivery of the offender to the department of rehabilitation and 4209
correction and the determination of the correctional institution 4210
in which the offender will serve the term, and all provisions of 4211
law that pertain to an offender sentenced to or serving a stated 4212
prison term for a felony of the fourth degree apply to the 4213
offender sentenced under division (C) (7) (d) (i) of this section 4214
as if the offender sentenced under division (C) (7) (d) (i) of this 4215
section had been sentenced to and is serving the term for a 4216
felony of the fourth degree, except to the extent that the 4217
provisions clearly are inapplicable or to the extent that their 4218
application to the offender sentenced under division (C) (7) (d) 4219
(i) of this section would not be possible or feasible. 4220

(ii) If a court imposes on the offender a term in a 4221
halfway house or community-based correctional facility under 4222
division (C) (7) (d) (iii) of this section, the department of 4223
rehabilitation and correction shall consider the offender an 4224

eligible offender for purposes of admission to the facility as 4225
if the offender was an eligible felony offender. 4226

(f) If an offender is convicted of a violation of this 4227
section or section 2925.112 of the Revised Code that is an 4228
unclassified misdemeanor under division (C) (1) of this section 4229
or under division (C) (1) of section 2925.112 of the Revised 4230
Code, if the offense, prior to the effective date of this 4231
amendment, would have been a felony, and if the offender is 4232
sentenced to treatment under section 2929.26 or 2929.27 of the 4233
Revised Code or is sentenced to any other community control 4234
sanction under either of those sections that requires 4235
supervision of the offender, notwithstanding any other provision 4236
of law to the contrary, the court shall place the offender under 4237
the general control and supervision of the county probation 4238
department that serves the court, the adult parole authority 4239
when there is no department of probation in the county and the 4240
court has entered into an agreement with the adult parole 4241
authority as described in division (B) of section 2301.32 of the 4242
Revised Code, or an entity described in division (B) (1) (a) of 4243
section 2301.27 of the Revised Code when the court has 4244
contracted for probation services with the entity, as if the 4245
offender was subject to a community control sanction imposed 4246
under section 2929.15 of the Revised Code. 4247

(g) The department of rehabilitation and correction shall 4248
adopt rules specifying the process under which it will certify 4249
to courts that a county is unable to house defendants sentenced 4250
under division (C) (7) (d) of this section in a facility in the 4251
county that is operating at or under ninety per cent of its 4252
capacity. 4253

(D) ~~Arrest or conviction for a minor misdemeanor violation~~ 4254

~~of this section does not constitute a criminal record and need~~ 4255
~~not be reported by the person so arrested or convicted in~~ 4256
~~response to any inquiries about the person's criminal record,~~ 4257
~~including any inquiries contained in any application for~~ 4258
~~employment, license, or other right or privilege, or made in~~ 4259
~~connection with the person's appearance as a witness. (1) If a~~ 4260
person is charged with a misdemeanor violation of division (A) 4261
(1) of this section or a misdemeanor violation of section 4262
2925.111 or 2925.112 of the Revised Code, the court may hold the 4263
prosecution in abeyance and stay all criminal proceedings with 4264
respect to the violation if all of the following apply: 4265

(a) The person has not previously been convicted of or 4266
pleaded guilty to any of the following: 4267

(i) A violation of division (A)(1) of this section 4268
committed on or after the effective date of this section or of 4269
section 2925.03, 2925.031, or 2925.032 of the Revised Code; 4270

(ii) A violation of the version of section 2925.11 of the 4271
Revised Code that was in effect prior to the effective date of 4272
this section if the drug that was the basis of the violation was 4273
other than marihuana or hashish. 4274

(b) The person agrees to a drug treatment program 4275
determined by the court to be appropriate, to comply with all 4276
terms and conditions of treatment imposed by the court, and to 4277
complete the program. 4278

(c) The person waives the person's right to a speedy trial 4279
and any other rights with respect to the time of proceedings 4280
related to the violation that otherwise would apply. 4281

(2) If the court, under division (D)(1) of this section, 4282
holds a prosecution in abeyance and stays all criminal 4283

proceedings against a person with respect to a violation, all of 4284
the following apply: 4285

(a) The court shall issue an order that establishes terms 4286
and conditions of the drug treatment program and requires the 4287
person to complete the program, and shall place the offender 4288
under the general control and supervision of the probation 4289
department or other entity that provides probation services to 4290
the court, as if the offender was subject to a community control 4291
sanction imposed under section 2929.25 of the Revised Code. 4292

(b) If the court finds that the person has successfully 4293
completed the drug treatment program, the court shall dismiss 4294
the proceedings against the person. Successful completion of the 4295
program shall be without adjudication of guilt and is not a 4296
criminal conviction for purposes of any disqualification or 4297
disability imposed by law upon conviction of a crime, the court 4298
may order the sealing of records related to the offense in 4299
question in the manner provided in sections 2953.51 to 2953.56 4300
of the Revised Code, and the court shall inform the person that 4301
the person may apply for the sealing of the records under those 4302
sections and of the procedure for making such an application. 4303

(c) If the person fails to comply with any term or 4304
condition imposed as part of the treatment program for the 4305
person, the supervising authority for the person promptly shall 4306
advise the court of this failure, and the court shall hold a 4307
hearing to determine whether the person failed to comply with 4308
any such term or condition. If the court determines that the 4309
person has failed to comply with any of those terms and 4310
conditions, it shall do one of the following: 4311

(i) Issue an order that continues the person under the 4312
same drug treatment program, with the same terms and conditions 4313

of the program; 4314

(ii) Issue an order that continues the person under the 4315
same drug treatment program, with different terms and conditions 4316
of the program; 4317

(iii) Issue an order that subjects the person to a 4318
different treatment program and establishes terms and conditions 4319
of the program; 4320

(iv) Continue with the prosecution of the violation that 4321
was held in abeyance, which may include authorizing the person 4322
to apply for intervention in lieu of conviction under section 4323
2951.041 of the Revised Code if it appears that the person is 4324
eligible for such intervention as described in division (B) of 4325
that section. 4326

(3) If a court issues an order under division (D) (2) (c) 4327
(i), (ii), or (iii) of this section, the court shall place the 4328
offender under the general control and supervision of an entity 4329
as specified in division (D) (2) (a) of this section, and 4330
divisions (D) (2) (b) and (c) of this section apply with respect 4331
to the order so issued. 4332

(4) A person shall not be required to enter a guilty plea 4333
to a misdemeanor violation of division (A) (1) of this section or 4334
a misdemeanor violation of section 2925.111 or 2925.112 of the 4335
Revised Code in order for a court to hold the prosecution in 4336
abeyance and stay all criminal proceedings with respect to the 4337
violation under division (D) of this section. 4338

(E) In addition to any prison term or jail term authorized 4339
or required by division (C) of this section and sections 4340
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 4341
Code and in addition to any other sanction that is imposed for 4342

the offense under this section, sections 2929.11 to 2929.18, or 4343
sections 2929.21 to 2929.28 of the Revised Code, the court that 4344
sentences an offender who is convicted of or pleads guilty to a 4345
violation of division (A) (1) of this section may suspend the 4346
offender's driver's or commercial driver's license or permit for 4347
not more than five years. However, if the offender pleaded 4348
guilty to or was convicted of a violation of section 4511.19 of 4349
the Revised Code or a substantially similar municipal ordinance 4350
or the law of another state or the United States arising out of 4351
the same set of circumstances as the violation, the court shall 4352
suspend the offender's driver's or commercial driver's license 4353
or permit for not more than five years. If applicable, the court 4354
also shall do the following: 4355

(1) (a) If the violation is a felony of the first, second, 4356
or third degree, the court shall impose upon the offender the 4357
mandatory fine specified for the offense under division (B) (1) 4358
of section 2929.18 of the Revised Code unless, as specified in 4359
that division, the court determines that the offender is 4360
indigent. 4361

(b) Notwithstanding any contrary provision of section 4362
3719.21 of the Revised Code, the clerk of the court shall pay a 4363
mandatory fine or other fine imposed for a violation of this 4364
section pursuant to division (A) of section 2929.18 of the 4365
Revised Code in accordance with and subject to the requirements 4366
of division ~~(F)~~ (N) of section 2925.03 of the Revised Code. The 4367
agency that receives the fine shall use the fine as specified in 4368
division ~~(F)~~ (N) of section 2925.03 of the Revised Code. 4369

(c) If a person is charged with a violation of this 4370
section that is a felony of the first, second, or third degree, 4371
posts bail, and forfeits the bail, the clerk shall pay the 4372

forfeited bail pursuant to division (E) (1) (b) of this section as 4373
if it were a mandatory fine imposed under division (E) (1) (a) of 4374
this section. 4375

(2) If the offender is a professionally licensed person, 4376
in addition to any other sanction imposed for a violation of 4377
this section, the court immediately shall comply with section 4378
2925.38 of the Revised Code. 4379

(F) It is an affirmative defense, as provided in section 4380
2901.05 of the Revised Code, to a charge of a fourth degree 4381
felony violation under this section that the controlled 4382
substance that gave rise to the charge is in an amount, is in a 4383
form, is prepared, compounded, or mixed with substances that are 4384
not controlled substances in a manner, or is possessed under any 4385
other circumstances, that indicate that the substance was 4386
possessed solely for personal use. Notwithstanding any contrary 4387
provision of this section, if, in accordance with section 4388
2901.05 of the Revised Code, an accused who is charged with a 4389
fourth degree felony violation ~~of division (C) (2), (4), (5), or~~ 4390
~~(6) of under~~ this section sustains the burden of going forward 4391
with evidence of and establishes by a preponderance of the 4392
evidence the affirmative defense described in this division, the 4393
accused may be prosecuted for and may plead guilty to or be 4394
convicted of a misdemeanor violation ~~of division (C) (2) of this~~ 4395
~~section or a fifth degree felony violation of division (C) (4),~~ 4396
~~(5), or (6) of under~~ this section ~~respectively~~. 4397

(G) When a person is charged with possessing a bulk amount 4398
or multiple of a bulk amount, division ~~(E)~~ (M) of section 2925.03 4399
of the Revised Code applies regarding the determination of the 4400
amount of the controlled substance involved at the time of the 4401
offense. 4402

(H) It is an affirmative defense to a charge of possession 4403
of a controlled substance involving a controlled substance 4404
analog under ~~division (C) (8) of~~ this section that the person 4405
charged with ~~violating~~ that offense obtained, possessed, or used 4406
one of the following items that are excluded from the meaning of 4407
"controlled substance analog" under section 3719.01 of the 4408
Revised Code: 4409

(1) A controlled substance; 4410

(2) Any substance for which there is an approved new drug 4411
application; 4412

(3) With respect to a particular person, any substance if 4413
an exemption is in effect for investigational use for that 4414
person pursuant to federal law to the extent that conduct with 4415
respect to that substance is pursuant to that exemption. 4416

(I) Any offender who received a mandatory suspension of 4417
the offender's driver's or commercial driver's license or permit 4418
under this section prior to September 13, 2016, may file a 4419
motion with the sentencing court requesting the termination of 4420
the suspension. However, an offender who pleaded guilty to or 4421
was convicted of a violation of section 4511.19 of the Revised 4422
Code or a substantially similar municipal ordinance or law of 4423
another state or the United States that arose out of the same 4424
set of circumstances as the violation for which the offender's 4425
license or permit was suspended under this section shall not 4426
file such a motion. 4427

Upon the filing of a motion under division (I) of this 4428
section, the sentencing court, in its discretion, may terminate 4429
the suspension. 4430

(J) (1) As used in division (J) (2) of this section, "former 4431

section 2925.11 of the Revised Code" means the version of 4432
section 2925.11 of the Revised Code in effect prior to the 4433
effective date of this amendment. 4434

(2) If a person has been charged with a violation of 4435
former section 2925.11 of the Revised Code allegedly committed 4436
prior to the effective date of this amendment, all of the 4437
following apply: 4438

(a) The conduct constituting the violation shall be 4439
considered for purposes of divisions (J) (2) (b) and (c) of this 4440
section to be a violation of section 2925.11, 2925.111, or 4441
2925.112 of the Revised Code, whichever would apply to that 4442
conduct if it were committed on or after the effective date of 4443
this amendment. 4444

(b) If the charges are pending on the effective date of 4445
this amendment, the provisions of section 2925.11, 2925.111, or 4446
2925.112 of the Revised Code, whichever would apply to the 4447
conduct constituting the violation, including the sentencing 4448
provisions under those sections, apply with respect to the 4449
charges. 4450

(c) If the person has been convicted of or pleaded guilty 4451
to the violation and the penalty, forfeiture, or punishment for 4452
the violation that includes the conduct has not been imposed as 4453
of the effective date of this amendment, both of the following 4454
apply: 4455

(i) If the penalty, forfeiture, or punishment for the 4456
violation, as set forth in section 2925.11, 2925.111, or 4457
2925.112 of the Revised Code, is a reduction of the penalty, 4458
forfeiture, or punishment for the violation that applied under 4459
former section 2925.11 of the Revised Code, the penalty, 4460

forfeiture, or punishment for the violation shall be imposed 4461
according to section 2925.11, 2925.111, or 2925.112 of the 4462
Revised Code, whichever is applicable regarding the conduct. 4463

(ii) If division (J)(2)(c)(i) of this section does not 4464
apply, the penalty, forfeiture, or punishment for the violation 4465
shall be imposed according to former section 2925.11 of the 4466
Revised Code. 4467

Sec. 2925.111. (A) No person shall knowingly obtain, 4468
possess, or use marihuana other than hashish or a compound, 4469
mixture, preparation, or substance containing marihuana other 4470
than hashish, when the amount of the drug involved equals or 4471
exceeds twenty-five one-thousandths of a gram but is less than 4472
one thousand grams. 4473

(B) No person shall knowingly obtain, possess, or use 4474
hashish or a compound, mixture, preparation, or substance 4475
containing hashish, when the amount of the drug involved equals 4476
or exceeds twenty-five one-thousandths of a gram but is less 4477
than fifty grams. 4478

(C) Whoever violates division (A) of this section is 4479
guilty of possession of marihuana. The penalty for the offense 4480
shall be determined as follows: 4481

(1) If the amount of the drug involved equals or exceeds 4482
twenty-five one-thousandths of one gram but is less than two 4483
hundred grams, possession of marihuana is a minor misdemeanor; 4484

(2) If the amount of the drug involved is at least two 4485
hundred grams but is less than four hundred grams, possession of 4486
marihuana is a misdemeanor of the fourth degree; 4487

(3) If the amount of the drug involved is at least four 4488
hundred grams but is less than one thousand grams, possession of 4489

marihuana is a misdemeanor of the first degree. 4490

(D) Whoever violates division (B) of this section is 4491
guilty of possession of hashish. The penalty for the offense 4492
shall be determined as follows: 4493

(1) If the amount of the drug involved is equal or exceeds 4494
twenty-five one-thousandths of one gram, but is less than ten 4495
grams, possession of hashish is a minor misdemeanor; 4496

(2) If the amount of the drug involved is at least ten 4497
grams but is less than twenty grams, possession of hashish is a 4498
misdemeanor of the fourth degree; 4499

(3) If the amount of the drug involved is at least twenty 4500
grams but is less than fifty grams, possession of hashish is a 4501
misdemeanor of the first degree. 4502

(E) If the offender is a professionally licensed person, 4503
in addition to any other sanction imposed for a violation of 4504
this section, the court immediately shall comply with section 4505
2925.38 of the Revised Code. 4506

(F) An arrest or a conviction for a minor misdemeanor 4507
violation of division (A) or (B) of this section does not 4508
constitute a criminal record and need not be reported by the 4509
person so arrested or found guilty in response to any inquiries 4510
about the person's criminal record, including any inquiries 4511
contained in any application for employment, license, or other 4512
right or privilege, or made in connection with the person's 4513
appearance as a witness. 4514

(G) Division (B)(2) of section 2925.11 of the Revised Code 4515
applies with respect to a violation of division (A) or (B) of 4516
this section that is a minor drug possession offense. 4517

Divisions (E), (F), and (I) of section 2925.11 of the 4518
Revised Code apply with respect to a charge or conviction of, or 4519
guilty plea to, a violation of division (A) or (B) of this 4520
section or a sentence imposed for such a violation, except to 4521
the extent that by their terms they clearly are inapplicable. 4522
Any reference in divisions (E), (F), and (I) of section 2925.11 4523
of the Revised Code to a charge or conviction of, or guilty plea 4524
to, a violation of that section or to a sentence imposed for a 4525
violation of that section shall be construed for purposes of 4526
this section as a reference to a charge or conviction of, or 4527
guilty plea to, a violation of this section or to a sentence 4528
imposed for such a violation. 4529

(H) If a person is charged with a violation of division 4530
(A) or (B) of this section, the court may hold the prosecution 4531
in abeyance and stay all criminal proceedings with respect to 4532
the violation if the person has not previously been convicted of 4533
or pleaded guilty to any violation specified in division (D)(1) 4534
(a) of section 2925.11 of the Revised Code and if divisions (D) 4535
(1)(b) and (c) of section 2925.11 of the Revised Code apply. If 4536
the court, under this division, holds a prosecution in abeyance 4537
and stays all criminal proceedings against a person with respect 4538
to a violation, divisions (D)(2)(a) to (c) of section 2925.11 of 4539
the Revised Code apply. 4540

Sec. 2925.112. (A)(1) Except as provided in division (B) 4541
of this section, no person shall knowingly obtain, possess, or 4542
use a controlled substance or a controlled substance analog in 4543
an amount listed in division (A)(2) of this section. 4544

(2) Division (A)(1) of this section applies to conduct 4545
involving all of the following: 4546

(a) If the drug involved in the conduct described in 4547

division (A) (1) of this section is any compound, mixture, 4548
preparation, or substance included in schedule I or schedule II, 4549
other than marihuana, cocaine, L.S.D., heroin, a fentanyl- 4550
related compound, hashish, a controlled substance analog, or a 4551
sexual assault-enabling drug, an amount of the drug so involved 4552
that is less than twenty-five one-thousandths of one gram; 4553

(b) If the drug involved in the conduct described in 4554
division (A) (1) of this section is any compound, mixture, 4555
preparation, or substance included in schedule III, schedule IV, 4556
or schedule V, an amount of the drug so involved that is less 4557
than twenty-five one-thousandths of one gram; 4558

(c) If the drug involved in the conduct described in 4559
division (A) (1) of this section is marihuana or a compound, 4560
mixture, preparation, or substance containing marihuana other 4561
than hashish, an amount of the drug so involved that is less 4562
than twenty-five one-thousandths of one gram; 4563

(d) If the drug involved in the conduct described in 4564
division (A) (1) of this section is cocaine or a compound, 4565
mixture, preparation, or substance containing cocaine, an amount 4566
of the drug so involved that is less than twenty-five one- 4567
thousandths of one gram; 4568

(e) If the drug involved in the conduct described in 4569
division (A) (1) of this section is L.S.D. or a compound, 4570
mixture, preparation, or substance containing L.S.D., an amount 4571
of the drug so involved that is less than one-fourth of one unit 4572
dose of L.S.D. in solid form or is less than twenty-five one- 4573
thousandths of one gram of L.S.D. in liquid concentrate, liquid 4574
extract, or liquid distillate form; 4575

(f) If the drug involved in the conduct described in 4576

division (A) (1) of this section is heroin or a compound, 4577
mixture, preparation, or substance containing heroin, an amount 4578
of the drug so involved that is less than either twenty-five 4579
one-thousandths of one gram or one-fourth of one unit dose; 4580

(g) If the drug involved in the conduct described in 4581
division (A) (1) of this section is hashish or a compound, 4582
mixture, preparation, or substance containing hashish, an amount 4583
of the drug so involved that is less than twenty-five one- 4584
thousandths of one gram; 4585

(h) If the drug involved in the conduct described in 4586
division (A) (1) of this section is a controlled substance analog 4587
or a compound, mixture, preparation, or substance containing a 4588
controlled substance analog, an amount of the drug so involved 4589
that is less than twenty-five one-thousandths of one gram. 4590

(B) All of the following are affirmative defenses to a 4591
charge under this section, with respect to conduct involving a 4592
controlled substance or controlled substance analog of a type 4593
described in division (A) (2) (a), (b), (d), (e), (f), or (h) of 4594
this section: 4595

(1) If the person charged is a manufacturer, licensed 4596
health professional authorized to prescribe drugs, pharmacist, 4597
owner of a pharmacy, or other person, the manufacturer's, 4598
licensed health professional's, pharmacist's, pharmacy owner's, 4599
or other person's conduct was in accordance with Chapters 3719., 4600
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised 4601
Code; 4602

(2) If the offense involves an anabolic steroid and the 4603
person charged was conducting or participating in a research 4604
project involving the use of an anabolic steroid, the project 4605

has been approved by the United States food and drug 4606
administration; 4607

(3) The person charged sold, offered for sale, prescribed, 4608
dispensed or administered for livestock or other nonhuman 4609
species an anabolic steroid that was expressly intended for 4610
administration through implants to livestock or other nonhuman 4611
species and approved for that purpose under the "Federal Food, 4612
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 4613
as amended, and was sold, offered for sale, prescribed, 4614
dispensed, or administered for that purpose in accordance with 4615
that act; 4616

(4) The person charged obtained the controlled substance 4617
pursuant to a prescription issued by a licensed health 4618
professional authorized to prescribe drugs if the prescription 4619
was issued for a legitimate medical purpose and not altered, 4620
forged, or obtained through deception or commission of a theft 4621
offense. 4622

As used in division (B) (4) of this section, "deception" 4623
and "theft offense" have the same meanings as in section 2913.01 4624
of the Revised Code. 4625

(C) (1) Whoever violates division (A) of this section based 4626
on an amount specified in division (A) (2) (a), (b), (d), (e), 4627
(f), or (h) of this section is guilty of possession of a 4628
controlled substance trace amount, an unclassified misdemeanor, 4629
and shall be sentenced under division (C) (7) of section 2925.11 4630
of the Revised Code, in the manner specified in that division. 4631

(2) Whoever violates division (A) of this section based on 4632
an amount specified in division (A) (2) (c) or (g) of this section 4633
is guilty of possession of a trace amount of marihuana or 4634

hashish, a minor misdemeanor. 4635

(D) If the offender is a professionally licensed person, 4636
in addition to any other sanction imposed for a violation of 4637
this section, the court immediately shall comply with section 4638
2925.38 of the Revised Code. 4639

(E) An arrest or a conviction for a violation of division 4640
(A) of this section does not constitute a criminal record and 4641
need not be reported by the person so arrested or found guilty 4642
in response to any inquiries about the person's criminal record, 4643
including any inquiries contained in any application for 4644
employment, license, or other right or privilege, or made in 4645
connection with the person's appearance as a witness. 4646

(F) Division (B) (2) of section 2925.11 of the Revised Code 4647
applies with respect to a violation of division (A) or (B) of 4648
this section that is a minor drug possession offense. 4649

Divisions (E), (F), and (I) of section 2925.11 of the 4650
Revised Code apply with respect to a charge or conviction of, or 4651
guilty plea to, a violation of division (A) of this section or a 4652
sentence imposed for such a violation, except to the extent that 4653
by their terms they clearly are inapplicable. Any reference in 4654
divisions (E), (F), and (I) of section 2925.11 of the Revised 4655
Code to a charge or conviction of, or guilty plea to, a 4656
violation of that section or to a sentence imposed for a 4657
violation of that section shall be construed for purposes of 4658
this section as a reference to a charge or conviction of, or 4659
guilty plea to, a violation of this section or to a sentence 4660
imposed for such a violation. 4661

(G) If a person is charged with a violation of division 4662
(A) of this section, the court may hold the prosecution in 4663

abeyance and stay all criminal proceedings with respect to the 4664
violation if the person has not previously been convicted of or 4665
pleaded guilty to any violation specified in division (D)(1)(a) 4666
of section 2925.11 of the Revised Code and if divisions (D)(1) 4667
(b) and (c) of section 2925.11 of the Revised Code apply. If the 4668
court, under this division, holds a prosecution in abeyance and 4669
stays all criminal proceedings against a person with respect to 4670
a violation, divisions (D)(2)(a) to (c) of section 2925.11 of 4671
the Revised Code apply. 4672

Sec. 2925.12. (A) No person shall knowingly make, obtain, 4673
possess, or use any instrument, article, or thing the customary 4674
and primary purpose of which is for the administration or use of 4675
a dangerous drug, other than marihuana, when the instrument 4676
involved is a hypodermic or syringe, whether or not of crude or 4677
extemporized manufacture or assembly, and the instrument, 4678
article, or thing involved has been used by the offender to 4679
unlawfully administer or use a dangerous drug, other than 4680
marihuana, or to prepare a dangerous drug, other than marihuana, 4681
for unlawful administration or use. 4682

(B)(1) This section does not apply to manufacturers, 4683
licensed health professionals authorized to prescribe drugs, 4684
pharmacists, owners of pharmacies, and other persons whose 4685
conduct was in accordance with Chapters 3719., 4715., 4723., 4686
4729., 4730., 4731., and 4741. of the Revised Code. 4687

(2) Division (B)(2) of section 2925.11 of the Revised Code 4688
applies with respect to a violation of this section when a 4689
person seeks or obtains medical assistance for another person 4690
who is experiencing a drug overdose, a person experiences a drug 4691
overdose and seeks medical assistance for that overdose, or a 4692
person is the subject of another person seeking or obtaining 4693

medical assistance for that overdose.

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(C) Whoever violates this section is guilty of possessing
drug abuse instruments, a misdemeanor of the second degree. If
the offender previously has been convicted of a drug abuse
offense, a violation of this section is a misdemeanor of the
first degree.

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(D) (1) In addition to any other sanction imposed upon an
offender for a violation of this section, the court may suspend
for not more than five years the offender's driver's or
commercial driver's license or permit. However, if the offender
pleaded guilty to or was convicted of a violation of section
4511.19 of the Revised Code or a substantially similar municipal
ordinance or the law of another state or the United States
arising out of the same set of circumstances as the violation,
the court shall suspend the offender's driver's or commercial
driver's license or permit for not more than five years. If the
offender is a professionally licensed person, in addition to any
other sanction imposed for a violation of this section, the
court immediately shall comply with section 2925.38 of the
Revised Code.

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(2) Any offender who received a mandatory suspension of
the offender's driver's or commercial driver's license or permit
under this section prior to ~~the effective date of this amendment~~
September 13, 2016, may file a motion with the sentencing court
requesting the termination of the suspension. However, an
offender who pleaded guilty to or was convicted of a violation
of section 4511.19 of the Revised Code or a substantially
similar municipal ordinance or law of another state or the
United States that arose out of the same set of circumstances as
the violation for which the offender's license or permit was

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suspended under this section shall not file such a motion. 4724

Upon the filing of a motion under division (D) (2) of this 4725
section, the sentencing court, in its discretion, may terminate 4726
the suspension. 4727

Sec. 2925.14. (A) As used in this section, "drug 4728
paraphernalia" means any equipment, product, or material of any 4729
kind that is used by the offender, intended by the offender for 4730
use, or designed for use, in propagating, cultivating, growing, 4731
harvesting, manufacturing, compounding, converting, producing, 4732
processing, preparing, testing, analyzing, packaging, 4733
repackaging, storing, containing, concealing, injecting, 4734
ingesting, inhaling, or otherwise introducing into the human 4735
body, a controlled substance in violation of this chapter. "Drug 4736
paraphernalia" includes, but is not limited to, any of the 4737
following equipment, products, or materials that are used by the 4738
offender, intended by the offender for use, or designed by the 4739
offender for use, in any of the following manners: 4740

(1) A kit for propagating, cultivating, growing, or 4741
harvesting any species of a plant that is a controlled substance 4742
or from which a controlled substance can be derived; 4743

(2) A kit for manufacturing, compounding, converting, 4744
producing, processing, or preparing a controlled substance; 4745

(3) Any object, instrument, or device for manufacturing, 4746
compounding, converting, producing, processing, or preparing 4747
methamphetamine; 4748

(4) An isomerization device for increasing the potency of 4749
any species of a plant that is a controlled substance; 4750

(5) Testing equipment for identifying, or analyzing the 4751
strength, effectiveness, or purity of, a controlled substance; 4752

- (6) A scale or balance for weighing or measuring a controlled substance; 4753
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- (7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance; 4755
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- (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana; 4758
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- (9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance; 4760
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- (10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance; 4762
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- (11) A container or device for storing or concealing a controlled substance; 4764
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- (12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body; 4766
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- (13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 4769
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- (B) In determining if any equipment, product, or material 4780

is drug paraphernalia, a court or law enforcement officer shall 4781
consider, in addition to other relevant factors, the following: 4782

(1) Any statement by the owner, or by anyone in control, 4783
of the equipment, product, or material, concerning its use; 4784

(2) The proximity in time or space of the equipment, 4785
product, or material, or of the act relating to the equipment, 4786
product, or material, to a violation of any provision of this 4787
chapter; 4788

(3) The proximity of the equipment, product, or material 4789
to any controlled substance; 4790

(4) The existence of any residue of a controlled substance 4791
on the equipment, product, or material; 4792

(5) Direct or circumstantial evidence of the intent of the 4793
owner, or of anyone in control, of the equipment, product, or 4794
material, to deliver it to any person whom the owner or person 4795
in control of the equipment, product, or material knows intends 4796
to use the object to facilitate a violation of any provision of 4797
this chapter. A finding that the owner, or anyone in control, of 4798
the equipment, product, or material, is not guilty of a 4799
violation of any other provision of this chapter does not 4800
prevent a finding that the equipment, product, or material was 4801
intended or designed by the offender for use as drug 4802
paraphernalia. 4803

(6) Any oral or written instruction provided with the 4804
equipment, product, or material concerning its use; 4805

(7) Any descriptive material accompanying the equipment, 4806
product, or material and explaining or depicting its use; 4807

(8) National or local advertising concerning the use of 4808

the equipment, product, or material; 4809

(9) The manner and circumstances in which the equipment, 4810
product, or material is displayed for sale; 4811

(10) Direct or circumstantial evidence of the ratio of the 4812
sales of the equipment, product, or material to the total sales 4813
of the business enterprise; 4814

(11) The existence and scope of legitimate uses of the 4815
equipment, product, or material in the community; 4816

(12) Expert testimony concerning the use of the equipment, 4817
product, or material. 4818

(C) (1) Subject to ~~division~~ divisions (D) (2) and (3) of 4819
this section, no person shall knowingly use, or possess with 4820
purpose to use, drug paraphernalia. 4821

(2) No person shall knowingly sell, or possess or 4822
manufacture with purpose to sell, drug paraphernalia, if the 4823
person knows or reasonably should know that the equipment, 4824
product, or material will be used as drug paraphernalia. 4825

(3) No person shall place an advertisement in any 4826
newspaper, magazine, handbill, or other publication that is 4827
published and printed and circulates primarily within this 4828
state, if the person knows that the purpose of the advertisement 4829
is to promote the illegal sale in this state of the equipment, 4830
product, or material that the offender intended or designed for 4831
use as drug paraphernalia. 4832

(D) (1) This section does not apply to manufacturers, 4833
licensed health professionals authorized to prescribe drugs, 4834
pharmacists, owners of pharmacies, and other persons whose 4835
conduct is in accordance with Chapters 3719., 4715., 4723., 4836

4729., 4730., 4731., and 4741. of the Revised Code. This section
shall not be construed to prohibit the possession or use of a
hypodermic as authorized by section 3719.172 of the Revised
Code.

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

(3) Division (B)(2) of section 2925.11 of the Revised Code
applies with respect to a violation of division (C)(1) of this
section when a person seeks or obtains medical assistance for
another person who is experiencing a drug overdose, a person
experiences a drug overdose and seeks medical assistance for
that overdose, or a person is the subject of another person
seeking or obtaining medical assistance for that overdose.

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

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

(2) Except as provided in division (F)(3) of this section,
whoever violates division (C)(2) of this section is guilty of

dealing in drug paraphernalia, a misdemeanor of the second 4866
degree. 4867

(3) Whoever violates division (C) (2) of this section by 4868
selling drug paraphernalia to a juvenile is guilty of selling 4869
drug paraphernalia to juveniles, a misdemeanor of the first 4870
degree. 4871

(4) Whoever violates division (C) (3) of this section is 4872
guilty of illegal advertising of drug paraphernalia, a 4873
misdemeanor of the second degree. 4874

(G) (1) In addition to any other sanction imposed upon an 4875
offender for a violation of this section, the court may suspend 4876
for not more than five years the offender's driver's or 4877
commercial driver's license or permit. However, if the offender 4878
pleaded guilty to or was convicted of a violation of section 4879
4511.19 of the Revised Code or a substantially similar municipal 4880
ordinance or the law of another state or the United States 4881
arising out of the same set of circumstances as the violation, 4882
the court shall suspend the offender's driver's or commercial 4883
driver's license or permit for not more than five years. If the 4884
offender is a professionally licensed person, in addition to any 4885
other sanction imposed for a violation of this section, the 4886
court immediately shall comply with section 2925.38 of the 4887
Revised Code. 4888

(2) Any offender who received a mandatory suspension of 4889
the offender's driver's or commercial driver's license or permit 4890
under this section prior to ~~the effective date of this amendment~~ 4891
September 13, 2016, may file a motion with the sentencing court 4892
requesting the termination of the suspension. However, an 4893
offender who pleaded guilty to or was convicted of a violation 4894
of section 4511.19 of the Revised Code or a substantially 4895

similar municipal ordinance or law of another state or the 4896
United States that arose out of the same set of circumstances as 4897
the violation for which the offender's license or permit was 4898
suspended under this section shall not file such a motion. 4899

Upon the filing of a motion under division (G)(2) of this 4900
section, the sentencing court, in its discretion, may terminate 4901
the suspension. 4902

Sec. 2925.141. (A) As used in this section, "drug 4903
paraphernalia" has the same meaning as in section 2925.14 of the 4904
Revised Code. 4905

(B) In determining if any equipment, product, or material 4906
is drug paraphernalia, a court or law enforcement officer shall 4907
consider, in addition to other relevant factors, all factors 4908
identified in division (B) of section 2925.14 of the Revised 4909
Code. 4910

(C) No person shall knowingly use, or possess with purpose 4911
to use, any drug paraphernalia that is equipment, a product, or 4912
material of any kind that is used by the person, intended by the 4913
person for use, or designed for use in storing, containing, 4914
concealing, injecting, ingesting, inhaling, or otherwise 4915
introducing into the human body marihuana. 4916

(D) This section does not apply to any person identified 4917
in division (D)(1) of section 2925.14 of the Revised Code, and 4918
it shall not be construed to prohibit the possession or use of a 4919
hypodermic as authorized by section 3719.172 of the Revised 4920
Code. 4921

(E) (1) Division (E) of section 2925.14 of the Revised Code 4922
applies with respect to any drug paraphernalia that was used or 4923
possessed in violation of this section. 4924

(2) Division (B) (2) of section 2925.11 of the Revised Code 4925
applies with respect to a violation of this section when a 4926
person seeks or obtains medical assistance for another person 4927
who is experiencing a drug overdose, a person experiences a drug 4928
overdose and seeks medical assistance for that overdose, or a 4929
person is the subject of another person seeking or obtaining 4930
medical assistance for that overdose. 4931

(F) Whoever violates division (C) of this section is 4932
guilty of illegal use or possession of marihuana drug 4933
paraphernalia, a minor misdemeanor. 4934

(G) (1) In addition to any other sanction imposed upon an 4935
offender for a violation of this section, the court may suspend 4936
for not more than five years the offender's driver's or 4937
commercial driver's license or permit. However, if the offender 4938
pleaded guilty to or was convicted of a violation of section 4939
4511.19 of the Revised Code or a substantially similar municipal 4940
ordinance or the law of another state or the United States 4941
arising out of the same set of circumstances as the violation, 4942
the court shall suspend the offender's driver's or commercial 4943
driver's license or permit for not more than five years. If the 4944
offender is a professionally licensed person, in addition to any 4945
other sanction imposed for a violation of this section, the 4946
court immediately shall comply with section 2925.38 of the 4947
Revised Code. 4948

(2) Any offender who received a mandatory suspension of 4949
the offender's driver's or commercial driver's license or permit 4950
under this section prior to ~~the effective date of this amendment~~ 4951
September 13, 2016, may file a motion with the sentencing court 4952
requesting the termination of the suspension. However, an 4953
offender who pleaded guilty to or was convicted of a violation 4954

of section 4511.19 of the Revised Code or a substantially 4955
similar municipal ordinance or law of another state or the 4956
United States that arose out of the same set of circumstances as 4957
the violation for which the offender's license or permit was 4958
suspended under this section shall not file such a motion. 4959

Upon the filing of a motion under division (G)(2) of this 4960
section, the sentencing court, in its discretion, may terminate 4961
the suspension. 4962

Sec. 2929.01. As used in this chapter: 4963

(A)(1) "Alternative residential facility" means, subject 4964
to division (A)(2) of this section, any facility other than an 4965
offender's home or residence in which an offender is assigned to 4966
live and that satisfies all of the following criteria: 4967

(a) It provides programs through which the offender may 4968
seek or maintain employment or may receive education, training, 4969
treatment, or habilitation. 4970

(b) It has received the appropriate license or certificate 4971
for any specialized education, training, treatment, 4972
habilitation, or other service that it provides from the 4973
government agency that is responsible for licensing or 4974
certifying that type of education, training, treatment, 4975
habilitation, or service. 4976

(2) "Alternative residential facility" does not include a 4977
community-based correctional facility, jail, halfway house, or 4978
prison. 4979

(B) "Basic probation supervision" means a requirement that 4980
the offender maintain contact with a person appointed to 4981
supervise the offender in accordance with sanctions imposed by 4982
the court or imposed by the parole board pursuant to section 4983

2967.28 of the Revised Code. "Basic probation supervision" 4984
includes basic parole supervision and basic post-release control 4985
supervision. 4986

(C) "Cocaine," "fentanyl-related compound," "hashish," 4987
"L.S.D.," and "unit dose" have the same meanings as in section 4988
2925.01 of the Revised Code. 4989

(D) "Community-based correctional facility" means a 4990
community-based correctional facility and program or district 4991
community-based correctional facility and program developed 4992
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 4993

(E) "Community control sanction" means a sanction that is 4994
not a prison term and that is described in section 2929.15, 4995
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 4996
that is not a jail term and that is described in section 4997
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 4998
control sanction" includes probation if the sentence involved 4999
was imposed for a felony that was committed prior to July 1, 5000
1996, or if the sentence involved was imposed for a misdemeanor 5001
that was committed prior to January 1, 2004. 5002

(F) "Controlled substance," "marihuana," "schedule I," and 5003
"schedule II" have the same meanings as in section 3719.01 of 5004
the Revised Code. 5005

(G) "Curfew" means a requirement that an offender during a 5006
specified period of time be at a designated place. 5007

(H) "Day reporting" means a sanction pursuant to which an 5008
offender is required each day to report to and leave a center or 5009
other approved reporting location at specified times in order to 5010
participate in work, education or training, treatment, and other 5011
approved programs at the center or outside the center. 5012

(I) "Deadly weapon" has the same meaning as in section 5013
2923.11 of the Revised Code. 5014

(J) "Drug and alcohol use monitoring" means a program 5015
under which an offender agrees to submit to random chemical 5016
analysis of the offender's blood, breath, or urine to determine 5017
whether the offender has ingested any alcohol or other drugs. 5018

(K) "Drug treatment program" means any program under which 5019
a person undergoes assessment and treatment designed to reduce 5020
or completely eliminate the person's physical or emotional 5021
reliance upon alcohol, another drug, or alcohol and another drug 5022
and under which the person may be required to receive assessment 5023
and treatment on an outpatient basis or may be required to 5024
reside at a facility other than the person's home or residence 5025
while undergoing assessment and treatment. 5026

(L) "Economic loss" means any economic detriment suffered 5027
by a victim as a direct and proximate result of the commission 5028
of an offense and includes any loss of income due to lost time 5029
at work because of any injury caused to the victim, and any 5030
property loss, medical cost, or funeral expense incurred as a 5031
result of the commission of the offense. "Economic loss" does 5032
not include non-economic loss or any punitive or exemplary 5033
damages. 5034

(M) "Education or training" includes study at, or in 5035
conjunction with a program offered by, a university, college, or 5036
technical college or vocational study and also includes the 5037
completion of primary school, secondary school, and literacy 5038
curricula or their equivalent. 5039

(N) "Firearm" has the same meaning as in section 2923.11 5040
of the Revised Code. 5041

(O) "Halfway house" means a facility licensed by the 5042
division of parole and community services of the department of 5043
rehabilitation and correction pursuant to section 2967.14 of the 5044
Revised Code as a suitable facility for the care and treatment 5045
of adult offenders. 5046

(P) "House arrest" means a period of confinement of an 5047
offender that is in the offender's home or in other premises 5048
specified by the sentencing court or by the parole board 5049
pursuant to section 2967.28 of the Revised Code and during which 5050
all of the following apply: 5051

(1) The offender is required to remain in the offender's 5052
home or other specified premises for the specified period of 5053
confinement, except for periods of time during which the 5054
offender is at the offender's place of employment or at other 5055
premises as authorized by the sentencing court or by the parole 5056
board. 5057

(2) The offender is required to report periodically to a 5058
person designated by the court or parole board. 5059

(3) The offender is subject to any other restrictions and 5060
requirements that may be imposed by the sentencing court or by 5061
the parole board. 5062

(Q) "Intensive probation supervision" means a requirement 5063
that an offender maintain frequent contact with a person 5064
appointed by the court, or by the parole board pursuant to 5065
section 2967.28 of the Revised Code, to supervise the offender 5066
while the offender is seeking or maintaining necessary 5067
employment and participating in training, education, and 5068
treatment programs as required in the court's or parole board's 5069
order. "Intensive probation supervision" includes intensive 5070

parole supervision and intensive post-release control 5071
supervision. 5072

(R) "Jail" means a jail, workhouse, minimum security jail, 5073
or other residential facility used for the confinement of 5074
alleged or convicted offenders that is operated by a political 5075
subdivision or a combination of political subdivisions of this 5076
state. 5077

(S) "Jail term" means the term in a jail that a sentencing 5078
court imposes or is authorized to impose pursuant to section 5079
2929.24 or 2929.25 of the Revised Code or pursuant to any other 5080
provision of the Revised Code that authorizes a term in a jail 5081
for a misdemeanor conviction. 5082

(T) "Mandatory jail term" means the term in a jail that a 5083
sentencing court is required to impose pursuant to division (G) 5084
of section 1547.99 of the Revised Code, division (E) of section 5085
2903.06 or division (D) of section 2903.08 of the Revised Code, 5086
division (E) or (G) of section 2929.24 of the Revised Code, 5087
division (B) of section 4510.14 of the Revised Code, or division 5088
(G) of section 4511.19 of the Revised Code or pursuant to any 5089
other provision of the Revised Code that requires a term in a 5090
jail for a misdemeanor conviction. 5091

(U) "Delinquent child" has the same meaning as in section 5092
2152.02 of the Revised Code. 5093

(V) "License violation report" means a report that is made 5094
by a sentencing court, or by the parole board pursuant to 5095
section 2967.28 of the Revised Code, to the regulatory or 5096
licensing board or agency that issued an offender a professional 5097
license or a license or permit to do business in this state and 5098
that specifies that the offender has been convicted of or 5099

pleaded guilty to an offense that may violate the conditions 5100
under which the offender's professional license or license or 5101
permit to do business in this state was granted or an offense 5102
for which the offender's professional license or license or 5103
permit to do business in this state may be revoked or suspended. 5104

(W) "Major drug offender" means ~~an~~ any of the following: 5105

(1) An offender who is convicted of or pleads guilty to a 5106
violation of section 2925.03 or 2925.11 of the Revised Code, or 5107
a violation of any prohibition in any section in Chapter 3719. 5108
or 4729. of the Revised Code who the section, or the section 5109
containing the penalty for the violation, classifies as a major 5110
drug offender; 5111

(2) An offender who is convicted of or pleads guilty, 5112
other than as described in division (W) (1) of this section, to 5113
the possession of, sale of, or offer to sell any drug, compound, 5114
mixture, preparation, or substance that consists of or contains 5115
at least one thousand grams of hashish; at least one hundred 5116
grams of cocaine; at least one thousand unit doses or one 5117
hundred grams of heroin; at least five thousand unit doses of 5118
L.S.D. or five hundred grams of L.S.D. in a liquid concentrate, 5119
liquid extract, or liquid distillate form; at least fifty grams 5120
of a controlled substance analog; at least one thousand unit 5121
doses or one hundred grams of a fentanyl-related compound; or at 5122
least one hundred times the amount of any other schedule I or II 5123
controlled substance other than marihuana that is necessary to 5124
commit a felony of the third degree pursuant to section ~~2925.03,~~ 5125
~~2925.04, or 2925.05, or 2925.11~~ of the Revised Code that is based 5126
on the possession of, sale of, or offer to sell the controlled 5127
substance. 5128

(X) "Mandatory prison term" means any of the following: 5129

(1) Subject to division (X) (2) of this section, the term
in prison that must be imposed for the offenses or circumstances
set forth in divisions (F) (1) to (8) or (F) (12) to (21) of
section 2929.13 and division (B) of section 2929.14 of the
Revised Code. Except as provided in sections 2925.02, 2925.03,
2925.031, 2925.032, 2925.04, 2925.05, and 2925.11 of the Revised
Code, unless the maximum or another specific term is required
under section 2929.14 or 2929.142 of the Revised Code, a
mandatory prison term described in this division may be any
prison term authorized for the level of offense except that if
the offense is a felony of the first or second degree committed
on or after the effective date of this amendment, a mandatory
prison term described in this division may be one of the terms
prescribed in division (A) (1) (a) or (2) (a) of section 2929.14 of
the Revised Code, whichever is applicable, that is authorized as
the minimum term for the offense.

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

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

(Y) "Monitored time" means a period of time during which 5161
an offender continues to be under the control of the sentencing 5162
court or parole board, subject to no conditions other than 5163
leading a law-abiding life. 5164

(Z) "Offender" means a person who, in this state, is 5165
convicted of or pleads guilty to a felony or a misdemeanor. 5166

(AA) "Prison" means a residential facility used for the 5167
confinement of convicted felony offenders that is under the 5168
control of the department of rehabilitation and correction and 5169
includes a violation sanction center operated under authority of 5170
section 2967.141 of the Revised Code. 5171

(BB) (1) "Prison term" includes either of the following 5172
sanctions for an offender: 5173

(a) A stated prison term; 5174

(b) A term in a prison shortened by, or with the approval 5175
of, the sentencing court pursuant to section 2929.143, 2929.20, 5176
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 5177

(2) With respect to a non-life felony indefinite prison 5178
term, references in any provision of law to a reduction of, or 5179
deduction from, the prison term mean a reduction in, or 5180
deduction from, the minimum term imposed as part of the 5181
indefinite term. 5182

(CC) "Repeat violent offender" means a person about whom 5183
both of the following apply: 5184

(1) The person is being sentenced for committing or for 5185
complicity in committing any of the following: 5186

(a) Aggravated murder, murder, any felony of the first or 5187
second degree that is an offense of violence, or an attempt to 5188

commit any of these offenses if the attempt is a felony of the 5189
first or second degree; 5190

(b) An offense under an existing or former law of this 5191
state, another state, or the United States that is or was 5192
substantially equivalent to an offense described in division 5193
(CC) (1) (a) of this section. 5194

(2) The person previously was convicted of or pleaded 5195
guilty to an offense described in division (CC) (1) (a) or (b) of 5196
this section. 5197

(DD) "Sanction" means any penalty imposed upon an offender 5198
who is convicted of or pleads guilty to an offense, as 5199
punishment for the offense. "Sanction" includes any sanction 5200
imposed pursuant to any provision of sections 2929.14 to 2929.18 5201
or 2929.24 to 2929.28 of the Revised Code. 5202

(EE) "Sentence" means the sanction or combination of 5203
sanctions imposed by the sentencing court on an offender who is 5204
convicted of or pleads guilty to an offense. 5205

(FF) (1) "Stated prison term" means the prison term, 5206
mandatory prison term, or combination of all prison terms and 5207
mandatory prison terms imposed by the sentencing court pursuant 5208
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 5209
under section 2919.25 of the Revised Code. "Stated prison term" 5210
includes any credit received by the offender for time spent in 5211
jail awaiting trial, sentencing, or transfer to prison for the 5212
offense and any time spent under house arrest or house arrest 5213
with electronic monitoring imposed after earning credits 5214
pursuant to section 2967.193 of the Revised Code. If an offender 5215
is serving a prison term as a risk reduction sentence under 5216
sections 2929.143 and 5120.036 of the Revised Code, "stated 5217

prison term" includes any period of time by which the prison 5218
term imposed upon the offender is shortened by the offender's 5219
successful completion of all assessment and treatment or 5220
programming pursuant to those sections. 5221

(2) As used in the definition of "stated prison term" set 5222
forth in division (FF)(1) of this section, a prison term is a 5223
definite prison term imposed under section 2929.14 of the 5224
Revised Code or any other provision of law, is the minimum and 5225
maximum prison terms under a non-life felony indefinite prison 5226
term, or is a term of life imprisonment except to the extent 5227
that the use of that definition in a section of the Revised Code 5228
clearly is not intended to include a term of life imprisonment. 5229
With respect to an offender sentenced to a non-life felony 5230
indefinite prison term, references in section 2967.191 or 5231
2967.193 of the Revised Code or any other provision of law to a 5232
reduction of, or deduction from, the offender's stated prison 5233
term or to release of the offender before the expiration of the 5234
offender's stated prison term mean a reduction in, or deduction 5235
from, the minimum term imposed as part of the indefinite term or 5236
a release of the offender before the expiration of that minimum 5237
term, references in section 2929.19 or 2967.28 of the Revised 5238
Code to a stated prison term with respect to a prison term 5239
imposed for a violation of a post-release control sanction mean 5240
the minimum term so imposed, and references in any provision of 5241
law to an offender's service of the offender's stated prison 5242
term or the expiration of the offender's stated prison term mean 5243
service or expiration of the minimum term so imposed plus any 5244
additional period of incarceration under the sentence that is 5245
required under section 2967.271 of the Revised Code. 5246

(GG) "Victim-offender mediation" means a reconciliation or 5247
mediation program that involves an offender and the victim of 5248

the offense committed by the offender and that includes a 5249
meeting in which the offender and the victim may discuss the 5250
offense, discuss restitution, and consider other sanctions for 5251
the offense. 5252

(HH) "Fourth degree felony OVI offense" means a violation 5253
of division (A) of section 4511.19 of the Revised Code that, 5254
under division (G) of that section, is a felony of the fourth 5255
degree. 5256

(II) "Mandatory term of local incarceration" means the 5257
term of sixty or one hundred twenty days in a jail, a community- 5258
based correctional facility, a halfway house, or an alternative 5259
residential facility that a sentencing court may impose upon a 5260
person who is convicted of or pleads guilty to a fourth degree 5261
felony OVI offense pursuant to division (G) (1) of section 5262
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 5263
section 4511.19 of the Revised Code. 5264

(JJ) "Designated homicide, assault, or kidnapping 5265
offense," "violent sex offense," "sexual motivation 5266
specification," "sexually violent offense," "sexually violent 5267
predator," and "sexually violent predator specification" have 5268
the same meanings as in section 2971.01 of the Revised Code. 5269

(KK) "Sexually oriented offense," "child-victim oriented 5270
offense," and "tier III sex offender/child-victim offender" have 5271
the same meanings as in section 2950.01 of the Revised Code. 5272

(LL) An offense is "committed in the vicinity of a child" 5273
if the offender commits the offense within thirty feet of or 5274
within the same residential unit as a child who is under 5275
eighteen years of age, regardless of whether the offender knows 5276
the age of the child or whether the offender knows the offense 5277

is being committed within thirty feet of or within the same 5278
residential unit as the child and regardless of whether the 5279
child actually views the commission of the offense. 5280

(MM) "Family or household member" has the same meaning as 5281
in section 2919.25 of the Revised Code. 5282

(NN) "Motor vehicle" and "manufactured home" have the same 5283
meanings as in section 4501.01 of the Revised Code. 5284

(OO) "Detention" and "detention facility" have the same 5285
meanings as in section 2921.01 of the Revised Code. 5286

(PP) "Third degree felony OVI offense" means a violation 5287
of division (A) of section 4511.19 of the Revised Code that, 5288
under division (G) of that section, is a felony of the third 5289
degree. 5290

(QQ) "Random drug testing" has the same meaning as in 5291
section 5120.63 of the Revised Code. 5292

(RR) "Felony sex offense" has the same meaning as in 5293
section 2967.28 of the Revised Code. 5294

(SS) "Body armor" has the same meaning as in section 5295
2941.1411 of the Revised Code. 5296

(TT) "Electronic monitoring" means monitoring through the 5297
use of an electronic monitoring device. 5298

(UU) "Electronic monitoring device" means any of the 5299
following: 5300

(1) Any device that can be operated by electrical or 5301
battery power and that conforms with all of the following: 5302

(a) The device has a transmitter that can be attached to a 5303
person, that will transmit a specified signal to a receiver of 5304

the type described in division (UU) (1) (b) of this section if the
transmitter is removed from the person, turned off, or altered
in any manner without prior court approval in relation to
electronic monitoring or without prior approval of the
department of rehabilitation and correction in relation to the
use of an electronic monitoring device for an inmate on
transitional control or otherwise is tampered with, that can
transmit continuously and periodically a signal to that receiver
when the person is within a specified distance from the
receiver, and that can transmit an appropriate signal to that
receiver if the person to whom it is attached travels a
specified distance from that receiver.

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

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

of the type described in division (UU) (1) (a) of this section is 5336
attached. 5337

(2) Any device that is not a device of the type described 5338
in division (UU) (1) of this section and that conforms with all 5339
of the following: 5340

(a) The device includes a transmitter and receiver that 5341
can monitor and determine the location of a subject person at 5342
any time, or at a designated point in time, through the use of a 5343
central monitoring computer or through other electronic means. 5344

(b) The device includes a transmitter and receiver that 5345
can determine at any time, or at a designated point in time, 5346
through the use of a central monitoring computer or other 5347
electronic means the fact that the transmitter is turned off or 5348
altered in any manner without prior approval of the court in 5349
relation to the electronic monitoring or without prior approval 5350
of the department of rehabilitation and correction in relation 5351
to the use of an electronic monitoring device for an inmate on 5352
transitional control or otherwise is tampered with. 5353

(3) Any type of technology that can adequately track or 5354
determine the location of a subject person at any time and that 5355
is approved by the director of rehabilitation and correction, 5356
including, but not limited to, any satellite technology, voice 5357
tracking system, or retinal scanning system that is so approved. 5358

(VV) "Non-economic loss" means nonpecuniary harm suffered 5359
by a victim of an offense as a result of or related to the 5360
commission of the offense, including, but not limited to, pain 5361
and suffering; loss of society, consortium, companionship, care, 5362
assistance, attention, protection, advice, guidance, counsel, 5363
instruction, training, or education; mental anguish; and any 5364

other intangible loss. 5365

(WW) "Prosecutor" has the same meaning as in section 5366
2935.01 of the Revised Code. 5367

(XX) "Continuous alcohol monitoring" means the ability to 5368
automatically test and periodically transmit alcohol consumption 5369
levels and tamper attempts at least every hour, regardless of 5370
the location of the person who is being monitored. 5371

(YY) A person is "adjudicated a sexually violent predator" 5372
if the person is convicted of or pleads guilty to a violent sex 5373
offense and also is convicted of or pleads guilty to a sexually 5374
violent predator specification that was included in the 5375
indictment, count in the indictment, or information charging 5376
that violent sex offense or if the person is convicted of or 5377
pleads guilty to a designated homicide, assault, or kidnapping 5378
offense and also is convicted of or pleads guilty to both a 5379
sexual motivation specification and a sexually violent predator 5380
specification that were included in the indictment, count in the 5381
indictment, or information charging that designated homicide, 5382
assault, or kidnapping offense. 5383

(ZZ) An offense is "committed in proximity to a school" if 5384
the offender commits the offense in a school safety zone or 5385
within five hundred feet of any school building or the 5386
boundaries of any school premises, regardless of whether the 5387
offender knows the offense is being committed in a school safety 5388
zone or within five hundred feet of any school building or the 5389
boundaries of any school premises. 5390

(AAA) "Human trafficking" means a scheme or plan to which 5391
all of the following apply: 5392

(1) Its object is one or more of the following: 5393

(a) To subject a victim or victims to involuntary 5394
servitude, as defined in section 2905.31 of the Revised Code or 5395
to compel a victim or victims to engage in sexual activity for 5396
hire, to engage in a performance that is obscene, sexually 5397
oriented, or nudity oriented, or to be a model or participant in 5398
the production of material that is obscene, sexually oriented, 5399
or nudity oriented; 5400

(b) To facilitate, encourage, or recruit a victim who is 5401
less than sixteen years of age or is a person with a 5402
developmental disability, or victims who are less than sixteen 5403
years of age or are persons with developmental disabilities, for 5404
any purpose listed in divisions (A)(2)(a) to (c) of section 5405
2905.32 of the Revised Code; 5406

(c) To facilitate, encourage, or recruit a victim who is 5407
sixteen or seventeen years of age, or victims who are sixteen or 5408
seventeen years of age, for any purpose listed in divisions (A) 5409
(2)(a) to (c) of section 2905.32 of the Revised Code, if the 5410
circumstances described in division (A)(5), (6), (7), (8), (9), 5411
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 5412
apply with respect to the person engaging in the conduct and the 5413
victim or victims. 5414

(2) It involves at least two felony offenses, whether or 5415
not there has been a prior conviction for any of the felony 5416
offenses, to which all of the following apply: 5417

(a) Each of the felony offenses is a violation of section 5418
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 5419
division (A)(1) or (2) of section 2907.323, or division (B)(1), 5420
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 5421
is a violation of a law of any state other than this state that 5422
is substantially similar to any of the sections or divisions of 5423

the Revised Code identified in this division. 5424

(b) At least one of the felony offenses was committed in 5425
this state. 5426

(c) The felony offenses are related to the same scheme or 5427
plan and are not isolated instances. 5428

(BBB) "Material," "nudity," "obscene," "performance," and 5429
"sexual activity" have the same meanings as in section 2907.01 5430
of the Revised Code. 5431

(CCC) "Material that is obscene, sexually oriented, or 5432
nudity oriented" means any material that is obscene, that shows 5433
a person participating or engaging in sexual activity, 5434
masturbation, or bestiality, or that shows a person in a state 5435
of nudity. 5436

(DDD) "Performance that is obscene, sexually oriented, or 5437
nudity oriented" means any performance that is obscene, that 5438
shows a person participating or engaging in sexual activity, 5439
masturbation, or bestiality, or that shows a person in a state 5440
of nudity. 5441

(EEE) "Accelerant" means a fuel or oxidizing agent, such 5442
as an ignitable liquid, used to initiate a fire or increase the 5443
rate of growth or spread of a fire. 5444

(FFF) "Permanent disabling harm" means serious physical 5445
harm that results in permanent injury to the intellectual, 5446
physical, or sensory functions and that permanently and 5447
substantially impairs a person's ability to meet one or more of 5448
the ordinary demands of life, including the functions of caring 5449
for one's self, performing manual tasks, walking, seeing, 5450
hearing, speaking, breathing, learning, and working. 5451

(GGG) "Non-life felony indefinite prison term" means a 5452
prison term imposed under division (A) (1) (a) or (2) (a) of 5453
section 2929.14 and section 2929.144 of the Revised Code for a 5454
felony of the first or second degree committed on or after the 5455
effective date of this amendment. 5456

Sec. 2929.13. (A) Except as provided in division (E), (F), 5457
or (G) of this section and unless a specific sanction is 5458
required to be imposed or is precluded from being imposed 5459
pursuant to law, a court that imposes a sentence upon an 5460
offender for a felony may impose any sanction or combination of 5461
sanctions on the offender that are provided in sections 2929.14 5462
to 2929.18 of the Revised Code. 5463

If the offender is eligible to be sentenced to community 5464
control sanctions, the court shall consider the appropriateness 5465
of imposing a financial sanction pursuant to section 2929.18 of 5466
the Revised Code or a sanction of community service pursuant to 5467
section 2929.17 of the Revised Code as the sole sanction for the 5468
offense. Except as otherwise provided in this division, if the 5469
court is required to impose a mandatory prison term for the 5470
offense for which sentence is being imposed, the court also 5471
shall impose any financial sanction pursuant to section 2929.18 5472
of the Revised Code that is required for the offense and may 5473
impose any other financial sanction pursuant to that section but 5474
may not impose any additional sanction or combination of 5475
sanctions under section 2929.16 or 2929.17 of the Revised Code. 5476

If the offender is being sentenced for a fourth degree 5477
felony OVI offense or for a third degree felony OVI offense, in 5478
addition to the mandatory term of local incarceration or the 5479
mandatory prison term required for the offense by division (G) 5480
(1) or (2) of this section, the court shall impose upon the 5481

offender a mandatory fine in accordance with division (B)(3) of 5482
section 2929.18 of the Revised Code and may impose whichever of 5483
the following is applicable: 5484

(1) For a fourth degree felony OVI offense for which 5485
sentence is imposed under division (G)(1) of this section, an 5486
additional community control sanction or combination of 5487
community control sanctions under section 2929.16 or 2929.17 of 5488
the Revised Code. If the court imposes upon the offender a 5489
community control sanction and the offender violates any 5490
condition of the community control sanction, the court may take 5491
any action prescribed in division (B) of section 2929.15 of the 5492
Revised Code relative to the offender, including imposing a 5493
prison term on the offender pursuant to that division. 5494

(2) For a third or fourth degree felony OVI offense for 5495
which sentence is imposed under division (G)(2) of this section, 5496
an additional prison term as described in division (B)(4) of 5497
section 2929.14 of the Revised Code or a community control 5498
sanction as described in division (G)(2) of this section. 5499

(B)(1)(a) Except as provided in division (B)(1)(b) of this 5500
section, if an offender is convicted of or pleads guilty to a 5501
felony of the fourth or fifth degree that is not an offense of 5502
violence or that is a qualifying assault offense, the court 5503
shall sentence the offender to a community control sanction or 5504
combination of community control sanctions if all of the 5505
following apply: 5506

(i) The offender previously has not been convicted of or 5507
pleaded guilty to a felony offense. 5508

(ii) The most serious charge against the offender at the 5509
time of sentencing is a felony of the fourth or fifth degree. 5510

(iii) If the court made a request of the department of 5511
rehabilitation and correction pursuant to division (B)(1)(c) of 5512
this section, the department, within the forty-five-day period 5513
specified in that division, provided the court with the names 5514
of, contact information for, and program details of one or more 5515
community control sanctions that are available for persons 5516
sentenced by the court. 5517

(iv) The offender previously has not been convicted of or 5518
pleaded guilty to a misdemeanor offense of violence that the 5519
offender committed within two years prior to the offense for 5520
which sentence is being imposed. 5521

(b) The court has discretion to impose a prison term upon 5522
an offender who is convicted of or pleads guilty to a felony of 5523
the fourth or fifth degree that is not an offense of violence or 5524
that is a qualifying assault offense if any of the following 5525
apply: 5526

(i) The offender committed the offense while having a 5527
firearm on or about the offender's person or under the 5528
offender's control. 5529

(ii) If the offense is a qualifying assault offense, the 5530
offender caused serious physical harm to another person while 5531
committing the offense, and, if the offense is not a qualifying 5532
assault offense, the offender caused physical harm to another 5533
person while committing the offense. 5534

(iii) The offender violated a term of the conditions of 5535
bond as set by the court. 5536

(iv) The court made a request of the department of 5537
rehabilitation and correction pursuant to division (B)(1)(c) of 5538
this section, and the department, within the forty-five-day 5539

period specified in that division, did not provide the court 5540
with the name of, contact information for, and program details 5541
of any community control sanction that is available for persons 5542
sentenced by the court. 5543

(v) The offense is a sex offense that is a fourth or fifth 5544
degree felony violation of any provision of Chapter 2907. of the 5545
Revised Code. 5546

(vi) In committing the offense, the offender attempted to 5547
cause or made an actual threat of physical harm to a person with 5548
a deadly weapon. 5549

(vii) In committing the offense, the offender attempted to 5550
cause or made an actual threat of physical harm to a person, and 5551
the offender previously was convicted of an offense that caused 5552
physical harm to a person. 5553

(viii) The offender held a public office or position of 5554
trust, and the offense related to that office or position; the 5555
offender's position obliged the offender to prevent the offense 5556
or to bring those committing it to justice; or the offender's 5557
professional reputation or position facilitated the offense or 5558
was likely to influence the future conduct of others. 5559

(ix) The offender committed the offense for hire or as 5560
part of an organized criminal activity. 5561

(x) The offender at the time of the offense was serving, 5562
or the offender previously had served, a prison term. 5563

(xi) The offender committed the offense while under a 5564
community control sanction, while on probation, or while 5565
released from custody on a bond or personal recognizance. 5566

(c) If a court that is sentencing an offender who is 5567

convicted of or pleads guilty to a felony of the fourth or fifth 5568
degree that is not an offense of violence or that is a 5569
qualifying assault offense believes that no community control 5570
sanctions are available for its use that, if imposed on the 5571
offender, will adequately fulfill the overriding principles and 5572
purposes of sentencing, the court shall contact the department 5573
of rehabilitation and correction and ask the department to 5574
provide the court with the names of, contact information for, 5575
and program details of one or more community control sanctions 5576
that are available for persons sentenced by the court. Not later 5577
than forty-five days after receipt of a request from a court 5578
under this division, the department shall provide the court with 5579
the names of, contact information for, and program details of 5580
one or more community control sanctions that are available for 5581
persons sentenced by the court, if any. Upon making a request 5582
under this division that relates to a particular offender, a 5583
court shall defer sentencing of that offender until it receives 5584
from the department the names of, contact information for, and 5585
program details of one or more community control sanctions that 5586
are available for persons sentenced by the court or for forty- 5587
five days, whichever is the earlier. 5588

If the department provides the court with the names of, 5589
contact information for, and program details of one or more 5590
community control sanctions that are available for persons 5591
sentenced by the court within the forty-five-day period 5592
specified in this division, the court shall impose upon the 5593
offender a community control sanction under division (B) (1) (a) 5594
of this section, except that the court may impose a prison term 5595
under division (B) (1) (b) of this section if a factor described 5596
in division (B) (1) (b) (i) or (ii) of this section applies. If the 5597
department does not provide the court with the names of, contact 5598

information for, and program details of one or more community 5599
control sanctions that are available for persons sentenced by 5600
the court within the forty-five-day period specified in this 5601
division, the court may impose upon the offender a prison term 5602
under division (B) (1) (b) (iv) of this section. 5603

(d) A sentencing court may impose an additional penalty 5604
under division (B) of section 2929.15 of the Revised Code upon 5605
an offender sentenced to a community control sanction under 5606
division (B) (1) (a) of this section if the offender violates the 5607
conditions of the community control sanction, violates a law, or 5608
leaves the state without the permission of the court or the 5609
offender's probation officer. 5610

(2) If division (B) (1) of this section does not apply, 5611
except as provided in division (E), (F), or (G) of this section, 5612
in determining whether to impose a prison term as a sanction for 5613
a felony of the fourth or fifth degree, the sentencing court 5614
shall comply with the purposes and principles of sentencing 5615
under section 2929.11 of the Revised Code and with section 5616
2929.12 of the Revised Code. 5617

(C) Except as provided in division (D), (E), (F), or (G) 5618
of this section, in determining whether to impose a prison term 5619
as a sanction for a felony of the third degree or a felony drug 5620
offense that is a violation of a provision of Chapter 2925. of 5621
the Revised Code and that is specified as being subject to this 5622
division for purposes of sentencing, the sentencing court shall 5623
comply with the purposes and principles of sentencing under 5624
section 2929.11 of the Revised Code and with section 2929.12 of 5625
the Revised Code. 5626

(D) (1) Except as provided in division (E) or (F) of this 5627
section, for a felony of the first or second degree, for a 5628

felony drug offense that is a violation of any provision of 5629
Chapter 2925., 3719., or 4729. of the Revised Code for which a 5630
presumption in favor of a prison term is specified as being 5631
applicable, and for a violation of division (A) (4) or (B) of 5632
section 2907.05 of the Revised Code for which a presumption in 5633
favor of a prison term is specified as being applicable, it is 5634
presumed that a prison term is necessary in order to comply with 5635
the purposes and principles of sentencing under section 2929.11 5636
of the Revised Code. Division (D) (2) of this section does not 5637
apply to a presumption established under this division for a 5638
violation of division (A) (4) of section 2907.05 of the Revised 5639
Code. 5640

(2) Notwithstanding the presumption established under 5641
division (D) (1) of this section for the offenses listed in that 5642
division other than a violation of division (A) (4) or (B) of 5643
section 2907.05 of the Revised Code, the sentencing court may 5644
impose a community control sanction or a combination of 5645
community control sanctions instead of a prison term on an 5646
offender for a felony of the first or second degree or for a 5647
felony drug offense that is a violation of any provision of 5648
Chapter 2925., 3719., or 4729. of the Revised Code for which a 5649
presumption in favor of a prison term is specified as being 5650
applicable if it makes both of the following findings: 5651

(a) A community control sanction or a combination of 5652
community control sanctions would adequately punish the offender 5653
and protect the public from future crime, because the applicable 5654
factors under section 2929.12 of the Revised Code indicating a 5655
lesser likelihood of recidivism outweigh the applicable factors 5656
under that section indicating a greater likelihood of 5657
recidivism. 5658

(b) A community control sanction or a combination of 5659
community control sanctions would not demean the seriousness of 5660
the offense, because one or more factors under section 2929.12 5661
of the Revised Code that indicate that the offender's conduct 5662
was less serious than conduct normally constituting the offense 5663
are applicable, and they outweigh the applicable factors under 5664
that section that indicate that the offender's conduct was more 5665
serious than conduct normally constituting the offense. 5666

(E) (1) Except as provided in division (F) of this section, 5667
for any drug offense that is a violation of any provision of 5668
Chapter 2925. of the Revised Code and that is a felony of the 5669
third, fourth, or fifth degree, the applicability of a 5670
presumption under division (D) of this section in favor of a 5671
prison term or of division (B) or (C) of this section in 5672
determining whether to impose a prison term for the offense 5673
shall be determined as specified in section 2925.02, 2925.03, 5674
2925.031, 2925.032, 2925.04, 2925.05, 2925.06, 2925.11, 5675
2925.111, 2925.112, 2925.13, 2925.22, 2925.23, 2925.36, or 5676
2925.37 of the Revised Code, whichever is applicable regarding 5677
the violation. 5678

(2) If an offender who was convicted of or pleaded guilty 5679
to a felony violates the conditions of a community control 5680
sanction imposed for the offense solely by reason of producing 5681
positive results on a drug test or by acting pursuant to 5682
division (B) (2) (b) of section 2925.11 of the Revised Code with 5683
respect to a minor drug possession offense, the court, as 5684
punishment for the violation of the sanction, shall not order 5685
that the offender be imprisoned unless the court determines on 5686
the record either of the following: 5687

(a) The offender had been ordered as a sanction for the 5688

felony to participate in a drug treatment program, in a drug 5689
education program, or in narcotics anonymous or a similar 5690
program, and the offender continued to use illegal drugs after a 5691
reasonable period of participation in the program. 5692

(b) The imprisonment of the offender for the violation is 5693
consistent with the purposes and principles of sentencing set 5694
forth in section 2929.11 of the Revised Code. 5695

(3) A court that sentences an offender for a drug abuse 5696
offense that is a felony of the third, fourth, or fifth degree 5697
may require that the offender be assessed by a properly 5698
credentialed professional within a specified period of time. The 5699
court shall require the professional to file a written 5700
assessment of the offender with the court. If the offender is 5701
eligible for a community control sanction and after considering 5702
the written assessment, the court may impose a community control 5703
sanction that includes addiction services and recovery supports 5704
included in a community-based continuum of care established 5705
under section 340.032 of the Revised Code. If the court imposes 5706
addiction services and recovery supports as a community control 5707
sanction, the court shall direct the level and type of addiction 5708
services and recovery supports after considering the assessment 5709
and recommendation of community addiction services providers. 5710

(F) Notwithstanding divisions (A) to (E) of this section, 5711
the court shall impose a prison term or terms under sections 5712
2929.02 to 2929.06, section 2929.14, section 2929.142, or 5713
section 2971.03 of the Revised Code and except as specifically 5714
provided in section 2929.20, divisions (C) to (I) of section 5715
2967.19, or section 2967.191 of the Revised Code or when parole 5716
is authorized for the offense under section 2967.13 of the 5717
Revised Code shall not reduce the term or terms pursuant to 5718

section 2929.20, section 2967.19, section 2967.193, or any other 5719
provision of Chapter 2967. or Chapter 5120. of the Revised Code 5720
for any of the following offenses: 5721

(1) Aggravated murder when death is not imposed or murder; 5722

(2) Any rape, regardless of whether force was involved and 5723
regardless of the age of the victim, or an attempt to commit 5724
rape if, had the offender completed the rape that was attempted, 5725
the offender would have been guilty of a violation of division 5726
(A) (1) (b) of section 2907.02 of the Revised Code and would be 5727
sentenced under section 2971.03 of the Revised Code; 5728

(3) Gross sexual imposition or sexual battery, if the 5729
victim is less than thirteen years of age and if any of the 5730
following applies: 5731

(a) Regarding gross sexual imposition, the offender 5732
previously was convicted of or pleaded guilty to rape, the 5733
former offense of felonious sexual penetration, gross sexual 5734
imposition, or sexual battery, and the victim of the previous 5735
offense was less than thirteen years of age; 5736

(b) Regarding gross sexual imposition, the offense was 5737
committed on or after August 3, 2006, and evidence other than 5738
the testimony of the victim was admitted in the case 5739
corroborating the violation. 5740

(c) Regarding sexual battery, either of the following 5741
applies: 5742

(i) The offense was committed prior to August 3, 2006, the 5743
offender previously was convicted of or pleaded guilty to rape, 5744
the former offense of felonious sexual penetration, or sexual 5745
battery, and the victim of the previous offense was less than 5746
thirteen years of age. 5747

(ii) The offense was committed on or after August 3, 2006. 5748

(4) A felony violation of section 2903.04, 2903.06, 5749
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 5750
or 2923.132 of the Revised Code if the section requires the 5751
imposition of a prison term; 5752

(5) A first, second, or third degree felony drug offense 5753
for which section 2925.02, 2925.03, 2925.031, 2925.032, 2925.04, 5754
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 5755
2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is 5756
applicable regarding the violation, requires the imposition of a 5757
mandatory prison term; 5758

(6) Any offense that is a first or second degree felony 5759
and that is not set forth in division (F)(1), (2), (3), or (4) 5760
of this section, if the offender previously was convicted of or 5761
pleaded guilty to aggravated murder, murder, any first or second 5762
degree felony, or an offense under an existing or former law of 5763
this state, another state, or the United States that is or was 5764
substantially equivalent to one of those offenses; 5765

(7) Any offense that is a third degree felony and either 5766
is a violation of section 2903.04 of the Revised Code or an 5767
attempt to commit a felony of the second degree that is an 5768
offense of violence and involved an attempt to cause serious 5769
physical harm to a person or that resulted in serious physical 5770
harm to a person if the offender previously was convicted of or 5771
pleaded guilty to any of the following offenses: 5772

(a) Aggravated murder, murder, involuntary manslaughter, 5773
rape, felonious sexual penetration as it existed under section 5774
2907.12 of the Revised Code prior to September 3, 1996, a felony 5775
of the first or second degree that resulted in the death of a 5776

person or in physical harm to a person, or complicity in or an 5777
attempt to commit any of those offenses; 5778

(b) An offense under an existing or former law of this 5779
state, another state, or the United States that is or was 5780
substantially equivalent to an offense listed in division (F) (7) 5781
(a) of this section that resulted in the death of a person or in 5782
physical harm to a person. 5783

(8) Any offense, other than a violation of section 2923.12 5784
of the Revised Code, that is a felony, if the offender had a 5785
firearm on or about the offender's person or under the 5786
offender's control while committing the felony, with respect to 5787
a portion of the sentence imposed pursuant to division (B) (1) (a) 5788
of section 2929.14 of the Revised Code for having the firearm; 5789

(9) Any offense of violence that is a felony, if the 5790
offender wore or carried body armor while committing the felony 5791
offense of violence, with respect to the portion of the sentence 5792
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 5793
Revised Code for wearing or carrying the body armor; 5794

(10) Corrupt activity in violation of section 2923.32 of 5795
the Revised Code when the most serious offense in the pattern of 5796
corrupt activity that is the basis of the offense is a felony of 5797
the first degree; 5798

(11) Any violent sex offense or designated homicide, 5799
assault, or kidnapping offense if, in relation to that offense, 5800
the offender is adjudicated a sexually violent predator; 5801

(12) A violation of division (A) (1) or (2) of section 5802
2921.36 of the Revised Code, or a violation of division (C) of 5803
that section involving an item listed in division (A) (1) or (2) 5804
of that section, if the offender is an officer or employee of 5805

the department of rehabilitation and correction; 5806

(13) A violation of division (A) (1) or (2) of section 5807
2903.06 of the Revised Code if the victim of the offense is a 5808
peace officer, as defined in section 2935.01 of the Revised 5809
Code, or an investigator of the bureau of criminal 5810
identification and investigation, as defined in section 2903.11 5811
of the Revised Code, with respect to the portion of the sentence 5812
imposed pursuant to division (B) (5) of section 2929.14 of the 5813
Revised Code; 5814

(14) A violation of division (A) (1) or (2) of section 5815
2903.06 of the Revised Code if the offender has been convicted 5816
of or pleaded guilty to three or more violations of division (A) 5817
or (B) of section 4511.19 of the Revised Code or an equivalent 5818
offense, as defined in section 2941.1415 of the Revised Code, or 5819
three or more violations of any combination of those divisions 5820
and offenses, with respect to the portion of the sentence 5821
imposed pursuant to division (B) (6) of section 2929.14 of the 5822
Revised Code; 5823

(15) Kidnapping, in the circumstances specified in section 5824
2971.03 of the Revised Code and when no other provision of 5825
division (F) of this section applies; 5826

(16) Kidnapping, abduction, compelling prostitution, 5827
promoting prostitution, engaging in a pattern of corrupt 5828
activity, a violation of division (A) (1) or (2) of section 5829
2907.323 of the Revised Code that involves a minor, or 5830
endangering children in violation of division (B) (1), (2), (3), 5831
(4), or (5) of section 2919.22 of the Revised Code, if the 5832
offender is convicted of or pleads guilty to a specification as 5833
described in section 2941.1422 of the Revised Code that was 5834
included in the indictment, count in the indictment, or 5835

information charging the offense; 5836

(17) A felony violation of division (A) or (B) of section 5837
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 5838
that section, and division (D) (6) of that section, require the 5839
imposition of a prison term; 5840

(18) A felony violation of section 2903.11, 2903.12, or 5841
2903.13 of the Revised Code, if the victim of the offense was a 5842
woman that the offender knew was pregnant at the time of the 5843
violation, with respect to a portion of the sentence imposed 5844
pursuant to division (B) (8) of section 2929.14 of the Revised 5845
Code; 5846

(19) (a) Any violent felony offense if the offender is a 5847
violent career criminal and had a firearm on or about the 5848
offender's person or under the offender's control during the 5849
commission of the violent felony offense and displayed or 5850
brandished the firearm, indicated that the offender possessed a 5851
firearm, or used the firearm to facilitate the offense, with 5852
respect to the portion of the sentence imposed under division 5853
(K) of section 2929.14 of the Revised Code. 5854

(b) As used in division (F) (19) (a) of this section, 5855
"violent career criminal" and "violent felony offense" have the 5856
same meanings as in section 2923.132 of the Revised Code; 5857

(20) Any violation of division (A) (1) of section 2903.11 5858
of the Revised Code if the offender used an accelerant in 5859
committing the violation and the serious physical harm to 5860
another or another's unborn caused by the violation resulted in 5861
a permanent, serious disfigurement or permanent, substantial 5862
incapacity or any violation of division (A) (2) of that section 5863
if the offender used an accelerant in committing the violation, 5864

the violation caused physical harm to another or another's 5865
unborn, and the physical harm resulted in a permanent, serious 5866
disfigurement or permanent, substantial incapacity, with respect 5867
to a portion of the sentence imposed pursuant to division (B) (9) 5868
of section 2929.14 of the Revised Code. The provisions of this 5869
division and of division (D) (2) of section 2903.11, divisions 5870
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 5871
the Revised Code shall be known as "Judy's Law." 5872

(21) Any violation of division (A) of section 2903.11 of 5873
the Revised Code if the victim of the offense suffered permanent 5874
disabling harm as a result of the offense and the victim was 5875
under ten years of age at the time of the offense, with respect 5876
to a portion of the sentence imposed pursuant to division (B) 5877
(10) of section 2929.14 of the Revised Code. 5878

(22) A felony violation of section 2925.03, 2925.031, 5879
2925.032, 2925.05, or 2925.11 of the Revised Code, if the drug 5880
involved in the violation is a fentanyl-related compound or a 5881
compound, mixture, preparation, or substance containing a 5882
fentanyl-related compound and the offender is convicted of or 5883
pleads guilty to a specification of the type described in 5884
division (B) of section 2941.1410 of the Revised Code that was 5885
included in the indictment, count in the indictment, or 5886
information charging the offense, with respect to the portion of 5887
the sentence imposed under division (B) ~~(9)~~ (11) of section 5888
2929.14 of the Revised Code. 5889

(G) Notwithstanding divisions (A) to (E) of this section, 5890
if an offender is being sentenced for a fourth degree felony OVI 5891
offense or for a third degree felony OVI offense, the court 5892
shall impose upon the offender a mandatory term of local 5893
incarceration or a mandatory prison term in accordance with the 5894

following: 5895

(1) If the offender is being sentenced for a fourth degree 5896
felony OVI offense and if the offender has not been convicted of 5897
and has not pleaded guilty to a specification of the type 5898
described in section 2941.1413 of the Revised Code, the court 5899
may impose upon the offender a mandatory term of local 5900
incarceration of sixty days or one hundred twenty days as 5901
specified in division (G) (1) (d) of section 4511.19 of the 5902
Revised Code. The court shall not reduce the term pursuant to 5903
section 2929.20, 2967.193, or any other provision of the Revised 5904
Code. The court that imposes a mandatory term of local 5905
incarceration under this division shall specify whether the term 5906
is to be served in a jail, a community-based correctional 5907
facility, a halfway house, or an alternative residential 5908
facility, and the offender shall serve the term in the type of 5909
facility specified by the court. A mandatory term of local 5910
incarceration imposed under division (G) (1) of this section is 5911
not subject to any other Revised Code provision that pertains to 5912
a prison term except as provided in division (A) (1) of this 5913
section. 5914

(2) If the offender is being sentenced for a third degree 5915
felony OVI offense, or if the offender is being sentenced for a 5916
fourth degree felony OVI offense and the court does not impose a 5917
mandatory term of local incarceration under division (G) (1) of 5918
this section, the court shall impose upon the offender a 5919
mandatory prison term of one, two, three, four, or five years if 5920
the offender also is convicted of or also pleads guilty to a 5921
specification of the type described in section 2941.1413 of the 5922
Revised Code or shall impose upon the offender a mandatory 5923
prison term of sixty days or one hundred twenty days as 5924
specified in division (G) (1) (d) or (e) of section 4511.19 of the 5925

Revised Code if the offender has not been convicted of and has 5926
not pleaded guilty to a specification of that type. Subject to 5927
divisions (C) to (I) of section 2967.19 of the Revised Code, the 5928
court shall not reduce the term pursuant to section 2929.20, 5929
2967.19, 2967.193, or any other provision of the Revised Code. 5930
The offender shall serve the one-, two-, three-, four-, or five- 5931
year mandatory prison term consecutively to and prior to the 5932
prison term imposed for the underlying offense and consecutively 5933
to any other mandatory prison term imposed in relation to the 5934
offense. In no case shall an offender who once has been 5935
sentenced to a mandatory term of local incarceration pursuant to 5936
division (G)(1) of this section for a fourth degree felony OVI 5937
offense be sentenced to another mandatory term of local 5938
incarceration under that division for any violation of division 5939
(A) of section 4511.19 of the Revised Code. In addition to the 5940
mandatory prison term described in division (G)(2) of this 5941
section, the court may sentence the offender to a community 5942
control sanction under section 2929.16 or 2929.17 of the Revised 5943
Code, but the offender shall serve the prison term prior to 5944
serving the community control sanction. The department of 5945
rehabilitation and correction may place an offender sentenced to 5946
a mandatory prison term under this division in an intensive 5947
program prison established pursuant to section 5120.033 of the 5948
Revised Code if the department gave the sentencing judge prior 5949
notice of its intent to place the offender in an intensive 5950
program prison established under that section and if the judge 5951
did not notify the department that the judge disapproved the 5952
placement. Upon the establishment of the initial intensive 5953
program prison pursuant to section 5120.033 of the Revised Code 5954
that is privately operated and managed by a contractor pursuant 5955
to a contract entered into under section 9.06 of the Revised 5956
Code, both of the following apply: 5957

(a) The department of rehabilitation and correction shall 5958
make a reasonable effort to ensure that a sufficient number of 5959
offenders sentenced to a mandatory prison term under this 5960
division are placed in the privately operated and managed prison 5961
so that the privately operated and managed prison has full 5962
occupancy. 5963

(b) Unless the privately operated and managed prison has 5964
full occupancy, the department of rehabilitation and correction 5965
shall not place any offender sentenced to a mandatory prison 5966
term under this division in any intensive program prison 5967
established pursuant to section 5120.033 of the Revised Code 5968
other than the privately operated and managed prison. 5969

(H) If an offender is being sentenced for a sexually 5970
oriented offense or child-victim oriented offense that is a 5971
felony committed on or after January 1, 1997, the judge shall 5972
require the offender to submit to a DNA specimen collection 5973
procedure pursuant to section 2901.07 of the Revised Code. 5974

(I) If an offender is being sentenced for a sexually 5975
oriented offense or a child-victim oriented offense committed on 5976
or after January 1, 1997, the judge shall include in the 5977
sentence a summary of the offender's duties imposed under 5978
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 5979
Code and the duration of the duties. The judge shall inform the 5980
offender, at the time of sentencing, of those duties and of 5981
their duration. If required under division (A)(2) of section 5982
2950.03 of the Revised Code, the judge shall perform the duties 5983
specified in that section, or, if required under division (A)(6) 5984
of section 2950.03 of the Revised Code, the judge shall perform 5985
the duties specified in that division. 5986

(J)(1) Except as provided in division (J)(2) of this 5987

section, when considering sentencing factors under this section 5988
in relation to an offender who is convicted of or pleads guilty 5989
to an attempt to commit an offense in violation of section 5990
2923.02 of the Revised Code, the sentencing court shall consider 5991
the factors applicable to the felony category of the violation 5992
of section 2923.02 of the Revised Code instead of the factors 5993
applicable to the felony category of the offense attempted. 5994

(2) When considering sentencing factors under this section 5995
in relation to an offender who is convicted of or pleads guilty 5996
to an attempt to commit a drug abuse offense for which the 5997
penalty is determined by the amount or number of unit doses of 5998
the controlled substance involved in the drug abuse offense, the 5999
sentencing court shall consider the factors applicable to the 6000
felony category that the drug abuse offense attempted would be 6001
if that drug abuse offense had been committed and had involved 6002
an amount or number of unit doses of the controlled substance 6003
that is within the next lower range of controlled substance 6004
amounts than was involved in the attempt. 6005

(K) As used in this section: 6006

(1) "Community addiction services provider" has the same 6007
meaning as in section 5119.01 of the Revised Code. 6008

(2) "Drug abuse offense" has the same meaning as in 6009
section 2925.01 of the Revised Code. 6010

(3) "Minor drug possession offense" has the same meaning 6011
as in section ~~2925.11~~2925.01 of the Revised Code. 6012

(4) "Qualifying assault offense" means a violation of 6013
section 2903.13 of the Revised Code for which the penalty 6014
provision in division (C) (8) (b) or (C) (9) (b) of that section 6015
applies. 6016

(L) At the time of sentencing an offender for any sexually
oriented offense, if the offender is a tier III sex
offender/child-victim offender relative to that offense and the
offender does not serve a prison term or jail term, the court
may require that the offender be monitored by means of a global
positioning device. If the court requires such monitoring, the
cost of monitoring shall be borne by the offender. If the
offender is indigent, the cost of compliance shall be paid by
the crime victims reparations fund.

Sec. 2929.14. (A) Except as provided in division (B) (1),
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9),
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or
in division (D) (6) of section 2919.25 of the Revised Code and
except in relation to an offense for which a sentence of death
or life imprisonment is to be imposed, if the court imposing a
sentence upon an offender for a felony elects or is required to
impose a prison term on the offender pursuant to this chapter,
the court shall impose a prison term that shall be one of the
following:

(1) (a) For a felony of the first degree committed on or
after the effective date of this amendment, the prison term
shall be an indefinite prison term with a stated minimum term
selected by the court of three, four, five, six, seven, eight,
nine, ten, or eleven years and a maximum term that is determined
pursuant to section 2929.144 of the Revised Code, except that if
the section that criminalizes the conduct constituting the
felony specifies a different minimum term or penalty for the
offense, the specific language of that section shall control in
determining the minimum term or otherwise sentencing the
offender but the minimum term or sentence imposed under that
specific language shall be considered for purposes of the

Revised Code as if it had been imposed under this division. 6048

(b) For a felony of the first degree committed prior to 6049
the effective date of this amendment, the prison term shall be a 6050
definite prison term of three, four, five, six, seven, eight, 6051
nine, ten, or eleven years. 6052

(2) (a) For a felony of the second degree committed on or 6053
after the effective date of this amendment, the prison term 6054
shall be an indefinite prison term with a stated minimum term 6055
selected by the court of two, three, four, five, six, seven, or 6056
eight years and a maximum term that is determined pursuant to 6057
section 2929.144 of the Revised Code, except that if the section 6058
that criminalizes the conduct constituting the felony specifies 6059
a different minimum term or penalty for the offense, the 6060
specific language of that section shall control in determining 6061
the minimum term or otherwise sentencing the offender but the 6062
minimum term or sentence imposed under that specific language 6063
shall be considered for purposes of the Revised Code as if it 6064
had been imposed under this division. 6065

(b) For a felony of the second degree committed prior to 6066
the effective date of this amendment, the prison term shall be a 6067
definite term of two, three, four, five, six, seven, or eight 6068
years. 6069

(3) (a) For a felony of the third degree that is a 6070
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 6071
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 6072
Code or that is a violation of section 2911.02 or 2911.12 of the 6073
Revised Code if the offender previously has been convicted of or 6074
pleaded guilty in two or more separate proceedings to two or 6075
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 6076
of the Revised Code, the prison term shall be a definite term of 6077

twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 6078
forty-eight, fifty-four, or sixty months. 6079

(b) For a felony of the third degree that is not an 6080
offense for which division (A) (3) (a) of this section applies, 6081
the prison term shall be a definite term of nine, twelve, 6082
eighteen, twenty-four, thirty, or thirty-six months. 6083

(4) For a felony of the fourth degree, the prison term 6084
shall be a definite term of six, seven, eight, nine, ten, 6085
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 6086
or eighteen months. 6087

(5) For a felony of the fifth degree, the prison term 6088
shall be a definite term of six, seven, eight, nine, ten, 6089
eleven, or twelve months. 6090

(B) (1) (a) Except as provided in division (B) (1) (e) of this 6091
section, if an offender who is convicted of or pleads guilty to 6092
a felony also is convicted of or pleads guilty to a 6093
specification of the type described in section 2941.141, 6094
2941.144, or 2941.145 of the Revised Code, the court shall 6095
impose on the offender one of the following prison terms: 6096

(i) A prison term of six years if the specification is of 6097
the type described in division (A) of section 2941.144 of the 6098
Revised Code that charges the offender with having a firearm 6099
that is an automatic firearm or that was equipped with a firearm 6100
muffler or suppressor on or about the offender's person or under 6101
the offender's control while committing the offense; 6102

(ii) A prison term of three years if the specification is 6103
of the type described in division (A) of section 2941.145 of the 6104
Revised Code that charges the offender with having a firearm on 6105
or about the offender's person or under the offender's control 6106

while committing the offense and displaying the firearm, 6107
brandishing the firearm, indicating that the offender possessed 6108
the firearm, or using it to facilitate the offense; 6109

(iii) A prison term of one year if the specification is of 6110
the type described in division (A) of section 2941.141 of the 6111
Revised Code that charges the offender with having a firearm on 6112
or about the offender's person or under the offender's control 6113
while committing the offense; 6114

(iv) A prison term of nine years if the specification is 6115
of the type described in division (D) of section 2941.144 of the 6116
Revised Code that charges the offender with having a firearm 6117
that is an automatic firearm or that was equipped with a firearm 6118
muffler or suppressor on or about the offender's person or under 6119
the offender's control while committing the offense and 6120
specifies that the offender previously has been convicted of or 6121
pleaded guilty to a specification of the type described in 6122
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 6123
the Revised Code; 6124

(v) A prison term of fifty-four months if the 6125
specification is of the type described in division (D) of 6126
section 2941.145 of the Revised Code that charges the offender 6127
with having a firearm on or about the offender's person or under 6128
the offender's control while committing the offense and 6129
displaying the firearm, brandishing the firearm, indicating that 6130
the offender possessed the firearm, or using the firearm to 6131
facilitate the offense and that the offender previously has been 6132
convicted of or pleaded guilty to a specification of the type 6133
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 6134
2941.1412 of the Revised Code; 6135

(vi) A prison term of eighteen months if the specification 6136

is of the type described in division (D) of section 2941.141 of 6137
the Revised Code that charges the offender with having a firearm 6138
on or about the offender's person or under the offender's 6139
control while committing the offense and that the offender 6140
previously has been convicted of or pleaded guilty to a 6141
specification of the type described in section 2941.141, 6142
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 6143

(b) If a court imposes a prison term on an offender under 6144
division (B)(1)(a) of this section, the prison term shall not be 6145
reduced pursuant to section 2967.19, section 2929.20, section 6146
2967.193, or any other provision of Chapter 2967. or Chapter 6147
5120. of the Revised Code. Except as provided in division (B)(1) 6148
(g) of this section, a court shall not impose more than one 6149
prison term on an offender under division (B)(1)(a) of this 6150
section for felonies committed as part of the same act or 6151
transaction. 6152

(c)(i) Except as provided in division (B)(1)(e) of this 6153
section, if an offender who is convicted of or pleads guilty to 6154
a violation of section 2923.161 of the Revised Code or to a 6155
felony that includes, as an essential element, purposely or 6156
knowingly causing or attempting to cause the death of or 6157
physical harm to another, also is convicted of or pleads guilty 6158
to a specification of the type described in division (A) of 6159
section 2941.146 of the Revised Code that charges the offender 6160
with committing the offense by discharging a firearm from a 6161
motor vehicle other than a manufactured home, the court, after 6162
imposing a prison term on the offender for the violation of 6163
section 2923.161 of the Revised Code or for the other felony 6164
offense under division (A), (B)(2), or (B)(3) of this section, 6165
shall impose an additional prison term of five years upon the 6166
offender that shall not be reduced pursuant to section 2929.20, 6167

section 2967.19, section 2967.193, or any other provision of 6168
Chapter 2967. or Chapter 5120. of the Revised Code. 6169

(ii) Except as provided in division (B)(1)(e) of this 6170
section, if an offender who is convicted of or pleads guilty to 6171
a violation of section 2923.161 of the Revised Code or to a 6172
felony that includes, as an essential element, purposely or 6173
knowingly causing or attempting to cause the death of or 6174
physical harm to another, also is convicted of or pleads guilty 6175
to a specification of the type described in division (C) of 6176
section 2941.146 of the Revised Code that charges the offender 6177
with committing the offense by discharging a firearm from a 6178
motor vehicle other than a manufactured home and that the 6179
offender previously has been convicted of or pleaded guilty to a 6180
specification of the type described in section 2941.141, 6181
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 6182
the court, after imposing a prison term on the offender for the 6183
violation of section 2923.161 of the Revised Code or for the 6184
other felony offense under division (A), (B)(2), or (3) of this 6185
section, shall impose an additional prison term of ninety months 6186
upon the offender that shall not be reduced pursuant to section 6187
2929.20, 2967.19, 2967.193, or any other provision of Chapter 6188
2967. or Chapter 5120. of the Revised Code. 6189

(iii) A court shall not impose more than one additional 6190
prison term on an offender under division (B)(1)(c) of this 6191
section for felonies committed as part of the same act or 6192
transaction. If a court imposes an additional prison term on an 6193
offender under division (B)(1)(c) of this section relative to an 6194
offense, the court also shall impose a prison term under 6195
division (B)(1)(a) of this section relative to the same offense, 6196
provided the criteria specified in that division for imposing an 6197
additional prison term are satisfied relative to the offender 6198

and the offense.

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

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(e) The court shall not impose any of the prison terms described in division (B)(1)(a) of this section or any of the additional prison terms described in division (B)(1)(c) of this section upon an offender for a violation of section 2923.12 or 2923.123 of the Revised Code. The court shall not impose any of the prison terms described in division (B)(1)(a) or (b) of this section upon an offender for a violation of section 2923.122 that involves a deadly weapon that is a firearm other than a dangerous ordnance, section 2923.16, or section 2923.121 of the Revised Code. The court shall not impose any of the prison terms described in division (B)(1)(a) of this section or any of the additional prison terms described in division (B)(1)(c) of this section upon an offender for a violation of section 2923.13 of

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the Revised Code unless all of the following apply: 6230

(i) The offender previously has been convicted of 6231
aggravated murder, murder, or any felony of the first or second 6232
degree. 6233

(ii) Less than five years have passed since the offender 6234
was released from prison or post-release control, whichever is 6235
later, for the prior offense. 6236

(f) (i) If an offender is convicted of or pleads guilty to 6237
a felony that includes, as an essential element, causing or 6238
attempting to cause the death of or physical harm to another and 6239
also is convicted of or pleads guilty to a specification of the 6240
type described in division (A) of section 2941.1412 of the 6241
Revised Code that charges the offender with committing the 6242
offense by discharging a firearm at a peace officer as defined 6243
in section 2935.01 of the Revised Code or a corrections officer, 6244
as defined in section 2941.1412 of the Revised Code, the court, 6245
after imposing a prison term on the offender for the felony 6246
offense under division (A), (B) (2), or (B) (3) of this section, 6247
shall impose an additional prison term of seven years upon the 6248
offender that shall not be reduced pursuant to section 2929.20, 6249
section 2967.19, section 2967.193, or any other provision of 6250
Chapter 2967. or Chapter 5120. of the Revised Code. 6251

(ii) If an offender is convicted of or pleads guilty to a 6252
felony that includes, as an essential element, causing or 6253
attempting to cause the death of or physical harm to another and 6254
also is convicted of or pleads guilty to a specification of the 6255
type described in division (B) of section 2941.1412 of the 6256
Revised Code that charges the offender with committing the 6257
offense by discharging a firearm at a peace officer, as defined 6258
in section 2935.01 of the Revised Code, or a corrections 6259

officer, as defined in section 2941.1412 of the Revised Code, 6260
and that the offender previously has been convicted of or 6261
pleaded guilty to a specification of the type described in 6262
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 6263
the Revised Code, the court, after imposing a prison term on the 6264
offender for the felony offense under division (A), (B) (2), or 6265
(3) of this section, shall impose an additional prison term of 6266
one hundred twenty-six months upon the offender that shall not 6267
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 6268
any other provision of Chapter 2967. or 5120. of the Revised 6269
Code. 6270

(iii) If an offender is convicted of or pleads guilty to 6271
two or more felonies that include, as an essential element, 6272
causing or attempting to cause the death or physical harm to 6273
another and also is convicted of or pleads guilty to a 6274
specification of the type described under division (B) (1) (f) of 6275
this section in connection with two or more of the felonies of 6276
which the offender is convicted or to which the offender pleads 6277
guilty, the sentencing court shall impose on the offender the 6278
prison term specified under division (B) (1) (f) of this section 6279
for each of two of the specifications of which the offender is 6280
convicted or to which the offender pleads guilty and, in its 6281
discretion, also may impose on the offender the prison term 6282
specified under that division for any or all of the remaining 6283
specifications. If a court imposes an additional prison term on 6284
an offender under division (B) (1) (f) of this section relative to 6285
an offense, the court shall not impose a prison term under 6286
division (B) (1) (a) or (c) of this section relative to the same 6287
offense. 6288

(g) If an offender is convicted of or pleads guilty to two 6289
or more felonies, if one or more of those felonies are 6290

aggravated murder, murder, attempted aggravated murder, 6291
attempted murder, aggravated robbery, felonious assault, or 6292
rape, and if the offender is convicted of or pleads guilty to a 6293
specification of the type described under division (B)(1)(a) of 6294
this section in connection with two or more of the felonies, the 6295
sentencing court shall impose on the offender the prison term 6296
specified under division (B)(1)(a) of this section for each of 6297
the two most serious specifications of which the offender is 6298
convicted or to which the offender pleads guilty and, in its 6299
discretion, also may impose on the offender the prison term 6300
specified under that division for any or all of the remaining 6301
specifications. 6302

(2)(a) If division (B)(2)(b) of this section does not 6303
apply, the court may impose on an offender, in addition to the 6304
longest prison term authorized or required for the offense or, 6305
for offenses for which division (A)(1)(a) or (2)(a) of this 6306
section applies, in addition to the longest minimum prison term 6307
authorized or required for the offense, an additional definite 6308
prison term of one, two, three, four, five, six, seven, eight, 6309
nine, or ten years if all of the following criteria are met: 6310

(i) The offender is convicted of or pleads guilty to a 6311
specification of the type described in section 2941.149 of the 6312
Revised Code that the offender is a repeat violent offender. 6313

(ii) The offense of which the offender currently is 6314
convicted or to which the offender currently pleads guilty is 6315
aggravated murder and the court does not impose a sentence of 6316
death or life imprisonment without parole, murder, terrorism and 6317
the court does not impose a sentence of life imprisonment 6318
without parole, any felony of the first degree that is an 6319
offense of violence and the court does not impose a sentence of 6320

life imprisonment without parole, or any felony of the second 6321
degree that is an offense of violence and the trier of fact 6322
finds that the offense involved an attempt to cause or a threat 6323
to cause serious physical harm to a person or resulted in 6324
serious physical harm to a person. 6325

(iii) The court imposes the longest prison term for the 6326
offense or the longest minimum prison term for the offense, 6327
whichever is applicable, that is not life imprisonment without 6328
parole. 6329

(iv) The court finds that the prison terms imposed 6330
pursuant to division (B) (2) (a) (iii) of this section and, if 6331
applicable, division (B) (1) or (3) of this section are 6332
inadequate to punish the offender and protect the public from 6333
future crime, because the applicable factors under section 6334
2929.12 of the Revised Code indicating a greater likelihood of 6335
recidivism outweigh the applicable factors under that section 6336
indicating a lesser likelihood of recidivism. 6337

(v) The court finds that the prison terms imposed pursuant 6338
to division (B) (2) (a) (iii) of this section and, if applicable, 6339
division (B) (1) or (3) of this section are demeaning to the 6340
seriousness of the offense, because one or more of the factors 6341
under section 2929.12 of the Revised Code indicating that the 6342
offender's conduct is more serious than conduct normally 6343
constituting the offense are present, and they outweigh the 6344
applicable factors under that section indicating that the 6345
offender's conduct is less serious than conduct normally 6346
constituting the offense. 6347

(b) The court shall impose on an offender the longest 6348
prison term authorized or required for the offense or, for 6349
offenses for which division (A) (1) (a) or (2) (a) of this section 6350

applies, the longest minimum prison term authorized or required 6351
for the offense, and shall impose on the offender an additional 6352
definite prison term of one, two, three, four, five, six, seven, 6353
eight, nine, or ten years if all of the following criteria are 6354
met: 6355

(i) The offender is convicted of or pleads guilty to a 6356
specification of the type described in section 2941.149 of the 6357
Revised Code that the offender is a repeat violent offender. 6358

(ii) The offender within the preceding twenty years has 6359
been convicted of or pleaded guilty to three or more offenses 6360
described in division (CC)(1) of section 2929.01 of the Revised 6361
Code, including all offenses described in that division of which 6362
the offender is convicted or to which the offender pleads guilty 6363
in the current prosecution and all offenses described in that 6364
division of which the offender previously has been convicted or 6365
to which the offender previously pleaded guilty, whether 6366
prosecuted together or separately. 6367

(iii) The offense or offenses of which the offender 6368
currently is convicted or to which the offender currently pleads 6369
guilty is aggravated murder and the court does not impose a 6370
sentence of death or life imprisonment without parole, murder, 6371
terrorism and the court does not impose a sentence of life 6372
imprisonment without parole, any felony of the first degree that 6373
is an offense of violence and the court does not impose a 6374
sentence of life imprisonment without parole, or any felony of 6375
the second degree that is an offense of violence and the trier 6376
of fact finds that the offense involved an attempt to cause or a 6377
threat to cause serious physical harm to a person or resulted in 6378
serious physical harm to a person. 6379

(c) For purposes of division (B)(2)(b) of this section, 6380

two or more offenses committed at the same time or as part of 6381
the same act or event shall be considered one offense, and that 6382
one offense shall be the offense with the greatest penalty. 6383

(d) A sentence imposed under division (B)(2)(a) or (b) of 6384
this section shall not be reduced pursuant to section 2929.20, 6385
section 2967.19, or section 2967.193, or any other provision of 6386
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 6387
shall serve an additional prison term imposed under division (B) 6388
(2)(a) or (b) of this section consecutively to and prior to the 6389
prison term imposed for the underlying offense. 6390

(e) When imposing a sentence pursuant to division (B)(2) 6391
(a) or (b) of this section, the court shall state its findings 6392
explaining the imposed sentence. 6393

(3) Except when an offender commits a violation of section 6394
2903.01 or 2907.02 of the Revised Code and the penalty imposed 6395
for the violation is life imprisonment or commits a violation of 6396
section 2903.02 of the Revised Code, if the offender commits a 6397
violation of section 2925.03, 2925.031, 2925.032, or 2925.11 of 6398
the Revised Code and that section classifies the offender as a 6399
major drug offender, if the offender commits a violation of 6400
section 2925.05 of the Revised Code and division (E)(1) of that 6401
section classifies the offender as a major drug offender, if the 6402
offender commits a felony violation of section 2925.02, 2925.04, 6403
2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, 6404
or 4729.61, division (C) or (D) of section 3719.172, division 6405
(E) of section 4729.51, or division (J) of section 4729.54 of 6406
the Revised Code that includes the sale, offer to sell, or 6407
possession of a schedule I or II controlled substance, with the 6408
exception of marihuana, and the court imposing sentence upon the 6409
offender finds that the offender is guilty of a specification of 6410

the type described in division (A) of section 2941.1410 of the Revised Code charging that the offender is a major drug offender, if the court imposing sentence upon an offender for a felony finds that the offender is guilty of corrupt activity with the most serious offense in the pattern of corrupt activity being a felony of the first degree, or if the offender is guilty of an attempted violation of section 2907.02 of the Revised Code and, had the offender completed the violation of section 2907.02 of the Revised Code that was attempted, the offender would have been subject to a sentence of life imprisonment or life imprisonment without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a mandatory prison term determined as described in this division that, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, cannot be reduced pursuant to section 2929.20, section 2967.19, or any other provision of Chapter 2967. or 5120. of the Revised Code. The mandatory prison term shall be the maximum definite prison term prescribed in division (A)(1)(b) of this section for a felony of the first degree, except that for offenses for which division (A)(1)(a) of this section applies, the mandatory prison term shall be the longest minimum prison term prescribed in that division for the offense.

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A)(4) of this section, may sentence the offender to a definite prison term of

not less than six months and not more than thirty months, and if 6442
the offender is being sentenced for a third degree felony OVI 6443
offense, the sentencing court may sentence the offender to an 6444
additional prison term of any duration specified in division (A) 6445
(3) of this section. In either case, the additional prison term 6446
imposed shall be reduced by the sixty or one hundred twenty days 6447
imposed upon the offender as the mandatory prison term. The 6448
total of the additional prison term imposed under division (B) 6449
(4) of this section plus the sixty or one hundred twenty days 6450
imposed as the mandatory prison term shall equal a definite term 6451
in the range of six months to thirty months for a fourth degree 6452
felony OVI offense and shall equal one of the authorized prison 6453
terms specified in division (A) (3) of this section for a third 6454
degree felony OVI offense. If the court imposes an additional 6455
prison term under division (B) (4) of this section, the offender 6456
shall serve the additional prison term after the offender has 6457
served the mandatory prison term required for the offense. In 6458
addition to the mandatory prison term or mandatory and 6459
additional prison term imposed as described in division (B) (4) 6460
of this section, the court also may sentence the offender to a 6461
community control sanction under section 2929.16 or 2929.17 of 6462
the Revised Code, but the offender shall serve all of the prison 6463
terms so imposed prior to serving the community control 6464
sanction. 6465

If the offender is being sentenced for a fourth degree 6466
felony OVI offense under division (G) (1) of section 2929.13 of 6467
the Revised Code and the court imposes a mandatory term of local 6468
incarceration, the court may impose a prison term as described 6469
in division (A) (1) of that section. 6470

(5) If an offender is convicted of or pleads guilty to a 6471
violation of division (A) (1) or (2) of section 2903.06 of the 6472

Revised Code and also is convicted of or pleads guilty to a 6473
specification of the type described in section 2941.1414 of the 6474
Revised Code that charges that the victim of the offense is a 6475
peace officer, as defined in section 2935.01 of the Revised 6476
Code, or an investigator of the bureau of criminal 6477
identification and investigation, as defined in section 2903.11 6478
of the Revised Code, the court shall impose on the offender a 6479
prison term of five years. If a court imposes a prison term on 6480
an offender under division (B) (5) of this section, the prison 6481
term, subject to divisions (C) to (I) of section 2967.19 of the 6482
Revised Code, shall not be reduced pursuant to section 2929.20, 6483
section 2967.19, section 2967.193, or any other provision of 6484
Chapter 2967. or Chapter 5120. of the Revised Code. A court 6485
shall not impose more than one prison term on an offender under 6486
division (B) (5) of this section for felonies committed as part 6487
of the same act. 6488

(6) If an offender is convicted of or pleads guilty to a 6489
violation of division (A) (1) or (2) of section 2903.06 of the 6490
Revised Code and also is convicted of or pleads guilty to a 6491
specification of the type described in section 2941.1415 of the 6492
Revised Code that charges that the offender previously has been 6493
convicted of or pleaded guilty to three or more violations of 6494
division (A) or (B) of section 4511.19 of the Revised Code or an 6495
equivalent offense, as defined in section 2941.1415 of the 6496
Revised Code, or three or more violations of any combination of 6497
those divisions and offenses, the court shall impose on the 6498
offender a prison term of three years. If a court imposes a 6499
prison term on an offender under division (B) (6) of this 6500
section, the prison term, subject to divisions (C) to (I) of 6501
section 2967.19 of the Revised Code, shall not be reduced 6502
pursuant to section 2929.20, section 2967.19, section 2967.193, 6503

or any other provision of Chapter 2967. or Chapter 5120. of the
Revised Code. A court shall not impose more than one prison term
on an offender under division (B) (6) of this section for
felonies committed as part of the same act.

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

(i) If the offense is a felony of the first degree, a
definite prison term of not less than five years and not greater
than eleven years, except that if the offense is a felony of the
first degree committed on or after the effective date of this
amendment, the court shall impose as the minimum prison term a
mandatory term of not less than five years and not greater than
eleven years;

(ii) If the offense is a felony of the second or third
degree, a definite prison term of not less than three years and
not greater than the maximum prison term allowed for the offense
by division (A) (2) (b) or (3) of this section, except that if the
offense is a felony of the second degree committed on or after
the effective date of this amendment, the court shall impose as
the minimum prison term a mandatory term of not less than three
years and not greater than eight years;

(iii) If the offense is a felony of the fourth or fifth

degree, a definite prison term that is the maximum prison term 6534
allowed for the offense by division (A) of section 2929.14 of 6535
the Revised Code. 6536

(b) Subject to divisions (C) to (I) of section 2967.19 of 6537
the Revised Code, the prison term imposed under division (B) (7) 6538
(a) of this section shall not be reduced pursuant to section 6539
2929.20, section 2967.19, section 2967.193, or any other 6540
provision of Chapter 2967. of the Revised Code. A court shall 6541
not impose more than one prison term on an offender under 6542
division (B) (7) (a) of this section for felonies committed as 6543
part of the same act, scheme, or plan. 6544

(8) If an offender is convicted of or pleads guilty to a 6545
felony violation of section 2903.11, 2903.12, or 2903.13 of the 6546
Revised Code and also is convicted of or pleads guilty to a 6547
specification of the type described in section 2941.1423 of the 6548
Revised Code that charges that the victim of the violation was a 6549
woman whom the offender knew was pregnant at the time of the 6550
violation, notwithstanding the range prescribed in division (A) 6551
of this section as the definite prison term or minimum prison 6552
term for felonies of the same degree as the violation, the court 6553
shall impose on the offender a mandatory prison term that is 6554
either a definite prison term of six months or one of the prison 6555
terms prescribed in division (A) of this section for felonies of 6556
the same degree as the violation, except that if the violation 6557
is a felony of the first or second degree committed on or after 6558
the effective date of this amendment, the court shall impose as 6559
the minimum prison term under division (A) (1) (a) or (2) (a) of 6560
this section a mandatory term that is one of the terms 6561
prescribed in that division, whichever is applicable, for the 6562
offense. 6563

(9) (a) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.11 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1425 of the Revised Code, the court shall impose on the offender a mandatory prison term of six years if either of the following applies:

(i) The violation is a violation of division (A) (1) of section 2903.11 of the Revised Code and the specification charges that the offender used an accelerant in committing the violation and the serious physical harm to another or to another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity;

(ii) The violation is a violation of division (A) (2) of section 2903.11 of the Revised Code and the specification charges that the offender used an accelerant in committing the violation, that the violation caused physical harm to another or to another's unborn, and that the physical harm resulted in a permanent, serious disfigurement or permanent, substantial incapacity.

(b) If a court imposes a prison term on an offender under division (B) (9) (a) of this section, the prison term shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (9) of this section for felonies committed as part of the same act.

(c) The provisions of divisions (B) (9) and (C) (6) of this section and of division (D) (2) of section 2903.11, division (F) (20) of section 2929.13, and section 2941.1425 of the Revised

Code shall be known as "Judy's Law." 6594

(10) If an offender is convicted of or pleads guilty to a 6595
violation of division (A) of section 2903.11 of the Revised Code 6596
and also is convicted of or pleads guilty to a specification of 6597
the type described in section 2941.1426 of the Revised Code that 6598
charges that the victim of the offense suffered permanent 6599
disabling harm as a result of the offense and that the victim 6600
was under ten years of age at the time of the offense, 6601
regardless of whether the offender knew the age of the victim, 6602
the court shall impose upon the offender an additional definite 6603
prison term of six years. A prison term imposed on an offender 6604
under division (B) (10) of this section shall not be reduced 6605
pursuant to section 2929.20, section 2967.193, or any other 6606
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 6607
If a court imposes an additional prison term on an offender 6608
under this division relative to a violation of division (A) of 6609
section 2903.11 of the Revised Code, the court shall not impose 6610
any other additional prison term on the offender relative to the 6611
same offense. 6612

(11) If an offender is convicted of or pleads guilty to a 6613
felony violation of section 2925.03, 2925.031, 2925.032, or 6614
2925.05 of the Revised Code or a felony violation of section 6615
2925.11 of the Revised Code for which division (C) (11) of that 6616
section applies in determining the sentence for the violation, 6617
if the drug involved in the violation is a fentanyl-related 6618
compound or a compound, mixture, preparation, or substance 6619
containing a fentanyl-related compound, and if the offender also 6620
is convicted of or pleads guilty to a specification of the type 6621
described in division (B) of section 2941.1410 of the Revised 6622
Code that charges that the offender is a major drug offender, in 6623
addition to any other penalty imposed for the violation, the 6624

court shall impose on the offender a mandatory prison term of 6625
three, four, five, six, seven, or eight years. If a court 6626
imposes a prison term on an offender under division (B) (11) of 6627
this section, the prison term, subject to divisions (C) to (I) 6628
of section 2967.19 of the Revised Code, shall not be reduced 6629
pursuant to section 2929.20, 2967.19, or 2967.193, or any other 6630
provision of Chapter 2967. or 5120. of the Revised Code. A court 6631
shall not impose more than one prison term on an offender under 6632
division (B) (11) of this section for felonies committed as part 6633
of the same act. 6634

(C) (1) (a) Subject to division (C) (1) (b) of this section, 6635
if a mandatory prison term is imposed upon an offender pursuant 6636
to division (B) (1) (a) of this section for having a firearm on or 6637
about the offender's person or under the offender's control 6638
while committing a felony, if a mandatory prison term is imposed 6639
upon an offender pursuant to division (B) (1) (c) of this section 6640
for committing a felony specified in that division by 6641
discharging a firearm from a motor vehicle, or if both types of 6642
mandatory prison terms are imposed, the offender shall serve any 6643
mandatory prison term imposed under either division 6644
consecutively to any other mandatory prison term imposed under 6645
either division or under division (B) (1) (d) of this section, 6646
consecutively to and prior to any prison term imposed for the 6647
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 6648
this section or any other section of the Revised Code, and 6649
consecutively to any other prison term or mandatory prison term 6650
previously or subsequently imposed upon the offender. 6651

(b) If a mandatory prison term is imposed upon an offender 6652
pursuant to division (B) (1) (d) of this section for wearing or 6653
carrying body armor while committing an offense of violence that 6654
is a felony, the offender shall serve the mandatory term so 6655

imposed consecutively to any other mandatory prison term imposed 6656
under that division or under division (B)(1)(a) or (c) of this 6657
section, consecutively to and prior to any prison term imposed 6658
for the underlying felony under division (A), (B)(2), or (B)(3) 6659
of this section or any other section of the Revised Code, and 6660
consecutively to any other prison term or mandatory prison term 6661
previously or subsequently imposed upon the offender. 6662

(c) If a mandatory prison term is imposed upon an offender 6663
pursuant to division (B)(1)(f) of this section, the offender 6664
shall serve the mandatory prison term so imposed consecutively 6665
to and prior to any prison term imposed for the underlying 6666
felony under division (A), (B)(2), or (B)(3) of this section or 6667
any other section of the Revised Code, and consecutively to any 6668
other prison term or mandatory prison term previously or 6669
subsequently imposed upon the offender. 6670

(d) If a mandatory prison term is imposed upon an offender 6671
pursuant to division (B)(7) or (8) of this section, the offender 6672
shall serve the mandatory prison term so imposed consecutively 6673
to any other mandatory prison term imposed under that division 6674
or under any other provision of law and consecutively to any 6675
other prison term or mandatory prison term previously or 6676
subsequently imposed upon the offender. 6677

(e) If a mandatory prison term is imposed upon an offender 6678
pursuant to division (B)~~(10)~~(11) of this section, the offender 6679
shall serve the mandatory prison term consecutively to any other 6680
mandatory prison term imposed under that division, consecutively 6681
to and prior to any prison term imposed for the underlying 6682
felony, and consecutively to any other prison term or mandatory 6683
prison term previously or subsequently imposed upon the 6684
offender. 6685

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

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

(4) If multiple prison terms are imposed on an offender for convictions of multiple offenses, the court may require the offender to serve the prison terms consecutively if the court finds that the consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the

offender poses to the public, and if the court also finds any of 6717
the following: 6718

(a) The offender committed one or more of the multiple 6719
offenses while the offender was awaiting trial or sentencing, 6720
was under a sanction imposed pursuant to section 2929.16, 6721
2929.17, or 2929.18 of the Revised Code, or was under post- 6722
release control for a prior offense. 6723

(b) At least two of the multiple offenses were committed 6724
as part of one or more courses of conduct, and the harm caused 6725
by two or more of the multiple offenses so committed was so 6726
great or unusual that no single prison term for any of the 6727
offenses committed as part of any of the courses of conduct 6728
adequately reflects the seriousness of the offender's conduct. 6729

(c) The offender's history of criminal conduct 6730
demonstrates that consecutive sentences are necessary to protect 6731
the public from future crime by the offender. 6732

(5) If a mandatory prison term is imposed upon an offender 6733
pursuant to division (B) (5) or (6) of this section, the offender 6734
shall serve the mandatory prison term consecutively to and prior 6735
to any prison term imposed for the underlying violation of 6736
division (A) (1) or (2) of section 2903.06 of the Revised Code 6737
pursuant to division (A) of this section or section 2929.142 of 6738
the Revised Code. If a mandatory prison term is imposed upon an 6739
offender pursuant to division (B) (5) of this section, and if a 6740
mandatory prison term also is imposed upon the offender pursuant 6741
to division (B) (6) of this section in relation to the same 6742
violation, the offender shall serve the mandatory prison term 6743
imposed pursuant to division (B) (5) of this section 6744
consecutively to and prior to the mandatory prison term imposed 6745
pursuant to division (B) (6) of this section and consecutively to 6746

and prior to any prison term imposed for the underlying 6747
violation of division (A) (1) or (2) of section 2903.06 of the 6748
Revised Code pursuant to division (A) of this section or section 6749
2929.142 of the Revised Code. 6750

(6) If a mandatory prison term is imposed on an offender 6751
pursuant to division (B) (9) of this section, the offender shall 6752
serve the mandatory prison term consecutively to and prior to 6753
any prison term imposed for the underlying violation of division 6754
(A) (1) or (2) of section 2903.11 of the Revised Code and 6755
consecutively to and prior to any other prison term or mandatory 6756
prison term previously or subsequently imposed on the offender. 6757

(7) If a mandatory prison term is imposed on an offender 6758
pursuant to division (B) (10) of this section, the offender shall 6759
serve that mandatory prison term consecutively to and prior to 6760
any prison term imposed for the underlying felonious assault. 6761
Except as otherwise provided in division (C) of this section, 6762
any other prison term or mandatory prison term previously or 6763
subsequently imposed upon the offender may be served 6764
concurrently with, or consecutively to, the prison term imposed 6765
pursuant to division (B) (10) of this section. 6766

(8) Any prison term imposed for a violation of section 6767
2903.04 of the Revised Code that is based on a violation of 6768
section 2925.03~~or~~, 2925.031, 2925.032, 2925.11, 2925.111, or 6769
2925.112 of the Revised Code or on a violation of section 6770
2925.05 of the Revised Code that is not funding of marihuana 6771
trafficking shall run consecutively to any prison term imposed 6772
for the violation of section 2925.03~~or~~, 2925.031, 2925.032, 6773
2925.11, 2925.111, or 2925.112 of the Revised Code or for the 6774
violation of section 2925.05 of the Revised Code that is not 6775
funding of marihuana trafficking. 6776

(9) When consecutive prison terms are imposed pursuant to 6777
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 6778
division (H) (1) or (2) of this section, subject to division (C) 6779
(8) of this section, the term to be served is the aggregate of 6780
all of the terms so imposed. 6781

(10) When a court sentences an offender to a non-life 6782
felony indefinite prison term, any definite prison term or 6783
mandatory definite prison term previously or subsequently 6784
imposed on the offender in addition to that indefinite sentence 6785
that is required to be served consecutively to that indefinite 6786
sentence shall be served prior to the indefinite sentence. 6787

(11) If a court is sentencing an offender for a felony of 6788
the first or second degree, if division (A) (1) (a) or (2) (a) of 6789
this section applies with respect to the sentencing for the 6790
offense, and if the court is required under the Revised Code 6791
section that sets forth the offense or any other Revised Code 6792
provision to impose a mandatory prison term for the offense, the 6793
court shall impose the required mandatory prison term as the 6794
minimum term imposed under division (A) (1) (a) or (2) (a) of this 6795
section, whichever is applicable. 6796

(D) (1) If a court imposes a prison term, other than a term 6797
of life imprisonment, for a felony of the first degree, for a 6798
felony of the second degree, for a felony sex offense, or for a 6799
felony of the third degree that is an offense of violence and 6800
that is not a felony sex offense, it shall include in the 6801
sentence a requirement that the offender be subject to a period 6802
of post-release control after the offender's release from 6803
imprisonment, in accordance with section 2967.28 of the Revised 6804
Code. If a court imposes a sentence including a prison term of a 6805
type described in this division on or after July 11, 2006, the 6806

failure of a court to include a post-release control requirement 6807
in the sentence pursuant to this division does not negate, 6808
limit, or otherwise affect the mandatory period of post-release 6809
control that is required for the offender under division (B) of 6810
section 2967.28 of the Revised Code. Section 2929.191 of the 6811
Revised Code applies if, prior to July 11, 2006, a court imposed 6812
a sentence including a prison term of a type described in this 6813
division and failed to include in the sentence pursuant to this 6814
division a statement regarding post-release control. 6815

(2) If a court imposes a prison term for a felony of the 6816
third, fourth, or fifth degree that is not subject to division 6817
(D)(1) of this section, it shall include in the sentence a 6818
requirement that the offender be subject to a period of post- 6819
release control after the offender's release from imprisonment, 6820
in accordance with that division, if the parole board determines 6821
that a period of post-release control is necessary. Section 6822
2929.191 of the Revised Code applies if, prior to July 11, 2006, 6823
a court imposed a sentence including a prison term of a type 6824
described in this division and failed to include in the sentence 6825
pursuant to this division a statement regarding post-release 6826
control. 6827

(E) The court shall impose sentence upon the offender in 6828
accordance with section 2971.03 of the Revised Code, and Chapter 6829
2971. of the Revised Code applies regarding the prison term or 6830
term of life imprisonment without parole imposed upon the 6831
offender and the service of that term of imprisonment if any of 6832
the following apply: 6833

(1) A person is convicted of or pleads guilty to a violent 6834
sex offense or a designated homicide, assault, or kidnapping 6835
offense, and, in relation to that offense, the offender is 6836

adjudicated a sexually violent predator. 6837

(2) A person is convicted of or pleads guilty to a 6838
violation of division (A) (1) (b) of section 2907.02 of the 6839
Revised Code committed on or after January 2, 2007, and either 6840
the court does not impose a sentence of life without parole when 6841
authorized pursuant to division (B) of section 2907.02 of the 6842
Revised Code, or division (B) of section 2907.02 of the Revised 6843
Code provides that the court shall not sentence the offender 6844
pursuant to section 2971.03 of the Revised Code. 6845

(3) A person is convicted of or pleads guilty to attempted 6846
rape committed on or after January 2, 2007, and a specification 6847
of the type described in section 2941.1418, 2941.1419, or 6848
2941.1420 of the Revised Code. 6849

(4) A person is convicted of or pleads guilty to a 6850
violation of section 2905.01 of the Revised Code committed on or 6851
after January 1, 2008, and that section requires the court to 6852
sentence the offender pursuant to section 2971.03 of the Revised 6853
Code. 6854

(5) A person is convicted of or pleads guilty to 6855
aggravated murder committed on or after January 1, 2008, and 6856
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 6857
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 6858
(d) of section 2929.03, or division (A) or (B) of section 6859
2929.06 of the Revised Code requires the court to sentence the 6860
offender pursuant to division (B) (3) of section 2971.03 of the 6861
Revised Code. 6862

(6) A person is convicted of or pleads guilty to murder 6863
committed on or after January 1, 2008, and division (B) (2) of 6864
section 2929.02 of the Revised Code requires the court to 6865

sentence the offender pursuant to section 2971.03 of the Revised Code. 6866
6867

(F) If a person who has been convicted of or pleaded 6868
guilty to a felony is sentenced to a prison term or term of 6869
imprisonment under this section, sections 2929.02 to 2929.06 of 6870
the Revised Code, section 2929.142 of the Revised Code, section 6871
2971.03 of the Revised Code, or any other provision of law, 6872
section 5120.163 of the Revised Code applies regarding the 6873
person while the person is confined in a state correctional 6874
institution. 6875

(G) If an offender who is convicted of or pleads guilty to 6876
a felony that is an offense of violence also is convicted of or 6877
pleads guilty to a specification of the type described in 6878
section 2941.142 of the Revised Code that charges the offender 6879
with having committed the felony while participating in a 6880
criminal gang, the court shall impose upon the offender an 6881
additional prison term of one, two, or three years. 6882

(H) (1) If an offender who is convicted of or pleads guilty 6883
to aggravated murder, murder, or a felony of the first, second, 6884
or third degree that is an offense of violence also is convicted 6885
of or pleads guilty to a specification of the type described in 6886
section 2941.143 of the Revised Code that charges the offender 6887
with having committed the offense in a school safety zone or 6888
towards a person in a school safety zone, the court shall impose 6889
upon the offender an additional prison term of two years. The 6890
offender shall serve the additional two years consecutively to 6891
and prior to the prison term imposed for the underlying offense. 6892

(2) (a) If an offender is convicted of or pleads guilty to 6893
a felony violation of section 2907.22, 2907.24, 2907.241, or 6894
2907.25 of the Revised Code and to a specification of the type 6895

described in section 2941.1421 of the Revised Code and if the 6896
court imposes a prison term on the offender for the felony 6897
violation, the court may impose upon the offender an additional 6898
prison term as follows: 6899

(i) Subject to division (H) (2) (a) (ii) of this section, an 6900
additional prison term of one, two, three, four, five, or six 6901
months; 6902

(ii) If the offender previously has been convicted of or 6903
pleaded guilty to one or more felony or misdemeanor violations 6904
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 6905
the Revised Code and also was convicted of or pleaded guilty to 6906
a specification of the type described in section 2941.1421 of 6907
the Revised Code regarding one or more of those violations, an 6908
additional prison term of one, two, three, four, five, six, 6909
seven, eight, nine, ten, eleven, or twelve months. 6910

(b) In lieu of imposing an additional prison term under 6911
division (H) (2) (a) of this section, the court may directly 6912
impose on the offender a sanction that requires the offender to 6913
wear a real-time processing, continual tracking electronic 6914
monitoring device during the period of time specified by the 6915
court. The period of time specified by the court shall equal the 6916
duration of an additional prison term that the court could have 6917
imposed upon the offender under division (H) (2) (a) of this 6918
section. A sanction imposed under this division shall commence 6919
on the date specified by the court, provided that the sanction 6920
shall not commence until after the offender has served the 6921
prison term imposed for the felony violation of section 2907.22, 6922
2907.24, 2907.241, or 2907.25 of the Revised Code and any 6923
residential sanction imposed for the violation under section 6924
2929.16 of the Revised Code. A sanction imposed under this 6925

division shall be considered to be a community control sanction 6926
for purposes of section 2929.15 of the Revised Code, and all 6927
provisions of the Revised Code that pertain to community control 6928
sanctions shall apply to a sanction imposed under this division, 6929
except to the extent that they would by their nature be clearly 6930
inapplicable. The offender shall pay all costs associated with a 6931
sanction imposed under this division, including the cost of the 6932
use of the monitoring device. 6933

(I) At the time of sentencing, the court may recommend the 6934
offender for placement in a program of shock incarceration under 6935
section 5120.031 of the Revised Code or for placement in an 6936
intensive program prison under section 5120.032 of the Revised 6937
Code, disapprove placement of the offender in a program of shock 6938
incarceration or an intensive program prison of that nature, or 6939
make no recommendation on placement of the offender. In no case 6940
shall the department of rehabilitation and correction place the 6941
offender in a program or prison of that nature unless the 6942
department determines as specified in section 5120.031 or 6943
5120.032 of the Revised Code, whichever is applicable, that the 6944
offender is eligible for the placement. 6945

If the court disapproves placement of the offender in a 6946
program or prison of that nature, the department of 6947
rehabilitation and correction shall not place the offender in 6948
any program of shock incarceration or intensive program prison. 6949

If the court recommends placement of the offender in a 6950
program of shock incarceration or in an intensive program 6951
prison, and if the offender is subsequently placed in the 6952
recommended program or prison, the department shall notify the 6953
court of the placement and shall include with the notice a brief 6954
description of the placement. 6955

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

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

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

(K) (1) The court shall impose an additional mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years on an offender who is convicted of or pleads guilty to a violent felony offense if the offender also

is convicted of or pleads guilty to a specification of the type 6986
described in section 2941.1424 of the Revised Code that charges 6987
that the offender is a violent career criminal and had a firearm 6988
on or about the offender's person or under the offender's 6989
control while committing the presently charged violent felony 6990
offense and displayed or brandished the firearm, indicated that 6991
the offender possessed a firearm, or used the firearm to 6992
facilitate the offense. The offender shall serve the prison term 6993
imposed under this division consecutively to and prior to the 6994
prison term imposed for the underlying offense. The prison term 6995
shall not be reduced pursuant to section 2929.20 or 2967.19 or 6996
any other provision of Chapter 2967. or 5120. of the Revised 6997
Code. A court may not impose more than one sentence under 6998
division (B) (2) (a) of this section and this division for acts 6999
committed as part of the same act or transaction. 7000

(2) As used in division (K) (1) of this section, "violent 7001
career criminal" and "violent felony offense" have the same 7002
meanings as in section 2923.132 of the Revised Code. 7003

Sec. 2929.141. (A) Upon the conviction of or plea of 7004
guilty to a felony by a person on post-release control at the 7005
time of the commission of the felony, the court may terminate 7006
the term of post-release control, and the court may do either of 7007
the following regardless of whether the sentencing court or 7008
another court of this state imposed the original prison term for 7009
which the person is on post-release control: 7010

(1) In addition to any prison term for the new felony, 7011
impose a prison term for the post-release control violation. The 7012
maximum prison term for the violation shall be the greater of 7013
twelve months or the period of post-release control for the 7014
earlier felony minus any time the person has spent under post- 7015

release control for the earlier felony. In all cases, any prison 7016
term imposed for the violation shall be reduced by any prison 7017
term that is administratively imposed by the parole board as a 7018
post-release control sanction. A prison term imposed for the 7019
violation shall be served consecutively to any prison term 7020
imposed for the new felony. The imposition of a prison term for 7021
the post-release control violation shall terminate the period of 7022
post-release control for the earlier felony. 7023

(2) Impose a sanction under sections 2929.15 to 2929.18 of 7024
the Revised Code for the violation that shall be served 7025
concurrently or consecutively, as specified by the court, with 7026
any community control sanctions for the new felony. 7027

(B) If a person on post-release control was acting 7028
pursuant to division (B) (2) (b) of section 2925.11 of the Revised 7029
Code and in so doing violated the conditions of a post-release 7030
control sanction based on a minor drug possession offense, as 7031
defined in section ~~2925.11~~ 2925.01 of the Revised Code, the 7032
court may consider the person's conduct in seeking or obtaining 7033
medical assistance for another in good faith or for self or may 7034
consider the person being the subject of another person seeking 7035
or obtaining medical assistance in accordance with that division 7036
as a mitigating factor before imposing any of the penalties 7037
described in division (A) of this section. 7038

(C) Upon the conviction of or plea of guilty to a felony 7039
by a person on transitional control under section 2967.26 of the 7040
Revised Code at the time of the commission of the felony, the 7041
court may, in addition to any prison term for the new felony, 7042
impose a prison term not exceeding twelve months for having 7043
committed the felony while on transitional control. An 7044
additional prison term imposed pursuant to this section shall be 7045

served consecutively to any prison term imposed for the new 7046
felony. The sentencing court may impose the additional prison 7047
term authorized by this section regardless of whether the 7048
sentencing court or another court of this state imposed the 7049
original prison term for which the person is on transitional 7050
control. 7051

Sec. 2929.15. (A) (1) If in sentencing an offender for a 7052
felony the court is not required to impose a prison term, a 7053
mandatory prison term, or a term of life imprisonment upon the 7054
offender, the court may directly impose a sentence that consists 7055
of one or more community control sanctions authorized pursuant 7056
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 7057
the court is sentencing an offender for a fourth degree felony 7058
OVI offense under division (G) (1) of section 2929.13 of the 7059
Revised Code, in addition to the mandatory term of local 7060
incarceration imposed under that division and the mandatory fine 7061
required by division (B) (3) of section 2929.18 of the Revised 7062
Code, the court may impose upon the offender a community control 7063
sanction or combination of community control sanctions in 7064
accordance with sections 2929.16 and 2929.17 of the Revised 7065
Code. If the court is sentencing an offender for a third or 7066
fourth degree felony OVI offense under division (G) (2) of 7067
section 2929.13 of the Revised Code, in addition to the 7068
mandatory prison term or mandatory prison term and additional 7069
prison term imposed under that division, the court also may 7070
impose upon the offender a community control sanction or 7071
combination of community control sanctions under section 2929.16 7072
or 2929.17 of the Revised Code, but the offender shall serve all 7073
of the prison terms so imposed prior to serving the community 7074
control sanction. 7075

The duration of all community control sanctions imposed 7076

~~upon~~ on an offender under this division shall not exceed five 7077
years. If the offender absconds or otherwise leaves the 7078
jurisdiction of the court in which the offender resides without 7079
obtaining permission from the court or the offender's probation 7080
officer to leave the jurisdiction of the court, or if the 7081
offender is confined in any institution for the commission of 7082
any offense while under a community control sanction, the period 7083
of the community control sanction ceases to run until the 7084
offender is brought before the court for its further action. ~~If~~ 7085
~~the court sentences the offender to one or more nonresidential~~ 7086
~~sanctions under section 2929.17 of the Revised Code, the court~~ 7087
~~shall impose as a condition of the nonresidential sanctions~~ 7088
~~that, during the period of the sanctions, the offender must~~ 7089
~~abide by the law and must not leave the state without the~~ 7090
~~permission of the court or the offender's probation officer. The~~ 7091
court may impose any ~~other~~ conditions of release under a 7092
community control sanction that the court considers appropriate, 7093
~~including, but not limited to, requiring that the offender not~~ 7094
~~ingest or be injected with a drug of abuse and submit to random~~ 7095
~~drug testing as provided in division (D) of this section to~~ 7096
~~determine whether the offender ingested or was injected with a~~ 7097
~~drug of abuse and requiring that the results of the drug test~~ 7098
~~indicate that the offender did not ingest or was not injected~~ 7099
~~with a drug of abuse.~~ 7100

(2) (a) If a court sentences an offender to any community 7101
control sanction or combination of community control sanctions 7102
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 7103
the Revised Code, the court shall do one of the following: 7104

(i) Subject to divisions (A) (2) (a) (ii) and (iii) of this 7105
section, the court shall place the offender under the general 7106
control and supervision of a department of probation in the 7107

county that serves the court ~~for purposes of reporting to the~~ 7108
~~court a violation of any condition of the sanctions, any~~ 7109
~~condition of release under a community control sanction imposed~~ 7110
~~by the court, a violation of law, or the departure of the~~ 7111
~~offender from this state without the permission of the court or~~ 7112
~~the offender's probation officer. Alternatively, if~~ 7113

(ii) If the offender resides in ~~another~~ a county other 7114
than the county in which the court is located and a county 7115
department of probation has been established in that county or 7116
that county is served by a multicounty probation department 7117
established under section 2301.27 of the Revised Code, the court 7118
may request the court of common pleas of that county to receive 7119
the offender into the general control and supervision of that 7120
county or multicounty department of probation for purposes of 7121
reporting to the court a violation of any condition of the 7122
sanctions, any condition of release under a community control 7123
sanction imposed by the court, a violation of law, or the 7124
departure of the offender from this state without the permission 7125
of the court or the offender's probation officer, subject to the 7126
jurisdiction of the trial judge over and with respect to the 7127
person of the offender, and to the rules governing that 7128
department of probation. 7129

(iii) If there is no department of probation in the county 7130
that serves the court, the court shall place the offender, 7131
regardless of the offender's county of residence, under the 7132
general control and supervision of the adult parole authority or 7133
an entity authorized under division (B) of section 2301.27 of 7134
the Revised Code to provide probation and supervisory services 7135
to counties ~~for purposes of reporting to the court a violation~~ 7136
~~of any of the sanctions, any condition of release under a~~ 7137
~~community control sanction imposed by the court, a violation of~~ 7138

~~law, or the departure of the offender from this state without~~ 7139
~~the permission of the court or the offender's probation officer.~~ 7140

(b) If the court imposing sentence ~~upon~~ on an offender 7141
sentences the offender to any community control sanction or 7142
combination of community control sanctions authorized pursuant 7143
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 7144
if the offender violates any condition of the sanctions, 7145
violates any condition of release under a community control 7146
sanction imposed by the court, violates any law, or departs the 7147
state without the permission of the court or the offender's 7148
probation officer, the public or private person or entity that 7149
operates or administers the sanction or the program or activity 7150
that comprises the sanction shall report the violation or 7151
departure directly to the ~~sentencing court, or shall report the~~ 7152
~~violation or departure to the county or multicounty department~~ 7153
~~of probation with general control and supervision over the~~ 7154
~~offender under division (A) (2) (a) of this section or the officer~~ 7155
~~of that department who supervises the offender, or, if there is~~ 7156
~~no such department with general control and supervision over the~~ 7157
~~offender under that division, to the adult parole authority or~~ 7158
~~an entity authorized under division (B) of section 2301.27 of~~ 7159
~~the Revised Code to provide probation and supervisory services~~ 7160
~~to the county~~ supervising entity. If the public or private 7161
person or entity that operates or administers the sanction or 7162
the program or activity that comprises the sanction reports the 7163
violation or departure to the ~~county or multicounty department~~ 7164
~~of probation, the adult parole authority, or any other entity~~ 7165
~~providing probation and supervisory services to the county, the~~ 7166
~~department's, authority's, or other~~ supervising entity, the 7167
supervising entity's officers may treat the offender as if the 7168
offender were on probation and in violation of the probation, 7169

shall take appropriate action as determined by the seriousness 7170
of the violation and risk presented by the offender, and shall 7171
may report the violation of the condition of the sanction, the 7172
violation of any condition of release under a community control 7173
sanction imposed by the court, the violation of law, or the 7174
departure from the state without the required permission to the 7175
sentencing court according to the applicable graduated response 7176
policy adopted under division (D) (2) of section 2301.30 of the 7177
Revised Code. 7178

(3) If an offender who is eligible for community control 7179
sanctions under this section admits to being ~~drug~~ addicted or 7180
has mental illness, or the court has reason to believe that the 7181
offender is ~~drug~~ addicted or has mental illness, and if the 7182
offense for which the offender is being sentenced was related to 7183
the addiction or mental illness, the court may require that the 7184
offender be assessed by a properly credentialed professional 7185
within a specified period of time and shall require the 7186
professional to file a written assessment of the offender with 7187
the court. If the assessment indicates that the offender is 7188
addicted or has mental illness, and treatment is recommended, 7189
except as otherwise provided in division (A) (4) of this section, 7190
the court shall impose on the offender a community control 7191
sanction with treatment, to be known as "recovery sentencing." 7192
If a court imposes treatment for addiction or treatment for 7193
mental illness and recovery support services as a community 7194
control sanction, the court shall direct the level and type of 7195
treatment and recovery support services ~~after consideration of~~ 7196
~~the written assessment, if available at the time of sentencing,~~ 7197
and according to the recommendations of the professional and 7198
other treatment and recovery support services providers. 7199

(4) If an assessment completed pursuant to division (A) (3) 7200

of this section indicates that the offender is addicted ~~to drugs~~ 7201
~~or alcohol~~ has mental illness, and unless one of the factors set 7202
forth in division (B) (1) (b) of section 2929.13 of the Revised 7203
Code applies, the court ~~may~~ shall include recovery sentencing in 7204
any community control sanction imposed ~~for a violation of~~ 7205
~~section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11,~~ 7206
~~2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the Revised~~ 7207
~~Code a requirement that the offender participate in alcohol and~~ 7208
~~drug addiction services and recovery supports certified under~~ 7209
~~section 5119.36 of the Revised Code or offered by a properly~~ 7210
~~credentialed community addiction services provider on the~~ 7211
offender. 7212

(B) (1) If the conditions of a community control sanction 7213
imposed for a felony are violated or if the offender violates a 7214
law or leaves the state without the permission of the court or 7215
the offender's probation officer, the sentencing court may 7216
impose ~~upon~~ on the violator one or more of the following 7217
penalties: 7218

(a) A longer time under the same sanction if the total 7219
time under the sanctions does not exceed the five-year limit 7220
specified in division (A) of this section; 7221

(b) A more restrictive sanction under section 2929.16, 7222
2929.17, or 2929.18 of the Revised Code, including but not 7223
limited to, a new term in a community-based correctional 7224
facility, halfway house, or jail pursuant to division (A) (6) of 7225
section 2929.16 of the Revised Code; 7226

(c) A prison term on the offender pursuant to section 7227
2929.14 of the Revised Code and division (B) (3) of this section, 7228
provided that a prison term imposed under this division is 7229
subject to the following limitations, as applicable: 7230

(i) If the prison term is imposed for any technical 7231
violation of the conditions of a community control sanction 7232
imposed for a felony of the fifth degree ~~or for any violation of~~ 7233
~~law committed while under a community control sanction imposed~~ 7234
~~for such a felony that consists of a new criminal offense and~~ 7235
~~that is not a felony,~~ the prison term shall not exceed ninety 7236
days, provided that if the remaining period of community control 7237
at the time of the violation or the remaining period of the 7238
suspended prison sentence at that time is less than ninety days, 7239
the prison term shall not exceed the length of the remaining 7240
period of community control or the remaining period of the 7241
suspended prison sentence. If the court imposes a prison term as 7242
described in this division, division (B) (2) (b) of this section 7243
applies. 7244

(ii) If the prison term is imposed for any technical 7245
violation of the conditions of a community control sanction 7246
imposed for a felony of the fourth degree that is not an offense 7247
of violence and is not a sexually oriented offense ~~or for any~~ 7248
~~violation of law committed while under a community control~~ 7249
~~sanction imposed for such a felony that consists of a new~~ 7250
~~criminal offense and that is not a felony,~~ the prison term shall 7251
not exceed one hundred eighty days, provided that if the 7252
remaining period of the community control at the time of the 7253
violation or the remaining period of the suspended prison 7254
sentence at that time is less than one hundred eighty days, the 7255
prison term shall not exceed the length of the remaining period 7256
of community control or the remaining period of the suspended 7257
prison sentence. If the court imposes a prison term as described 7258
in this division, division (B) (2) (b) of this section applies. 7259

(2) (a) If an offender was acting pursuant to division (B) 7260
(2) (b) of section 2925.11 of the Revised Code and in so doing 7261

violated the conditions of a community control sanction based on 7262
a minor drug possession offense, as defined in section 2925.11 7263
of the Revised Code, the sentencing court may consider the 7264
offender's conduct in seeking or obtaining medical assistance 7265
for another in good faith or for self or may consider the 7266
offender being the subject of another person seeking or 7267
obtaining medical assistance in accordance with that division as 7268
a mitigating factor before imposing any of the penalties 7269
described in division (B) (1) of this section. 7270

(b) If a court imposes a prison term on an offender under 7271
division (B) (1) (c) (i) or (ii) of this section for a technical 7272
violation of the conditions of a community control sanction, one 7273
of the following is applicable with respect to the time that the 7274
offender spends in prison under the term: 7275

(i) Subject to division (B) (2) (b) (ii) of this section, it 7276
shall be credited against the offender's community control 7277
sanction that was being served at the time of the violation, and 7278
the remaining time under that community control sanction shall 7279
be reduced by the time that the offender spends in prison under 7280
the prison term. The offender upon release from the prison term 7281
shall continue serving the remaining time under the community 7282
control sanction, as reduced under this division. 7283

(ii) If the offender at the time of the violation was 7284
serving a community control sanction as part of a suspended 7285
prison sentence, it shall be credited against the offender's 7286
community control sanction that was being served at the time of 7287
the violation and against the suspended prison sentence, and the 7288
remaining time under that community control sanction and under 7289
the suspended prison sentence shall be reduced by the time that 7290
the offender spends in prison under the prison term. The 7291

offender upon release from the prison term shall continue 7292
serving the remaining time under the community control sanction, 7293
as reduced under this division. 7294

(c) A court is not limited in the number of times it may 7295
sentence an offender to a prison term under division (B) (1) (c) 7296
of this section for a violation of the conditions of a community 7297
control sanction or for a violation of a law or leaving the 7298
state without the permission of the court or the offender's 7299
probation officer. If an offender who is under a community 7300
control sanction violates the conditions of the sanction or 7301
violates a law or leaves the state without the permission of the 7302
court or the offender's probation officer, is sentenced to a 7303
prison term for the violation or conduct, is released from the 7304
term after serving it, and subsequently violates the conditions 7305
of the sanction or violates a law or leaves the state without 7306
the permission of the court or the offender's probation officer, 7307
the court may impose a new prison term sanction on the offender 7308
under division (B) (1) (c) of this section for the subsequent 7309
violation or conduct. 7310

(3) The prison term, if any, imposed-upon on a violator 7311
pursuant to this division and division (B) (1) of this section 7312
shall be within the range of prison terms described in this 7313
division and shall not exceed the maximum prison term specified 7314
in the notice provided to the offender at the sentencing hearing 7315
pursuant to division (B) (2) of section 2929.19 of the Revised 7316
Code. The court may reduce the longer period of time that the 7317
offender is required to spend under the longer sanction, the 7318
more restrictive sanction, or a prison term imposed pursuant to 7319
division (B) (1) of this section by the time the offender 7320
successfully spent under the sanction that was initially 7321
imposed. Except as otherwise specified in this division, the 7322

prison term imposed under this division and division (B) (1) of 7323
this section shall be within the range of prison terms available 7324
as a definite term for the offense for which the sanction that 7325
was violated was imposed. If the offense for which the sanction 7326
that was violated was imposed is a felony of the first or second 7327
degree committed on or after ~~the effective date of this~~ 7328
~~amendment~~ March 22, 2019, the prison term so imposed under this 7329
division shall be within the range of prison terms available as 7330
a minimum term for the offense under division (A) (1) (a) or (2) 7331
(a) of section 2929.14 of the Revised Code. 7332

(C) If an offender, for a significant period of time, 7333
fulfills the conditions of a sanction imposed pursuant to 7334
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 7335
exemplary manner, the court may reduce the period of time under 7336
the sanction or impose a less restrictive sanction, but the 7337
court shall not permit the offender to violate any law or permit 7338
the offender to leave the state without the permission of the 7339
court or the offender's probation officer. 7340

(D) (1) A court may impose drug testing as a condition of 7341
release under a community control sanction, based on the 7342
assessed risk and needs of the offender. If a court under 7343
division (A) (1) of this section imposes a condition of release 7344
under a community control sanction that requires the offender to 7345
submit to ~~random~~ drug testing, ~~the department of probation, the~~ 7346
~~adult parole authority, or any other~~ supervisory entity that has 7347
general control and supervision of the offender under division 7348
(A) (2) (a) of this section may cause the offender to submit to 7349
~~random~~ drug testing performed by the supervisory entity or by a 7350
laboratory or entity that has entered into a contract with any 7351
of the governmental entities or officers authorized to enter 7352
into a contract with that laboratory or entity under section 7353

341.26, 753.33, or 5120.63 of the Revised Code. 7354

(2) If no laboratory or entity described in division (D) 7355
(1) of this section has entered into a contract as specified in 7356
that division, ~~the department of probation, the adult parole~~ 7357
~~authority, or any other~~ supervisory ~~entity that has general~~ 7358
~~control and supervision of the offender~~ under division (A) (2) (a) 7359
of this section shall cause the offender to submit to ~~random~~ 7360
drug testing performed by the supervisory entity or by a 7361
reputable public laboratory to determine whether the individual 7362
who is the subject of the drug test ingested or was injected 7363
with a drug of abuse. 7364

(3) A laboratory or entity that has entered into a 7365
contract pursuant to section 341.26, 753.33, or 5120.63 of the 7366
Revised Code shall perform the ~~random~~ drug tests under division 7367
(D) (1) of this section in accordance with the applicable 7368
standards that are included in the terms of that contract. A 7369
public laboratory shall perform the ~~random~~ drug tests under 7370
division (D) (2) of this section in accordance with the standards 7371
set forth in the policies and procedures established by the 7372
department of rehabilitation and correction pursuant to section 7373
5120.63 of the Revised Code. An offender who is required ~~under~~ 7374
~~division (A) (1) of this section~~ to submit to ~~random~~ drug testing 7375
as a condition of release under a community control sanction and 7376
whose test results indicate that the offender ingested or was 7377
injected with a drug of abuse shall pay the fee for the drug 7378
test if the department of probation, the adult parole authority, 7379
or any other entity that has general control and supervision of 7380
the offender requires payment of a fee. A laboratory or entity 7381
that performs the ~~random~~ drug testing on an offender under 7382
division (D) (1) or (2) of this section shall transmit the 7383
results of the drug test to the appropriate department of 7384

probation, the adult parole authority, or any other entity that 7385
has general control and supervision of the offender under 7386
division (A) (2) (a) of this section. 7387

(E) As used in this section: 7388

(1) "Addiction" and "mental illness" have the same 7389
meanings as in section 5119.01 of the Revised Code. 7390

(2) A person is "addicted" if the person has an addiction. 7391

(3) "Recovery sentencing" means mental health treatment 7392
services or addiction services and recovery supports certified 7393
under section 5119.36 of the Revised Code or offered by a 7394
properly credentialed community addiction services provider, and 7395
includes services developed under section 5167.04 of the Revised 7396
Code. 7397

(4) "Supervisory entity" means the department of 7398
probation, adult parole authority, or other entity under which 7399
supervision and control of an offender is placed under division 7400
(A) (2) of this section. 7401

(5) "Suspended prison sentence" means that a prison term 7402
was imposed on the offender for an offense and the sentencing 7403
court suspends the prison term and places the offender under a 7404
community control sanction that the offender serves instead of 7405
the suspended prison term. 7406

(6) "Technical violation" means a violation of the 7407
conditions of a community control sanction imposed for a felony 7408
of the fifth degree, or for a felony of the fourth degree that 7409
is not an offense of violence and is not a sexually oriented 7410
offense, and to which neither of the following applies: 7411

(a) The violation consists of a new criminal offense that 7412

is a felony or that is a misdemeanor other than a minor 7413
misdemeanor, and the violation is committed while under the 7414
community control sanction. 7415

(b) The violation consists of or includes the offender's 7416
articulated or demonstrated refusal to participate in the 7417
community control sanction imposed on the offender or any of its 7418
conditions, and the refusal demonstrates to the court that the 7419
offender has abandoned the objects of the community control 7420
sanction or condition. 7421

Sec. 2929.17. Except as provided in this section, the 7422
court imposing a sentence for a felony ~~upon~~on an offender who 7423
is not required to serve a mandatory prison term may impose any 7424
nonresidential sanction or combination of nonresidential 7425
sanctions authorized under this section. If the court imposes 7426
one or more nonresidential sanctions authorized under this 7427
section, the court shall impose as a condition of the sanction 7428
that, during the period of the nonresidential sanction, the 7429
offender shall abide by the law and shall not leave the state 7430
without the permission of the court or the offender's probation 7431
officer. 7432

The court imposing a sentence for a fourth degree felony 7433
OVI offense under division (G) (1) or (2) of section 2929.13 of 7434
the Revised Code or for a third degree felony OVI offense under 7435
division (G) (2) of that section may impose ~~upon~~on the offender, 7436
in addition to the mandatory term of local incarceration or 7437
mandatory prison term imposed under the applicable division, a 7438
nonresidential sanction or combination of nonresidential 7439
sanctions under this section, and the offender shall serve or 7440
satisfy the sanction or combination of sanctions after the 7441
offender has served the mandatory term of local incarceration or 7442

mandatory prison term required for the offense. The court shall 7443
not impose a term in a drug treatment program as described in 7444
division (D) of this section until after considering an 7445
assessment by a properly credentialed treatment professional, if 7446
available. The court shall not determine the level or intensity 7447
of supervision or monitoring under division (E), (F), or (G) of 7448
this section except as indicated by the results of a risk and 7449
needs assessment. Nonresidential sanctions include, but are not 7450
limited to, the following: 7451

(A) A term of day reporting; 7452

(B) A term of house arrest with electronic monitoring or 7453
continuous alcohol monitoring or both electronic monitoring and 7454
continuous alcohol monitoring, a term of electronic monitoring 7455
or continuous alcohol monitoring without house arrest, or a term 7456
of house arrest without electronic monitoring or continuous 7457
alcohol monitoring; 7458

(C) A term of community service of up to five hundred 7459
hours pursuant to division (B) of section 2951.02 of the Revised 7460
Code or, if the court determines that the offender is 7461
financially incapable of fulfilling a financial sanction 7462
described in section 2929.18 of the Revised Code, a term of 7463
community service as an alternative to a financial sanction; 7464

(D) A term in a drug treatment program with a level of 7465
security for the offender as determined by the court; 7466

(E) A term of ~~intensive~~ probation supervision, the length 7467
and intensity of which is based on assessed level of risk; 7468

(F) ~~A term of basic probation supervision;~~ 7469

~~(G) A term of monitored time;~~ 7470

~~(H)~~ (G) A term of drug and alcohol use monitoring, 7471
including ~~random~~ drug testing; 7472

~~(I)~~ (H) A curfew term; 7473

~~(J)~~ (I) A requirement that the offender obtain employment; 7474

~~(K)~~ (J) A requirement that the offender obtain education 7475
or training; 7476

~~(L)~~ (K) Provided the court obtains the prior approval of 7477
the victim, a requirement that the offender participate in 7478
victim-offender mediation; 7479

~~(M)~~ (L) A license violation report; 7480

~~(N) If the offense is a violation of section 2919.25 or a 7481
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 7482
Code involving a person who was a family or household member at 7483
the time of the violation, if the offender committed the offense 7484
in the vicinity of one or more children who are not victims of 7485
the offense, and if the offender or the victim of the offense is 7486
a parent, guardian, custodian, or person in loco parentis of one 7487
or more of those children, a requirement that the offender 7488
obtain counseling. This division does not limit the court in 7489
requiring the offender to obtain counseling for any offense or 7490
in any circumstance not specified in this division. (M) A 7491
requirement that the offender complete a cognitive-behavioral 7492
intervention designed to address dynamic criminogenic risk 7493
factors. 7494~~

Sec. 2929.21. (A) A court that sentences an offender for a 7495
misdemeanor or minor misdemeanor violation of any provision of 7496
the Revised Code, or of any municipal ordinance that is 7497
substantially similar to a misdemeanor or minor misdemeanor 7498
violation of a provision of the Revised Code, shall be guided by 7499

the overriding purposes of misdemeanor sentencing. The 7500
overriding purposes of misdemeanor sentencing are to protect the 7501
public from future crime by the offender and others ~~and~~, to 7502
punish the offender, and to promote the effective rehabilitation 7503
of the offender. To achieve those purposes, the sentencing court 7504
shall consider the impact of the offense upon the victim and the 7505
need for changing the offender's behavior, rehabilitating the 7506
offender, and making restitution to the victim of the offense, 7507
the public, or the victim and the public. 7508

(B) A sentence imposed for a misdemeanor or minor 7509
misdemeanor violation of a Revised Code provision or for a 7510
violation of a municipal ordinance that is subject to division 7511
(A) of this section shall be reasonably calculated to achieve 7512
the ~~two~~ three overriding purposes of misdemeanor sentencing set 7513
forth in division (A) of this section, commensurate with and not 7514
demeaning to the seriousness of the offender's conduct and its 7515
impact upon the victim, and consistent with sentences imposed 7516
for similar offenses committed by similar offenders. 7517

(C) A court that imposes a sentence upon an offender for a 7518
misdemeanor or minor misdemeanor violation of a Revised Code 7519
provision or for a violation of a municipal ordinance that is 7520
subject to division (A) of this section shall not base the 7521
sentence upon the race, ethnic background, gender, or religion 7522
of the offender. 7523

(D) Divisions (A) and (B) of this section shall not apply 7524
to any offense that is disposed of by a traffic violations 7525
bureau of any court pursuant to Traffic Rule 13 and shall not 7526
apply to any violation of any provision of the Revised Code that 7527
is a minor misdemeanor and that is disposed of without a court 7528
appearance. Divisions (A) to (C) of this section do not affect 7529

any penalties established by a municipal corporation for a 7530
violation of its ordinances. 7531

Sec. 2929.25. (A) (1) Except as provided in sections 7532
2929.22 and 2929.23 of the Revised Code or when a jail term is 7533
required by law, in sentencing an offender for a misdemeanor, 7534
other than a minor misdemeanor, the sentencing court may do 7535
either of the following: 7536

(a) Directly impose a sentence that consists of one or 7537
more community control sanctions authorized by section 2929.26, 7538
2929.27, or 2929.28 of the Revised Code. The court may impose 7539
any other conditions of release under a community control 7540
sanction that the court considers appropriate. If the court 7541
imposes a jail term upon the offender, the court may impose any 7542
community control sanction or combination of community control 7543
sanctions in addition to the jail term. 7544

(b) Impose a jail term under section 2929.24 of the 7545
Revised Code from the range of jail terms authorized under that 7546
section for the offense, suspend all or a portion of the jail 7547
term imposed, and place the offender under a community control 7548
sanction or combination of community control sanctions 7549
authorized under section 2929.26, 2929.27, or 2929.28 of the 7550
Revised Code. 7551

(2) The duration of all community control sanctions 7552
imposed upon an offender and in effect for an offender at any 7553
time shall not exceed five years. 7554

(3) At sentencing, if a court directly imposes a community 7555
control sanction or combination of community control sanctions 7556
pursuant to division (A) (1) (a) or (B) of this section, the court 7557
shall state the duration of the community control sanctions 7558

imposed and shall notify the offender that if any of the 7559
conditions of the community control sanctions are violated the 7560
court may do any of the following: 7561

(a) Impose a longer time under the same community control 7562
sanction if the total time under all of the offender's community 7563
control sanctions does not exceed the five-year limit specified 7564
in division (A) (2) of this section; 7565

(b) Impose a more restrictive community control sanction 7566
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 7567
but the court is not required to impose any particular sanction 7568
or sanctions; 7569

(c) Impose a definite jail term from the range of jail 7570
terms authorized for the offense under section 2929.24 of the 7571
Revised Code. 7572

(B) If a court sentences an offender to any community 7573
control sanction or combination of community control sanctions 7574
pursuant to division (A) (1) (a) of this section, the sentencing 7575
court retains jurisdiction over the offender and the period of 7576
community control for the duration of the period of community 7577
control. Upon the motion of either party or on the court's own 7578
motion, the court, in the court's sole discretion and as the 7579
circumstances warrant, may modify the community control 7580
sanctions or conditions of release previously imposed, 7581
substitute a community control sanction or condition of release 7582
for another community control sanction or condition of release 7583
previously imposed, or impose an additional community control 7584
sanction or condition of release. 7585

(C) (1) If a court sentences an offender to any community 7586
control sanction or combination of community control sanctions 7587

authorized under section 2929.26, 2929.27, or 2929.28 of the 7588
Revised Code, the court shall do one of the following: 7589

(a) Subject to division (C) (1) (b) of this section, place 7590
the offender under the general control and supervision of the 7591
court or of a department of probation in the jurisdiction that 7592
serves the court ~~for purposes of reporting to the court a~~ 7593
~~violation of any of the conditions of the sanctions imposed.~~ 7594

(b) If the offender resides in another jurisdiction and a 7595
department of probation has been established to serve the 7596
municipal court or county court in that jurisdiction, the 7597
sentencing court may request the municipal court or the county 7598
court to receive the offender into the general control and 7599
supervision of that department of probation ~~for purposes of~~ 7600
~~reporting to the sentencing court a violation of any of the~~ 7601
~~conditions of the sanctions imposed.~~ The sentencing court 7602
retains jurisdiction over any offender whom it sentences for the 7603
duration of the sanction or sanctions imposed. 7604

(2) The sentencing court shall require as a condition of 7605
any community control sanction that the offender abide by the 7606
law and not leave the state without the permission of the court 7607
or the offender's probation officer. In the interests of doing 7608
justice, rehabilitating the offender, and ensuring the 7609
offender's good behavior, the court may impose additional 7610
requirements on the offender. The offender's compliance with the 7611
additional requirements also shall be a condition of the 7612
community control sanction imposed upon the offender. 7613

(D) (1) If the court imposing sentence ~~upon~~ on an offender 7614
sentences the offender to any community control sanction or 7615
combination of community control sanctions authorized under 7616
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 7617

the offender violates any of the conditions of the sanctions, 7618
the public or private person or entity that supervises or 7619
administers the program or activity that comprises the sanction 7620
shall report the violation directly to the sentencing court or 7621
to the department of probation or probation officer with general 7622
control and supervision over the offender. If the public or 7623
private person or entity reports the violation to the department 7624
of probation or probation officer, the department or officer 7625
shall take appropriate action based on the seriousness of the 7626
violation and the risk presented by the offender and may report 7627
the violation to the sentencing court according to the 7628
applicable graduated response policy adopted pursuant to 7629
division (D) (2) of section 2301.30 of the Revised Code. 7630

(2) If an offender violates any condition of a community 7631
control sanction, the sentencing court may not punish the 7632
offender again for the offense for which the community control 7633
sanction was imposed. Any penalty imposed for the violation of 7634
the community control sanction shall be commensurate with the 7635
seriousness of the violation in light of the offender's history 7636
of crimes and violations. To the extent that the sentencing 7637
court finds that a penalty is consistent with that constraint, 7638
the court may impose ~~upon~~ on the violator, for the violation, 7639
one or more of the following penalties: 7640

(a) A longer time under the same community control 7641
sanction if the total time under all of the community control 7642
sanctions imposed on the violator does not exceed the five-year 7643
limit specified in division (A) (2) of this section; 7644

(b) A more restrictive community control sanction; 7645

(c) A combination of community control sanctions, 7646
including a jail term. 7647

(3) If an offender was acting pursuant to division (B) (2) 7648
(b) of section 2925.11 of the Revised Code or a related 7649
provision under section 2925.111 or 2925.112 of the Revised Code 7650
and in so doing violated the conditions of a community control 7651
sanction based on a minor drug possession offense, as defined in 7652
section ~~2925.11~~ 2925.01 of the Revised Code, the sentencing 7653
court may consider the offender's conduct in seeking or 7654
obtaining medical assistance for another in good faith or for 7655
self or may consider the offender being the subject of another 7656
person seeking or obtaining medical assistance in accordance 7657
with that division as a mitigating factor before imposing any of 7658
the penalties described in division (D) (2) of this section. 7659

(4) If the court imposes a jail term ~~upon~~ on a violator 7660
pursuant to division (D) (2) of this section, the total time 7661
spent in jail for the misdemeanor offense and the violation of a 7662
condition of the community control sanction shall not exceed the 7663
maximum jail term available for the offense for which the 7664
sanction that was violated was imposed. The court may reduce the 7665
longer period of time that the violator is required to spend 7666
under the longer sanction or the more restrictive sanction 7667
imposed under division (D) (2) of this section by all or part of 7668
the time the violator successfully spent under the sanction that 7669
was initially imposed. 7670

(E) Except as otherwise provided in this division, if an 7671
offender, for a significant period of time, fulfills the 7672
conditions of a community control sanction imposed pursuant to 7673
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 7674
exemplary manner, the court may reduce the period of time under 7675
the community control sanction or impose a less restrictive 7676
community control sanction. Fulfilling the conditions of a 7677
community control sanction does not relieve the offender of a 7678

duty to make restitution under section 2929.28 of the Revised Code. 7679
7680

Sec. 2929.26. (A) Except when a mandatory jail term is 7681
required by law, the court imposing a sentence for a 7682
misdemeanor, other than a minor misdemeanor, may impose upon the 7683
offender any community residential sanction or combination of 7684
community residential sanctions under this section. Community 7685
residential sanctions include, but are not limited to, the 7686
following: 7687

(1) A term of up to one hundred eighty days in a halfway 7688
house or community-based correctional facility or a term in a 7689
halfway house or community-based correctional facility not to 7690
exceed the longest jail term available for the offense, 7691
whichever is shorter, if the political subdivision that would 7692
have responsibility for paying the costs of confining the 7693
offender in a jail has entered into a contract with the halfway 7694
house or community-based correctional facility for use of the 7695
facility for misdemeanor offenders; 7696

(2) If the offender is an eligible offender, as defined in 7697
section 307.932 of the Revised Code, a term in a community 7698
alternative sentencing center or district community alternative 7699
sentencing center established and operated in accordance with 7700
that section, in the circumstances specified in that section, 7701
with one of the conditions of the sanction being that the 7702
offender successfully complete the portion of the sentence to be 7703
served in the center. 7704

(B) A sentence to a community residential sanction under 7705
division (A) (2) of this section shall be in accordance with 7706
section 307.932 of the Revised Code. In all other cases, the 7707
court that sentences an offender to a community residential 7708

sanction under this section may do either or both of the 7709
following: 7710

(1) Permit the offender to serve the offender's sentence 7711
in intermittent confinement, overnight, on house arrest, on 7712
global position system monitoring, on weekends, or at any other 7713
time or times that will allow the offender to continue at the 7714
offender's occupation or care for the offender's family; 7715

(2) Authorize the offender to be released so that the 7716
offender may seek or maintain employment, receive education or 7717
training, receive treatment, perform community service, or 7718
otherwise fulfill an obligation imposed by law or by the court. 7719
A release pursuant to this division shall be only for the 7720
duration of time that is needed to fulfill the purpose of the 7721
release and for travel that reasonably is necessary to fulfill 7722
the purposes of the release. 7723

(C) The court may order that a reasonable portion of the 7724
income earned by the offender upon a release pursuant to 7725
division (B) of this section be applied to any financial 7726
sanction imposed under section 2929.28 of the Revised Code. 7727

(D) No court shall sentence any person to a prison term 7728
for a misdemeanor or minor misdemeanor or to a jail term for a 7729
minor misdemeanor. 7730

(E) If a court sentences a person who has been convicted 7731
of or pleaded guilty to a misdemeanor to a community residential 7732
sanction as described in division (A) of this section, at the 7733
time of reception and at other times the person in charge of the 7734
operation of the halfway house, community alternative sentencing 7735
center, district community alternative sentencing center, or 7736
other place at which the offender will serve the residential 7737

sanction determines to be appropriate, the person in charge of 7738
the operation of the halfway house, community alternative 7739
sentencing center, district community alternative sentencing 7740
center, or other place may cause the convicted offender to be 7741
examined and tested for tuberculosis, HIV infection, hepatitis, 7742
including, but not limited to, hepatitis A, B, and C, and other 7743
contagious diseases. The person in charge of the operation of 7744
the halfway house, community alternative sentencing center, 7745
district community alternative sentencing center, or other place 7746
at which the offender will serve the residential sanction may 7747
cause a convicted offender in the halfway house, community 7748
alternative sentencing center, district community alternative 7749
sentencing center, or other place who refuses to be tested or 7750
treated for tuberculosis, HIV infection, hepatitis, including, 7751
but not limited to, hepatitis A, B, and C, or another contagious 7752
disease to be tested and treated involuntarily. 7753

(F) A political subdivision may enter into a contract with 7754
a halfway house for use of the halfway house to house 7755
misdemeanor offenders under a sanction imposed under division 7756
(A)(1) of this section. 7757

7758

Sec. 2929.34. (A) A person who is convicted of or pleads 7759
guilty to aggravated murder, murder, or an offense punishable by 7760
life imprisonment and who is sentenced to a term of life 7761
imprisonment or a prison term pursuant to that conviction shall 7762
serve that term in an institution under the control of the 7763
department of rehabilitation and correction. 7764

(B)(1) A person who is convicted of or pleads guilty to a 7765
felony other than aggravated murder, murder, or an offense 7766
punishable by life imprisonment and who is sentenced to a term 7767

of imprisonment or a prison term pursuant to that conviction 7768
shall serve that term as follows: 7769

(a) Subject to divisions (B) (1) (b), (B) (2), and (B) (3) of 7770
this section, in an institution under the control of the 7771
department of rehabilitation and correction if the term is a 7772
prison term or as otherwise determined by the sentencing court 7773
pursuant to section 2929.16 of the Revised Code if the term is 7774
not a prison term; 7775

(b) In a facility of a type described in division (G) (1) 7776
of section 2929.13 of the Revised Code, if the offender is 7777
sentenced pursuant to that division. 7778

(2) If the term is a prison term, the person may be 7779
imprisoned in a jail that is not a minimum security jail 7780
pursuant to agreement under section 5120.161 of the Revised Code 7781
between the department of rehabilitation and correction and the 7782
local authority that operates the jail. 7783

(3) (a) As used in divisions (B) (3) (a) to (d) of this 7784
section, "voluntary county" means any county in which the board 7785
of county commissioners of the county and the administrative 7786
judge of the general division of the court of common pleas of 7787
the county enter into an agreement of the type described in 7788
division (B) (3) (b) of this section and in which the agreement 7789
has not been terminated as described in that division. 7790

(b) In any voluntary county, the board of county 7791
commissioners of the county and the administrative judge of the 7792
general division of the court of common pleas of the county may 7793
agree to having the county participate in the procedures 7794
regarding local and state confinement established under division 7795
(B) (3) (c) of this section. A board of county commissioners and 7796

an administrative judge of a court of common pleas that enter 7797
into an agreement of the type described in this division may 7798
terminate the agreement, but a termination under this division 7799
shall take effect only at the end of the state fiscal biennium 7800
in which the termination decision is made. 7801

(c) Except as provided in division (B) (3) (d) of this 7802
section, on and after July 1, 2018, no person sentenced by the 7803
court of common pleas of a voluntary county to a prison term for 7804
a felony of the fifth degree shall serve the term in an 7805
institution under the control of the department of 7806
rehabilitation and correction. The person shall instead serve 7807
the sentence as a term of confinement in a facility of a type 7808
described in division (C) or (D) of this section. Nothing in 7809
this division relieves the state of its obligation to pay for 7810
the cost of confinement of the person in a community-based 7811
correctional facility under division (D) of this section. 7812

(d) Division (B) (3) (c) of this section does not apply to 7813
any person to whom any of the following apply: 7814

(i) The felony of the fifth degree was an offense of 7815
violence, as defined in section 2901.01 of the Revised Code, a 7816
sex offense under Chapter 2907. of the Revised Code, a violation 7817
of section 2925.03, 2925.031, or 2925.032 of the Revised Code, 7818
or any offense for which a mandatory prison term is required. 7819

(ii) The person previously has been convicted of or 7820
pleaded guilty to any felony offense of violence, as defined in 7821
section 2901.01 of the Revised Code, unless the felony of the 7822
fifth degree for which the person is being sentenced is a 7823
violation of division (I) (1) of section 2903.43 of the Revised 7824
Code. 7825

(iii) The person previously has been convicted of or 7826
pleaded guilty to any felony sex offense under Chapter 2907. of 7827
the Revised Code. 7828

(iv) The person's sentence is required to be served 7829
concurrently to any other sentence imposed upon the person for a 7830
felony that is required to be served in an institution under the 7831
control of the department of rehabilitation and correction. 7832

(C) ~~A~~ (1) Subject to division (C) (2) of this section, a 7833
person who is convicted of or pleads guilty to one or more 7834
misdemeanors and who is sentenced to a jail term or term of 7835
imprisonment pursuant to the conviction or convictions shall 7836
serve that term in a county, multicounty, municipal, municipal- 7837
county, or multicounty-municipal jail or workhouse; in a 7838
community alternative sentencing center or district community 7839
alternative sentencing center when authorized by section 307.932 7840
of the Revised Code; or, if the misdemeanor or misdemeanors are 7841
not offenses of violence, in a minimum security jail. 7842

(2) A person who is convicted of or pleads guilty to any 7843
violation of section 2925.11 or 2925.112 of the Revised Code 7844
that is an unclassified misdemeanor and who is sentenced to a 7845
prison term for that offense under division (C) (7) of section 7846
2925.11 of the Revised Code shall serve the prison term in an 7847
institution under the control of the department of 7848
rehabilitation and correction. The person shall not be 7849
imprisoned under the prison term in a jail pursuant to any 7850
agreement under section 5120.161 of the Revised Code between the 7851
department of rehabilitation and correction and the local 7852
authority that operates the jail. 7853

(D) Nothing in this section prohibits the commitment, 7854
referral, or sentencing of a person who is convicted of or 7855

pleads guilty to a felony to a community-based correctional 7856
facility. 7857

Sec. 2931.03. The court of common pleas has original 7858
jurisdiction of all crimes and offenses, including in cases 7859
filed in the court under division (A) (3) of section 1901.20 or 7860
division (A) (3) of section 1907.02 of the Revised Code, except 7861
that the court of common pleas does not have original 7862
jurisdiction in cases of minor offenses the exclusive 7863
jurisdiction of which is vested in courts inferior to the court 7864
of common pleas. 7865

A judge of a court of common pleas does not have the 7866
authority to dismiss a criminal complaint, charge, information, 7867
or indictment solely at the request of the complaining witness 7868
and over the objection of the prosecuting attorney or other 7869
chief legal officer who is responsible for the prosecution of 7870
the case. 7871

Sec. 2941.1410. (A) Except as provided in sections 7872
2925.03, 2925.031, 2925.032, and 2925.11 and division (E) (1) of 7873
section 2925.05 of the Revised Code, the determination by a 7874
court that an offender is a major drug offender is precluded 7875
unless the indictment, count in the indictment, or information 7876
charging the offender specifies that the offender is a major 7877
drug offender. The specification shall be stated at the end of 7878
the body of the indictment, count, or information, and shall be 7879
stated in substantially the following form: 7880

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 7881
Grand Jurors (or insert the person's or prosecuting attorney's 7882
name when appropriate) further find and specify that (set forth 7883
that the offender is a major drug offender)." 7884

(B) Imposition of a three, four, five, six, seven, or 7885
eight-year mandatory prison term upon an offender under division 7886
(B) ~~(9)~~ (11) of section 2929.14 of the Revised Code, pursuant to 7887
determination by a court that an offender is a major drug 7888
offender, is precluded unless the indictment, count in the 7889
indictment, or information charging the offender with the 7890
violation of section 2925.03, 2925.031, 2925.032, 2925.05, or 7891
2925.11 of the Revised Code specifies that the offender is a 7892
major drug offender and that the drug involved in the violation 7893
is a fentanyl-related compound or a compound, mixture, 7894
preparation, or substance containing a fentanyl-related 7895
compound. The specification shall be stated at the end of the 7896
body of the indictment, count, or information, and shall be 7897
stated in substantially the following form: 7898

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 7899
Grand Jurors (or insert the person's or prosecuting attorney's 7900
name when appropriate) further find and specify that (set forth 7901
that the offender is a major drug offender and the drug involved 7902
in the violation is a fentanyl-related compound or a compound, 7903
mixture, preparation, or substance containing a fentanyl-related 7904
compound)." 7905

(C) The court shall determine the issue of whether an 7906
offender is a major drug offender. 7907

(D) As used in this section, "major drug offender" has the 7908
same meaning as in section 2929.01 of the Revised Code. 7909

Sec. 2945.71. (A) Subject to division (D) of this section, 7910
a person against whom a charge is pending in a court not of 7911
record, or against whom a charge of minor misdemeanor is pending 7912
in a court of record, shall be brought to trial within thirty 7913
days after the person's arrest or the service of summons. 7914

(B) Subject to division (D) of this section, a person 7915
against whom a charge of misdemeanor, other than a minor 7916
misdemeanor, is pending in a court of record, shall be brought 7917
to trial as follows: 7918

(1) Within forty-five days after the person's arrest or 7919
the service of summons, if the offense charged is a misdemeanor 7920
of the third or fourth degree, or other misdemeanor for which 7921
the maximum penalty is imprisonment for not more than sixty 7922
days; 7923

(2) Within ninety days after the person's arrest or the 7924
service of summons, if the offense charged is a misdemeanor of 7925
the first or second degree, or other misdemeanor for which the 7926
maximum penalty is imprisonment for more than sixty days; 7927

(3) Within two hundred seventy days after the person's 7928
arrest or the service of summons, if the offense charged is an 7929
unclassified misdemeanor arising out of a violation of section 7930
2925.11 or 2925.112 of the Revised Code. 7931

(C) A person against whom a charge of felony is pending: 7932

(1) Notwithstanding any provisions to the contrary in 7933
Criminal Rule 5(B), shall be accorded a preliminary hearing 7934
within fifteen consecutive days after the person's arrest if the 7935
accused is not held in jail in lieu of bail on the pending 7936
charge or within ten consecutive days after the person's arrest 7937
if the accused is held in jail in lieu of bail on the pending 7938
charge; 7939

(2) Shall be brought to trial within two hundred seventy 7940
days after the person's arrest. 7941

(D) A person against whom one or more charges of different 7942
degrees, whether felonies, misdemeanors, or combinations of 7943

felonies and misdemeanors, all of which arose out of the same 7944
act or transaction, are pending shall be brought to trial on all 7945
of the charges within the time period required for the highest 7946
degree of offense charged, as determined under divisions (A), 7947
(B), and (C) of this section. 7948

(E) For purposes of computing time under divisions (A), 7949
(B), (C) (2), and (D) of this section, each day during which the 7950
accused is held in jail in lieu of bail on the pending charge 7951
shall be counted as three days. This division does not apply for 7952
purposes of computing time under division (C) (1) of this 7953
section. 7954

(F) This section shall not be construed to modify in any 7955
way section 2941.401 or sections 2963.30 to 2963.35 of the 7956
Revised Code. 7957

Sec. 2949.12. ~~Unless the execution of sentence is~~ 7958
~~suspended or the convicted felon has less than thirty days to~~ 7959
~~serve in prison and the department of rehabilitation and~~ 7960
~~correction, the county sheriff, and the court agree otherwise~~ (A) 7961
Except as otherwise provided in this division, a convicted felon 7962
who is sentenced to serve a term of imprisonment in a state 7963
correctional institution, and a convicted misdemeanant sentenced 7964
to a prison term, shall be conveyed, within five days after 7965
sentencing, excluding Saturdays, Sundays, and legal holidays, by 7966
the sheriff of the county in which the conviction was had to the 7967
facility that is designated by the department of rehabilitation 7968
and correction for the reception of convicted felons. The five- 7969
day conveyance requirement does not apply regarding a convicted 7970
felon if the execution of sentence is suspended or the convicted 7971
felon has less than thirty days to serve in prison and the 7972
department of rehabilitation and correction, the county sheriff, 7973

and the court agree otherwise. The sheriff shall deliver the 7974
convicted felon or convicted misdemeanor sentenced to a prison 7975
term into the custody of the managing officer of the reception 7976
facility and, at that time, unless the department and the 7977
sheriff have agreed to electronically processed prisoner 7978
commitment, shall present the managing officer with a copy of 7979
the ~~convicted felon's~~ sentence of the convicted felon or of the 7980
convicted misdemeanor sentenced to a prison term that clearly 7981
describes each offense for which the felon or misdemeanor was 7982
sentenced to a correctional institution, designates each section 7983
of the Revised Code that the felon or misdemeanor violated and 7984
that resulted in the felon's or misdemeanor's conviction and 7985
sentence to a correctional institution, designates the sentence 7986
imposed for each offense for which the felon or misdemeanor was 7987
sentenced to a correctional institution, and, pursuant to 7988
section 2967.191 of the Revised Code, specifies the total number 7989
of days, if any, that the felon or misdemeanor was confined for 7990
any reason prior to conviction and sentence. The sheriff, at 7991
that time, also shall present the managing officer with a copy 7992
of the indictment, if the offender was indicted. The clerk of 7993
the court ~~of common pleas~~ in which the conviction occurred shall 7994
furnish the copies of the sentence and indictment. In the case 7995
of a person under the age of eighteen years who is certified to 7996
the court of common pleas by the juvenile court, the clerk of 7997
the court of common pleas also shall attach a copy of the 7998
certification to the copy of the indictment. 7999

~~The~~ (B) (1) With respect to a convicted felon, the 8000
convicted felon shall be assigned to an institution or 8001
designated to be housed in a county, multicounty, municipal, 8002
municipal-county, or multicounty-municipal jail or workhouse, if 8003
authorized pursuant to section 5120.161 of the Revised Code, 8004

shall be conveyed to the institution, jail, or workhouse, and 8005
shall be kept within the institution, jail, or workhouse until 8006
the term of the felon's imprisonment expires, the felon is 8007
pardoned, paroled, or placed under a post-release control 8008
sanction, or the felon is transferred under laws permitting the 8009
transfer of prisoners. If the execution of the felon's sentence 8010
is suspended, and the judgment thereafter affirmed, the felon 8011
shall be conveyed, in the same manner as if the execution of the 8012
felon's sentence had not been suspended, to the reception 8013
facility as soon as practicable after the judge directs the 8014
execution of sentence. The trial judge or other judge of the 8015
court, in the judge's discretion and for good cause shown, may 8016
extend the time of the conveyance. 8017

(2) With respect to a convicted misdemeanor sentenced to 8018
a prison term, the convicted misdemeanor shall be assigned to 8019
an institution and shall be kept within the institution until 8020
the term of the misdemeanor's imprisonment expires, the 8021
misdemeanant is pardoned, or the misdemeanor is transferred 8022
under laws permitting the transfer of prisoners. A convicted 8023
misdemeanant sentenced to a prison term shall not be housed 8024
under the term in a county, multicounty, municipal, municipal- 8025
county, or multicounty-municipal jail or workhouse pursuant to 8026
any agreement under section 5120.161 of the Revised Code. 8027

(C) As used in this section, "convicted misdemeanor 8028
sentenced to a prison term" means an offender who is convicted 8029
of a violation of section 2925.11 or 2925.112 of the Revised 8030
Code that is an unclassified misdemeanor and who is sentenced to 8031
a prison term for that offense under division (C) (7) of section 8032
2925.11 of the Revised Code. 8033

Sec. 2953.31. As used in sections 2953.31 to 2953.36 of 8034

the Revised Code: 8035

(A) (1) "Eligible offender" means either of the following: 8036

(a) Anyone who has been convicted of one or more offenses, 8037
but not more than five felonies, in this state or any other 8038
jurisdiction, if all of the offenses in this state are felonies 8039
of the fourth or fifth degree ~~or~~, misdemeanors, or reclassified 8040
misdemeanor drug possession offenses and none of those offenses 8041
are an offense of violence or a felony sex offense and all of 8042
the offenses in another jurisdiction, if committed in this 8043
state, would be felonies of the fourth or fifth degree ~~or~~, 8044
misdemeanors, or reclassified misdemeanor drug possession 8045
offenses and none of those offenses would be an offense of 8046
violence or a felony sex offense; 8047

(b) Anyone who has been convicted of an offense in this 8048
state or any other jurisdiction, to whom division (A) (1) (a) of 8049
this section does not apply, and who has not more than one 8050
felony conviction, not more than two misdemeanor convictions, or 8051
not more than one felony conviction and one misdemeanor 8052
conviction in this state or any other jurisdiction. When two or 8053
more convictions result from or are connected with the same act 8054
or result from offenses committed at the same time, they shall 8055
be counted as one conviction. When two or three convictions 8056
result from the same indictment, information, or complaint, from 8057
the same plea of guilty, or from the same official proceeding, 8058
and result from related criminal acts that were committed within 8059
a three-month period but do not result from the same act or from 8060
offenses committed at the same time, they shall be counted as 8061
one conviction, provided that a court may decide as provided in 8062
division (C) (1) (a) of section 2953.32 of the Revised Code that 8063
it is not in the public interest for the two or three 8064

convictions to be counted as one conviction. 8065

(2) For purposes of, and except as otherwise provided in, 8066
division (A)(1)(b) of this section, a conviction for a minor 8067
misdemeanor, for a violation of any section in Chapter 4507., 8068
4510., 4511., 4513., or 4549. of the Revised Code, or for a 8069
violation of a municipal ordinance that is substantially similar 8070
to any section in those chapters is not a conviction. However, a 8071
conviction for a violation of section 4511.19, 4511.251, 8072
4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections 8073
4549.41 to 4549.46 of the Revised Code, for a violation of 8074
section 4510.11 or 4510.14 of the Revised Code that is based 8075
upon the offender's operation of a vehicle during a suspension 8076
imposed under section 4511.191 or 4511.196 of the Revised Code, 8077
for a violation of a substantially equivalent municipal 8078
ordinance, for a felony violation of Title XLV of the Revised 8079
Code, or for a violation of a substantially equivalent former 8080
law of this state or former municipal ordinance shall be 8081
considered a conviction. 8082

(B) "Prosecutor" means the county prosecuting attorney, 8083
city director of law, village solicitor, or similar chief legal 8084
officer, who has the authority to prosecute a criminal case in 8085
the court in which the case is filed. 8086

(C) "Bail forfeiture" means the forfeiture of bail by a 8087
defendant who is arrested for the commission of a misdemeanor, 8088
other than a defendant in a traffic case as defined in Traffic 8089
Rule 2, if the forfeiture is pursuant to an agreement with the 8090
court and prosecutor in the case. 8091

(D) "Official records" has the same meaning as in division 8092
(D) of section 2953.51 of the Revised Code. 8093

(E) "Official proceeding" has the same meaning as in 8094
section 2921.01 of the Revised Code. 8095

(F) "Community control sanction" has the same meaning as 8096
in section 2929.01 of the Revised Code. 8097

(G) "Post-release control" and "post-release control 8098
sanction" have the same meanings as in section 2967.01 of the 8099
Revised Code. 8100

(H) "DNA database," "DNA record," and "law enforcement 8101
agency" have the same meanings as in section 109.573 of the 8102
Revised Code. 8103

(I) "Fingerprints filed for record" means any fingerprints 8104
obtained by the superintendent of the bureau of criminal 8105
identification and investigation pursuant to sections 109.57 and 8106
109.571 of the Revised Code. 8107

(J) (1) "Reclassified misdemeanor drug possession offense" 8108
means any of the following: 8109

(a) Any offense that is a qualifying misdemeanor drug 8110
possession offense; 8111

(b) Any offense committed in any jurisdiction other than 8112
this state that, if committed in this state, would be an offense 8113
described in division (J) (1) (a) of this section. 8114

(2) Any reference in sections 2953.31 to 2953.36 of the 8115
Revised Code to a felony does not include any reclassified 8116
misdemeanor drug possession offense, and references in those 8117
sections to a misdemeanor shall include reclassified misdemeanor 8118
drug possession offenses. 8119

(K) "Qualifying misdemeanor drug possession offense" means 8120
a violation of section 2925.11 of the Revised Code that was 8121

committed prior to the effective date of this amendment and to 8122
which both of the following apply: 8123

(a) At the time of the commission of the violation, the 8124
violation was a felony under the version of section 2925.11 of 8125
the Revised Code that then was in effect. 8126

(b) On the effective date of this amendment, the offense 8127
classification of the violation was reduced to a misdemeanor 8128
under the version of section 2925.11, 2925.111, or 2925.112 of 8129
the Revised Code that took effect on that date. 8130

Sec. 2953.32. (A) (1) Except as provided in section 2953.61 8131
of the Revised Code, an eligible offender may apply to the 8132
sentencing court if convicted in this state, or to a court of 8133
common pleas if convicted in another state or in a federal 8134
court, for the sealing of the record of the case that pertains 8135
to the conviction. Application may be made at one of the 8136
following times: 8137

(a) At the expiration of three years after the offender's 8138
final discharge if convicted of one felony, provided that 8139
application may be made prior to that time if authorized under 8140
division (A) (1) (d) of this section; 8141

(b) When division (A) (1) (a) of section 2953.31 of the 8142
Revised Code applies to the offender, at the expiration of four 8143
years after the offender's final discharge if convicted of two 8144
felonies, or at the expiration of five years after final 8145
discharge if convicted of three, four, or five felonies; 8146

(c) At the expiration of one year after the offender's 8147
final discharge if convicted of a misdemeanor, provided that 8148
application may be made prior to that time if authorized under 8149
division (A) (1) (d) of this section; 8150

(d) If the conviction was of a violation of section 8151
2925.11, 2925.111, or 2925.112 of the Revised Code that is a 8152
misdemeanor or a felony of the fourth or fifth degree or that 8153
was a violation of a municipal ordinance of a municipal 8154
corporation of this state that is substantially equivalent to 8155
either section, at any time after successful completion of 8156
either of the following: 8157

(i) A treatment program or other type of program imposed 8158
on the eligible offender with respect to the offense, by a drug 8159
court; 8160

(ii) An intervention plan imposed on the eligible offender 8161
with respect to the offense, pursuant to a grant of intervention 8162
in lieu of conviction under section 2951.041 of the Revised 8163
Code. 8164

(2) Any person who has been arrested for any misdemeanor 8165
offense and who has effected a bail forfeiture for the offense 8166
charged may apply to the court in which the misdemeanor criminal 8167
case was pending when bail was forfeited for the sealing of the 8168
record of the case that pertains to the charge. Except as 8169
provided in section 2953.61 of the Revised Code, the application 8170
may be filed at any time after the expiration of one year from 8171
the date on which the bail forfeiture was entered upon the 8172
minutes of the court or the journal, whichever entry occurs 8173
first. 8174

(3) On and after the effective date of this amendment, any 8175
conviction of a violation of section 2925.11, 2925.111, or 8176
2925.112 of the Revised Code that, prior to that date, was a 8177
felony and that is a reclassified misdemeanor drug possession 8178
offense on and after that date shall be considered and treated 8179
for purposes of sections 2953.31 to 2953.36 of the Revised Code 8180

as if it were, and always had been, a conviction of a 8181
misdemeanor. 8182

(B) Upon the filing of an application under this section, 8183
the court shall set a date for a hearing and shall notify the 8184
prosecutor for the case of the hearing on the application. The 8185
prosecutor may object to the granting of the application by 8186
filing an objection with the court prior to the date set for the 8187
hearing. The prosecutor shall specify in the objection the 8188
reasons for believing a denial of the application is justified. 8189
The court shall direct its regular probation officer, a state 8190
probation officer, or the department of probation of the county 8191
in which the applicant resides to make inquiries and written 8192
reports as the court requires concerning the applicant. The 8193
probation officer or county department of probation that the 8194
court directs to make inquiries concerning the applicant shall 8195
determine whether or not the applicant was fingerprinted at the 8196
time of arrest or under section 109.60 of the Revised Code. If 8197
the applicant was so fingerprinted, the probation officer or 8198
county department of probation shall include with the written 8199
report a record of the applicant's fingerprints. If the 8200
applicant was convicted of or pleaded guilty to a violation of 8201
division (A)(2) or (B) of section 2919.21 of the Revised Code, 8202
the probation officer or county department of probation that the 8203
court directed to make inquiries concerning the applicant shall 8204
contact the child support enforcement agency enforcing the 8205
applicant's obligations under the child support order to inquire 8206
about the offender's compliance with the child support order. 8207

(C)(1) The court shall do each of the following: 8208

(a) Determine whether the applicant is an eligible 8209
offender or whether the forfeiture of bail was agreed to by the 8210

applicant and the prosecutor in the case. If the applicant 8211
applies as an eligible offender pursuant to division (A)(1) of 8212
this section and has two or three convictions that result from 8213
the same indictment, information, or complaint, from the same 8214
plea of guilty, or from the same official proceeding, and result 8215
from related criminal acts that were committed within a three- 8216
month period but do not result from the same act or from 8217
offenses committed at the same time, in making its determination 8218
under this division, the court initially shall determine whether 8219
it is not in the public interest for the two or three 8220
convictions to be counted as one conviction. If the court 8221
determines that it is not in the public interest for the two or 8222
three convictions to be counted as one conviction, the court 8223
shall determine that the applicant is not an eligible offender; 8224
if the court does not make that determination, the court shall 8225
determine that the offender is an eligible offender. 8226

(b) Determine whether criminal proceedings are pending 8227
against the applicant; 8228

(c) If the applicant is an eligible offender who applies 8229
pursuant to division (A)(1) of this section, determine whether 8230
the applicant has been rehabilitated to the satisfaction of the 8231
court; 8232

(d) If the prosecutor has filed an objection in accordance 8233
with division (B) of this section, consider the reasons against 8234
granting the application specified by the prosecutor in the 8235
objection; 8236

(e) Weigh the interests of the applicant in having the 8237
records pertaining to the applicant's conviction or bail 8238
forfeiture sealed against the legitimate needs, if any, of the 8239
government to maintain those records. 8240

(2) If the court determines, after complying with division 8241
(C) (1) of this section, that the applicant is an eligible 8242
offender or the subject of a bail forfeiture, that no criminal 8243
proceeding is pending against the applicant, that the interests 8244
of the applicant in having the records pertaining to the 8245
applicant's conviction or bail forfeiture sealed are not 8246
outweighed by any legitimate governmental needs to maintain 8247
those records, and that the rehabilitation of an applicant who 8248
is an eligible offender applying pursuant to division (A) (1) of 8249
this section has been attained to the satisfaction of the court, 8250
the court, except as provided in division (C) (4), (G), (H), or 8251
(I) of this section, shall order all official records of the 8252
case that pertain to the conviction or bail forfeiture sealed 8253
and, except as provided in division (F) of this section, all 8254
index references to the case that pertain to the conviction or 8255
bail forfeiture deleted and, in the case of bail forfeitures, 8256
shall dismiss the charges in the case. The proceedings in the 8257
case that pertain to the conviction or bail forfeiture shall be 8258
considered not to have occurred and the conviction or bail 8259
forfeiture of the person who is the subject of the proceedings 8260
shall be sealed, except that upon conviction of a subsequent 8261
offense, the sealed record of prior conviction or bail 8262
forfeiture may be considered by the court in determining the 8263
sentence or other appropriate disposition, including the relief 8264
provided for in sections 2953.31 to 2953.33 of the Revised Code. 8265

(3) An applicant may request the sealing of the records of 8266
more than one case in a single application under this section. 8267
Upon the filing of an application under this section, the 8268
applicant, unless indigent, shall pay a fee of fifty dollars, 8269
regardless of the number of records the application requests to 8270
have sealed. The court shall pay thirty dollars of the fee into 8271

the state treasury. It shall pay twenty dollars of the fee into 8272
the county general revenue fund if the sealed conviction or bail 8273
forfeiture was pursuant to a state statute, or into the general 8274
revenue fund of the municipal corporation involved if the sealed 8275
conviction or bail forfeiture was pursuant to a municipal 8276
ordinance. 8277

(4) If the court orders the official records pertaining to 8278
the case sealed, the court shall do one of the following: 8279

(a) If the applicant was fingerprinted at the time of 8280
arrest or under section 109.60 of the Revised Code and the 8281
record of the applicant's fingerprints was provided to the court 8282
under division (B) of this section, forward a copy of the 8283
sealing order and the record of the applicant's fingerprints to 8284
the bureau of criminal identification and investigation. 8285

(b) If the applicant was not fingerprinted at the time of 8286
arrest or under section 109.60 of the Revised Code, or the 8287
record of the applicant's fingerprints was not provided to the 8288
court under division (B) of this section, but fingerprinting was 8289
required for the offense, order the applicant to appear before a 8290
sheriff to have the applicant's fingerprints taken according to 8291
the fingerprint system of identification on the forms furnished 8292
by the superintendent of the bureau of criminal identification 8293
and investigation. The sheriff shall forward the applicant's 8294
fingerprints to the court. The court shall forward the 8295
applicant's fingerprints and a copy of the sealing order to the 8296
bureau of criminal identification and investigation. 8297

Failure of the court to order fingerprints at the time of 8298
sealing does not constitute a reversible error. 8299

(D) Inspection of the sealed records included in the order 8300

may be made only by the following persons or for the following 8301
purposes: 8302

(1) By a law enforcement officer or prosecutor, or the 8303
assistants of either, to determine whether the nature and 8304
character of the offense with which a person is to be charged 8305
would be affected by virtue of the person's previously having 8306
been convicted of a crime; 8307

(2) By the parole or probation officer of the person who 8308
is the subject of the records, for the exclusive use of the 8309
officer in supervising the person while on parole or under a 8310
community control sanction or a post-release control sanction, 8311
and in making inquiries and written reports as requested by the 8312
court or adult parole authority; 8313

(3) Upon application by the person who is the subject of 8314
the records, by the persons named in the application; 8315

(4) By a law enforcement officer who was involved in the 8316
case, for use in the officer's defense of a civil action arising 8317
out of the officer's involvement in that case; 8318

(5) By a prosecuting attorney or the prosecuting 8319
attorney's assistants, to determine a defendant's eligibility to 8320
enter a pre-trial diversion program established pursuant to 8321
section 2935.36 of the Revised Code; 8322

(6) By any law enforcement agency or any authorized 8323
employee of a law enforcement agency or by the department of 8324
rehabilitation and correction or department of youth services as 8325
part of a background investigation of a person who applies for 8326
employment with the agency or with the department; 8327

(7) By any law enforcement agency or any authorized 8328
employee of a law enforcement agency, for the purposes set forth 8329

in, and in the manner provided in, section 2953.321 of the 8330
Revised Code; 8331

(8) By the bureau of criminal identification and 8332
investigation or any authorized employee of the bureau for the 8333
purpose of providing information to a board or person pursuant 8334
to division (F) or (G) of section 109.57 of the Revised Code; 8335

(9) By the bureau of criminal identification and 8336
investigation or any authorized employee of the bureau for the 8337
purpose of performing a criminal history records check on a 8338
person to whom a certificate as prescribed in section 109.77 of 8339
the Revised Code is to be awarded; 8340

(10) By the bureau of criminal identification and 8341
investigation or any authorized employee of the bureau for the 8342
purpose of conducting a criminal records check of an individual 8343
pursuant to division (B) of section 109.572 of the Revised Code 8344
that was requested pursuant to any of the sections identified in 8345
division (B)(1) of that section; 8346

(11) By the bureau of criminal identification and 8347
investigation, an authorized employee of the bureau, a sheriff, 8348
or an authorized employee of a sheriff in connection with a 8349
criminal records check described in section 311.41 of the 8350
Revised Code; 8351

(12) By the attorney general or an authorized employee of 8352
the attorney general or a court for purposes of determining a 8353
person's classification pursuant to Chapter 2950. of the Revised 8354
Code; 8355

(13) By a court, the registrar of motor vehicles, a 8356
prosecuting attorney or the prosecuting attorney's assistants, 8357
or a law enforcement officer for the purpose of assessing points 8358

against a person under section 4510.036 of the Revised Code or 8359
for taking action with regard to points assessed. 8360

When the nature and character of the offense with which a 8361
person is to be charged would be affected by the information, it 8362
may be used for the purpose of charging the person with an 8363
offense. 8364

(E) In any criminal proceeding, proof of any otherwise 8365
admissible prior conviction may be introduced and proved, 8366
notwithstanding the fact that for any such prior conviction an 8367
order of sealing previously was issued pursuant to sections 8368
2953.31 to 2953.36 of the Revised Code. 8369

(F) The person or governmental agency, office, or 8370
department that maintains sealed records pertaining to 8371
convictions or bail forfeitures that have been sealed pursuant 8372
to this section may maintain a manual or computerized index to 8373
the sealed records. The index shall contain only the name of, 8374
and alphanumeric identifiers that relate to, the persons who are 8375
the subject of the sealed records, the word "sealed," and the 8376
name of the person, agency, office, or department that has 8377
custody of the sealed records, and shall not contain the name of 8378
the crime committed. The index shall be made available by the 8379
person who has custody of the sealed records only for the 8380
purposes set forth in divisions (C), (D), and (E) of this 8381
section. 8382

(G) Notwithstanding any provision of this section or 8383
section 2953.33 of the Revised Code that requires otherwise, a 8384
board of education of a city, local, exempted village, or joint 8385
vocational school district that maintains records of an 8386
individual who has been permanently excluded under sections 8387
3301.121 and 3313.662 of the Revised Code is permitted to 8388

maintain records regarding a conviction that was used as the 8389
basis for the individual's permanent exclusion, regardless of a 8390
court order to seal the record. An order issued under this 8391
section to seal the record of a conviction does not revoke the 8392
adjudication order of the superintendent of public instruction 8393
to permanently exclude the individual who is the subject of the 8394
sealing order. An order issued under this section to seal the 8395
record of a conviction of an individual may be presented to a 8396
district superintendent as evidence to support the contention 8397
that the superintendent should recommend that the permanent 8398
exclusion of the individual who is the subject of the sealing 8399
order be revoked. Except as otherwise authorized by this 8400
division and sections 3301.121 and 3313.662 of the Revised Code, 8401
any school employee in possession of or having access to the 8402
sealed conviction records of an individual that were the basis 8403
of a permanent exclusion of the individual is subject to section 8404
2953.35 of the Revised Code. 8405

(H) For purposes of sections 2953.31 to 2953.36 of the 8406
Revised Code, DNA records collected in the DNA database and 8407
fingerprints filed for record by the superintendent of the 8408
bureau of criminal identification and investigation shall not be 8409
sealed unless the superintendent receives a certified copy of a 8410
final court order establishing that the offender's conviction 8411
has been overturned. For purposes of this section, a court order 8412
is not "final" if time remains for an appeal or application for 8413
discretionary review with respect to the order. 8414

(I) The sealing of a record under this section does not 8415
affect the assessment of points under section 4510.036 of the 8416
Revised Code and does not erase points assessed against a person 8417
as a result of the sealed record. 8418

Sec. 2953.52. (A)(1) Any person, who is found not guilty 8419
of an offense by a jury or a court or who is the defendant named 8420
in a dismissed complaint, indictment, or information, including 8421
a dismissal of the type described in division (D)(2)(b) of 8422
section 2925.11 of the Revised Code, may apply to the court for 8423
an order to seal the person's official records in the case. 8424
Except as provided in section 2953.61 of the Revised Code, the 8425
application may be filed at any time after the finding of not 8426
guilty or the dismissal of the complaint, indictment, or 8427
information is entered upon the minutes of the court or the 8428
journal, whichever entry occurs first. 8429

(2) Any person, against whom a no bill is entered by a 8430
grand jury, may apply to the court for an order to seal his 8431
official records in the case. Except as provided in section 8432
2953.61 of the Revised Code, the application may be filed at any 8433
time after the expiration of two years after the date on which 8434
the foreperson or deputy foreperson of the grand jury reports to 8435
the court that the grand jury has reported a no bill. 8436

(B)(1) Upon the filing of an application pursuant to 8437
division (A) of this section, the court shall set a date for a 8438
hearing and shall notify the prosecutor in the case of the 8439
hearing on the application. The prosecutor may object to the 8440
granting of the application by filing an objection with the 8441
court prior to the date set for the hearing. The prosecutor 8442
shall specify in the objection the reasons the prosecutor 8443
believes justify a denial of the application. 8444

(2) The court shall do each of the following, except as 8445
provided in division (B)(3) of this section: 8446

(a)(i) Determine whether the person was found not guilty 8447
in the case, or the complaint, indictment, or information in the 8448

case was dismissed, or a no bill was returned in the case and a 8449
period of two years or a longer period as required by section 8450
2953.61 of the Revised Code has expired from the date of the 8451
report to the court of that no bill by the foreperson or deputy 8452
foreperson of the grand jury; 8453

(ii) If the complaint, indictment, or information in the 8454
case was dismissed, determine whether it was dismissed with 8455
prejudice or without prejudice and, if it was dismissed without 8456
prejudice, determine whether the relevant statute of limitations 8457
has expired~~+~~, provided that this division does not apply if the 8458
complaint, indictment, or information was a charge of a drug 8459
possession offense and the charge was dismissed as described in 8460
division (D) (2) (b) of section 2925.11 of the Revised Code. 8461

(b) Determine whether criminal proceedings are pending 8462
against the person; 8463

(c) If the prosecutor has filed an objection in accordance 8464
with division (B) (1) of this section, consider the reasons 8465
against granting the application specified by the prosecutor in 8466
the objection; 8467

(d) Weigh the interests of the person in having the 8468
official records pertaining to the case sealed against the 8469
legitimate needs, if any, of the government to maintain those 8470
records. 8471

(3) If the court determines after complying with division 8472
(B) (2) (a) of this section that the person was found not guilty 8473
in the case, that the complaint, indictment, or information was 8474
a charge of a drug possession offense and the charge was 8475
dismissed as described in division (D) (2) (b) of section 2925.11 8476
of the Revised Code, that the complaint, indictment, or 8477

information in the case was a charge other than a charge of a 8478
drug possession offense and was dismissed with prejudice, or 8479
that the complaint, indictment, or information in the case was a 8480
charge other than a charge of a drug possession offense and was 8481
dismissed without prejudice and that the relevant statute of 8482
limitations has expired, the court shall issue an order to the 8483
superintendent of the bureau of criminal identification and 8484
investigation directing that the superintendent seal or cause to 8485
be sealed the official records in the case consisting of DNA 8486
specimens that are in the possession of the bureau and all DNA 8487
records and DNA profiles. The determinations and considerations 8488
described in divisions (B) (2) (b), (c), and (d) of this section 8489
do not apply with respect to a determination of the court 8490
described in this division. 8491

(4) The determinations described in this division are 8492
separate from the determination described in division (B) (3) of 8493
this section. If the court determines, after complying with 8494
division (B) (2) of this section, that the person was found not 8495
guilty in the case, that the complaint, indictment, or 8496
information was a charge of a drug possession offense and the 8497
charge was dismissed as described in division (D) (2) (b) of 8498
section 2925.11 of the Revised Code, that the complaint, 8499
indictment, or information in the case was a charge other than a 8500
charge of a drug possession offense and was dismissed, or that a 8501
no bill was returned in the case and that the appropriate period 8502
of time has expired from the date of the report to the court of 8503
the no bill by the foreperson or deputy foreperson of the grand 8504
jury; that no criminal proceedings are pending against the 8505
person; and the interests of the person in having the records 8506
pertaining to the case sealed are not outweighed by any 8507
legitimate governmental needs to maintain such records, or if 8508

division (E) (2) (b) of section 4301.69 of the Revised Code 8509
applies, in addition to the order required under division (B) (3) 8510
of this section, the court shall issue an order directing that 8511
all official records pertaining to the case be sealed and that, 8512
except as provided in section 2953.53 of the Revised Code, the 8513
proceedings in the case be deemed not to have occurred. 8514

(5) Any DNA specimens, DNA records, and DNA profiles 8515
ordered to be sealed under this section shall not be sealed if 8516
the person with respect to whom the order applies is otherwise 8517
eligible to have DNA records or a DNA profile in the national 8518
DNA index system. 8519

(C) As used in this section, "drug possession offense" 8520
means a violation of section 2925.11, 2925.111, or 2925.112 of 8521
the Revised Code. 8522

Sec. 2967.28. (A) As used in this section: 8523

(1) "Monitored time" means the monitored time sanction 8524
specified in section 2929.17 of the Revised Code. 8525

(2) "Deadly weapon" and "dangerous ordnance" have the same 8526
meanings as in section 2923.11 of the Revised Code. 8527

(3) "Felony sex offense" means a violation of a section 8528
contained in Chapter 2907. of the Revised Code that is a felony. 8529

(4) "Risk reduction sentence" means a prison term imposed 8530
by a court, when the court recommends pursuant to section 8531
2929.143 of the Revised Code that the offender serve the 8532
sentence under section 5120.036 of the Revised Code, and the 8533
offender may potentially be released from imprisonment prior to 8534
the expiration of the prison term if the offender successfully 8535
completes all assessment and treatment or programming required 8536
by the department of rehabilitation and correction under section 8537

5120.036 of the Revised Code. 8538

(5) "Victim's immediate family" has the same meaning as in 8539
section 2967.12 of the Revised Code. 8540

(6) "Minor drug possession offense" has the same meaning 8541
as in section ~~2925.11~~ 2925.01 of the Revised Code. 8542

(B) Each sentence to a prison term, other than a term of 8543
life imprisonment, for a felony of the first degree, for a 8544
felony of the second degree, for a felony sex offense, or for a 8545
felony of the third degree that is an offense of violence and is 8546
not a felony sex offense shall include a requirement that the 8547
offender be subject to a period of post-release control imposed 8548
by the parole board after the offender's release from 8549
imprisonment. This division applies with respect to all prison 8550
terms of a type described in this division, including a term of 8551
any such type that is a risk reduction sentence. If a court 8552
imposes a sentence including a prison term of a type described 8553
in this division on or after July 11, 2006, the failure of a 8554
sentencing court to notify the offender pursuant to division (B) 8555
(2) (d) of section 2929.19 of the Revised Code of this 8556
requirement or to include in the judgment of conviction entered 8557
on the journal a statement that the offender's sentence includes 8558
this requirement does not negate, limit, or otherwise affect the 8559
mandatory period of supervision that is required for the 8560
offender under this division. This division applies with respect 8561
to all prison terms of a type described in this division, 8562
including a non-life felony indefinite prison term. Section 8563
2929.191 of the Revised Code applies if, prior to July 11, 2006, 8564
a court imposed a sentence including a prison term of a type 8565
described in this division and failed to notify the offender 8566
pursuant to division (B) (2) (d) of section 2929.19 of the Revised 8567

Code regarding post-release control or to include in the 8568
judgment of conviction entered on the journal or in the sentence 8569
pursuant to division (D) (1) of section 2929.14 of the Revised 8570
Code a statement regarding post-release control. Unless reduced 8571
by the parole board pursuant to division (D) of this section 8572
when authorized under that division, a period of post-release 8573
control required by this division for an offender shall be of 8574
one of the following periods: 8575

(1) For a felony of the first degree or for a felony sex 8576
offense, five years; 8577

(2) For a felony of the second degree that is not a felony 8578
sex offense, three years; 8579

(3) For a felony of the third degree that is an offense of 8580
violence and is not a felony sex offense, three years. 8581

(C) Any sentence to a prison term for a felony of the 8582
third, fourth, or fifth degree that is not subject to division 8583
(B) (1) or (3) of this section shall include a requirement that 8584
the offender be subject to a period of post-release control of 8585
up to three years after the offender's release from 8586
imprisonment, if the parole board, in accordance with division 8587
(D) of this section, determines that a period of post-release 8588
control is necessary for that offender. This division applies 8589
with respect to all prison terms of a type described in this 8590
division, including a term of any such type that is a risk 8591
reduction sentence. Section 2929.191 of the Revised Code applies 8592
if, prior to July 11, 2006, a court imposed a sentence including 8593
a prison term of a type described in this division and failed to 8594
notify the offender pursuant to division (B) (2) (e) of section 8595
2929.19 of the Revised Code regarding post-release control or to 8596
include in the judgment of conviction entered on the journal or 8597

in the sentence pursuant to division (D) (2) of section 2929.14 8598
of the Revised Code a statement regarding post-release control. 8599
Pursuant to an agreement entered into under section 2967.29 of 8600
the Revised Code, a court of common pleas or parole board may 8601
impose sanctions or conditions on an offender who is placed on 8602
post-release control under this division. 8603

(D) (1) Before the prisoner is released from imprisonment, 8604
the parole board or, pursuant to an agreement under section 8605
2967.29 of the Revised Code, the court shall impose upon a 8606
prisoner described in division (B) of this section, shall impose 8607
upon a prisoner described in division (C) of this section who is 8608
to be released before the expiration of the prisoner's stated 8609
prison term under a risk reduction sentence, may impose upon a 8610
prisoner described in division (C) of this section who is not to 8611
be released before the expiration of the prisoner's stated 8612
prison term under a risk reduction sentence, and shall impose 8613
upon a prisoner described in division (B) (2) (b) of section 8614
5120.031 or in division (B) (1) of section 5120.032 of the 8615
Revised Code, one or more post-release control sanctions to 8616
apply during the prisoner's period of post-release control. 8617
Whenever the board or court imposes one or more post-release 8618
control sanctions upon a prisoner, the board or court, in 8619
addition to imposing the sanctions, also shall include as a 8620
condition of the post-release control that the offender not 8621
leave the state without permission of the court or the 8622
offender's parole or probation officer and that the offender 8623
abide by the law. The board or court may impose any other 8624
conditions of release under a post-release control sanction that 8625
the board or court considers appropriate, and the conditions of 8626
release may include any community residential sanction, 8627
community nonresidential sanction, or financial sanction that 8628

the sentencing court was authorized to impose pursuant to 8629
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 8630
Prior to the release of a prisoner for whom it will impose one 8631
or more post-release control sanctions under this division, the 8632
parole board or court shall review the prisoner's criminal 8633
history, results from the single validated risk assessment tool 8634
selected by the department of rehabilitation and correction 8635
under section 5120.114 of the Revised Code, all juvenile court 8636
adjudications finding the prisoner, while a juvenile, to be a 8637
delinquent child, and the record of the prisoner's conduct while 8638
imprisoned. The parole board or court shall consider any 8639
recommendation regarding post-release control sanctions for the 8640
prisoner made by the office of victims' services. After 8641
considering those materials, the board or court shall determine, 8642
for a prisoner described in division (B) of this section, 8643
division (B)(2)(b) of section 5120.031, or division (B)(1) of 8644
section 5120.032 of the Revised Code and for a prisoner 8645
described in division (C) of this section who is to be released 8646
before the expiration of the prisoner's stated prison term under 8647
a risk reduction sentence, which post-release control sanction 8648
or combination of post-release control sanctions is reasonable 8649
under the circumstances or, for a prisoner described in division 8650
(C) of this section who is not to be released before the 8651
expiration of the prisoner's stated prison term under a risk 8652
reduction sentence, whether a post-release control sanction is 8653
necessary and, if so, which post-release control sanction or 8654
combination of post-release control sanctions is reasonable 8655
under the circumstances. In the case of a prisoner convicted of 8656
a felony of the fourth or fifth degree other than a felony sex 8657
offense, the board or court shall presume that monitored time is 8658
the appropriate post-release control sanction unless the board 8659
or court determines that a more restrictive sanction is 8660

warranted. A post-release control sanction imposed under this 8661
division takes effect upon the prisoner's release from 8662
imprisonment. 8663

Regardless of whether the prisoner was sentenced to the 8664
prison term prior to, on, or after July 11, 2006, prior to the 8665
release of a prisoner for whom it will impose one or more post- 8666
release control sanctions under this division, the parole board 8667
shall notify the prisoner that, if the prisoner violates any 8668
sanction so imposed or any condition of post-release control 8669
described in division (B) of section 2967.131 of the Revised 8670
Code that is imposed on the prisoner, the parole board may 8671
impose a prison term of up to one-half of the stated prison term 8672
originally imposed upon the prisoner. 8673

At least thirty days before the prisoner is released from 8674
imprisonment under post-release control, except as otherwise 8675
provided in this paragraph, the department of rehabilitation and 8676
correction shall notify the victim and the victim's immediate 8677
family of the date on which the prisoner will be released, the 8678
period for which the prisoner will be under post-release control 8679
supervision, and the terms and conditions of the prisoner's 8680
post-release control regardless of whether the victim or 8681
victim's immediate family has requested the notification. The 8682
notice described in this paragraph shall not be given to a 8683
victim or victim's immediate family if the victim or the 8684
victim's immediate family has requested pursuant to division (B) 8685
(2) of section 2930.03 of the Revised Code that the notice not 8686
be provided to the victim or the victim's immediate family. At 8687
least thirty days before the prisoner is released from 8688
imprisonment and regardless of whether the victim or victim's 8689
immediate family has requested that the notice described in this 8690
paragraph be provided or not be provided to the victim or the 8691

victim's immediate family, the department also shall provide 8692
notice of that nature to the prosecuting attorney in the case 8693
and the law enforcement agency that arrested the prisoner if any 8694
officer of that agency was a victim of the offense. 8695

If the notice given under the preceding paragraph to the 8696
victim or the victim's immediate family is based on an offense 8697
committed prior to March 22, 2013, and if the department of 8698
rehabilitation and correction has not previously successfully 8699
provided any notice to the victim or the victim's immediate 8700
family under division (B), (C), or (D) of section 2930.16 of the 8701
Revised Code with respect to that offense and the offender who 8702
committed it, the notice also shall inform the victim or the 8703
victim's immediate family that the victim or the victim's 8704
immediate family may request that the victim or the victim's 8705
immediate family not be provided any further notices with 8706
respect to that offense and the offender who committed it and 8707
shall describe the procedure for making that request. The 8708
department may give the notices to which the preceding paragraph 8709
applies by any reasonable means, including regular mail, 8710
telephone, and electronic mail. If the department attempts to 8711
provide notice to any specified person under the preceding 8712
paragraph but the attempt is unsuccessful because the department 8713
is unable to locate the specified person, is unable to provide 8714
the notice by its chosen method because it cannot determine the 8715
mailing address, electronic mail address, or telephone number at 8716
which to provide the notice, or, if the notice is sent by mail, 8717
the notice is returned, the department shall make another 8718
attempt to provide the notice to the specified person. If the 8719
second attempt is unsuccessful, the department shall make at 8720
least one more attempt to provide the notice. If the notice is 8721
based on an offense committed prior to March 22, 2013, in each 8722

attempt to provide the notice to the victim or victim's 8723
immediate family, the notice shall include the opt-out 8724
information described in this paragraph. The department, in the 8725
manner described in division (D) (2) of section 2930.16 of the 8726
Revised Code, shall keep a record of all attempts to provide the 8727
notice, and of all notices provided, under this paragraph and 8728
the preceding paragraph. The record shall be considered as if it 8729
was kept under division (D) (2) of section 2930.16 of the Revised 8730
Code. This paragraph, the preceding paragraph, and the notice- 8731
related provisions of divisions (E) (2) and (K) of section 8732
2929.20, division (D) (1) of section 2930.16, division (H) of 8733
section 2967.12, division (E) (1) (b) of section 2967.19, division 8734
(A) (3) (b) of section 2967.26, and division (A) (2) of section 8735
5149.101 of the Revised Code enacted in the act in which this 8736
paragraph and the preceding paragraph were enacted, shall be 8737
known as "Roberta's Law." 8738

(2) If a prisoner who is placed on post-release control 8739
under this section is released before the expiration of the 8740
definite term that is the prisoner's stated prison term or the 8741
expiration of the minimum term that is part of the prisoner's 8742
indefinite prison term imposed under a non-life felony 8743
indefinite prison term by reason of credit earned under section 8744
2967.193 or a reduction under division (F) of section 2967.271 8745
of the Revised Code and if the prisoner earned sixty or more 8746
days of credit, the adult parole authority shall supervise the 8747
offender with an active global positioning system device for the 8748
first fourteen days after the offender's release from 8749
imprisonment. This division does not prohibit or limit the 8750
imposition of any post-release control sanction otherwise 8751
authorized by this section. 8752

(3) At any time after a prisoner is released from 8753

imprisonment and during the period of post-release control 8754
applicable to the releasee, the adult parole authority or, 8755
pursuant to an agreement under section 2967.29 of the Revised 8756
Code, the court may review the releasee's behavior under the 8757
post-release control sanctions imposed upon the releasee under 8758
this section. The authority or court may determine, based upon 8759
the review and in accordance with the standards established 8760
under division (E) of this section, that a more restrictive or a 8761
less restrictive sanction is appropriate and may impose a 8762
different sanction. The authority also may recommend that the 8763
parole board or court increase or reduce the duration of the 8764
period of post-release control imposed by the court. If the 8765
authority recommends that the board or court increase the 8766
duration of post-release control, the board or court shall 8767
review the releasee's behavior and may increase the duration of 8768
the period of post-release control imposed by the court up to 8769
eight years. If the authority recommends that the board or court 8770
reduce the duration of control for an offense described in 8771
division (B) or (C) of this section, the board or court shall 8772
review the releasee's behavior and, subject to divisions (D) (3) 8773
(a) to (c) of this section, may reduce the duration of the 8774
period of control imposed by the court or, if the period of 8775
control was imposed for a non-life felony indefinite prison 8776
term, reduce the duration of or terminate the period of control 8777
imposed by the court. In no case shall the board or court do any 8778
of the following: 8779

(a) Reduce the duration of the period of control imposed 8780
for an offense described in division (B) (1) of this section to a 8781
period less than the length of the definite prison term included 8782
in the stated prison term originally imposed on the offender as 8783
part of the sentence or, with respect to a stated non-life 8784

felony indefinite prison term, to a period less than the length 8785
of the minimum prison term imposed as part of that stated prison 8786
term; 8787

(b) Consider any reduction or termination of the duration 8788
of the period of control imposed on a releasee prior to the 8789
expiration of one year after the commencement of the period of 8790
control, if the period of control was imposed for a non-life 8791
felony indefinite prison term and the releasee's minimum prison 8792
term or presumptive earned early release date under that term 8793
was extended for any length of time under division (C) or (D) of 8794
section 2967.271 of the Revised Code. 8795

(c) Permit the releasee to leave the state without 8796
permission of the court or the releasee's parole or probation 8797
officer. 8798

(4) The department of rehabilitation and correction shall 8799
develop factors that the parole board or court shall consider in 8800
determining under division (D) (3) of this section whether to 8801
terminate the period of control imposed on a releasee for a non- 8802
life felony indefinite prison term. 8803

(E) The department of rehabilitation and correction, in 8804
accordance with Chapter 119. of the Revised Code, shall adopt 8805
rules that do all of the following: 8806

(1) Establish standards for the imposition by the parole 8807
board of post-release control sanctions under this section that 8808
are consistent with the overriding purposes and sentencing 8809
principles set forth in section 2929.11 of the Revised Code and 8810
that are appropriate to the needs of releasees; 8811

(2) Establish standards that provide for a period of post- 8812
release control of up to three years for all prisoners described 8813

in division (C) of this section who are to be released before 8814
the expiration of their stated prison term under a risk 8815
reduction sentence and standards by which the parole board can 8816
determine which prisoners described in division (C) of this 8817
section who are not to be released before the expiration of 8818
their stated prison term under a risk reduction sentence should 8819
be placed under a period of post-release control; 8820

(3) Establish standards to be used by the parole board in 8821
reducing the duration of the period of post-release control 8822
imposed by the court when authorized under division (D) of this 8823
section, in imposing a more restrictive post-release control 8824
sanction than monitored time upon a prisoner convicted of a 8825
felony of the fourth or fifth degree other than a felony sex 8826
offense, or in imposing a less restrictive control sanction upon 8827
a releasee based on the releasee's activities including, but not 8828
limited to, remaining free from criminal activity and from the 8829
abuse of alcohol or other drugs, successfully participating in 8830
approved rehabilitation programs, maintaining employment, and 8831
paying restitution to the victim or meeting the terms of other 8832
financial sanctions; 8833

(4) Establish standards to be used by the adult parole 8834
authority in modifying a releasee's post-release control 8835
sanctions pursuant to division (D)(2) of this section; 8836

(5) Establish standards to be used by the adult parole 8837
authority or parole board in imposing further sanctions under 8838
division (F) of this section on releasees who violate post- 8839
release control sanctions, including standards that do the 8840
following: 8841

(a) Classify violations according to the degree of 8842
seriousness; 8843

(b) Define the circumstances under which formal action by the parole board is warranted;

(c) Govern the use of evidence at violation hearings;

(d) Ensure procedural due process to an alleged violator;

(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations;

(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.

(F) (1) Whenever the parole board imposes one or more post-release control sanctions upon an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation directly to the adult parole authority or to the officer of the authority who supervises the offender. The authority's officers may treat the offender as if the offender were on parole and in violation of the parole, and otherwise shall comply with this section.

(2) If the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised Code, the court determines that a releasee has violated a post-release control

sanction or any conditions described in division (A) of section 8873
2967.131 of the Revised Code imposed upon the releasee and that 8874
a more restrictive sanction is appropriate, the authority or 8875
court may impose a more restrictive sanction upon the releasee, 8876
in accordance with the standards established under division (E) 8877
of this section or in accordance with the agreement made under 8878
section 2967.29 of the Revised Code, or may report the violation 8879
to the parole board for a hearing pursuant to division (F)(3) of 8880
this section. The authority or court may not, pursuant to this 8881
division, increase the duration of the releasee's post-release 8882
control or impose as a post-release control sanction a 8883
residential sanction that includes a prison term, but the 8884
authority or court may impose on the releasee any other 8885
residential sanction, nonresidential sanction, or financial 8886
sanction that the sentencing court was authorized to impose 8887
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 8888
Revised Code. 8889

(3) The parole board or, pursuant to an agreement under 8890
section 2967.29 of the Revised Code, the court may hold a 8891
hearing on any alleged violation by a releasee of a post-release 8892
control sanction or any conditions described in division (A) of 8893
section 2967.131 of the Revised Code that are imposed upon the 8894
releasee. If after the hearing the board or court finds that the 8895
releasee violated the sanction or condition, the board or court 8896
may increase the duration of the releasee's post-release control 8897
up to the maximum duration authorized by division (B) or (C) of 8898
this section or impose a more restrictive post-release control 8899
sanction. If a releasee was acting pursuant to division (B)(2) 8900
(b) of section 2925.11 of the Revised Code or a related 8901
provision of section 2925.111 or 2925.112 of the Revised Code 8902
and in so doing violated the conditions of a post-release 8903

control sanction based on a minor drug possession offense as 8904
defined in ~~that~~ section 2925.01 of the Revised Code, the board 8905
or the court may consider the releasee's conduct in seeking or 8906
obtaining medical assistance for another in good faith or for 8907
self or may consider the releasee being the subject of another 8908
person seeking or obtaining medical assistance in accordance 8909
with that division as a mitigating factor before imposing any of 8910
the penalties described in this division. When appropriate, the 8911
board or court may impose as a post-release control sanction a 8912
residential sanction that includes a prison term. The board or 8913
court shall consider a prison term as a post-release control 8914
sanction imposed for a violation of post-release control when 8915
the violation involves a deadly weapon or dangerous ordnance, 8916
physical harm or attempted serious physical harm to a person, or 8917
sexual misconduct. Unless a releasee's stated prison term was 8918
reduced pursuant to section 5120.032 of the Revised Code, the 8919
period of a prison term that is imposed as a post-release 8920
control sanction under this division shall not exceed nine 8921
months, and the maximum cumulative prison term for all 8922
violations under this division shall not exceed one-half of the 8923
definite prison term that was the stated prison term originally 8924
imposed upon the offender as part of this sentence or, with 8925
respect to a stated non-life felony indefinite prison term, one- 8926
half of the minimum prison term that was imposed as part of that 8927
stated prison term originally imposed upon the offender. If a 8928
releasee's stated prison term was reduced pursuant to section 8929
5120.032 of the Revised Code, the period of a prison term that 8930
is imposed as a post-release control sanction under this 8931
division and the maximum cumulative prison term for all 8932
violations under this division shall not exceed the period of 8933
time not served in prison under the sentence imposed by the 8934
court. The period of a prison term that is imposed as a post- 8935

release control sanction under this division shall not count as, 8936
or be credited toward, the remaining period of post-release 8937
control. 8938

If an offender is imprisoned for a felony committed while 8939
under post-release control supervision and is again released on 8940
post-release control for a period of time determined by division 8941
(F) (4) (d) of this section, the maximum cumulative prison term 8942
for all violations under this division shall not exceed one-half 8943
of the total stated prison terms of the earlier felony, reduced 8944
by any prison term administratively imposed by the parole board 8945
or court, plus one-half of the total stated prison term of the 8946
new felony. 8947

(4) Any period of post-release control shall commence upon 8948
an offender's actual release from prison. If an offender is 8949
serving an indefinite prison term or a life sentence in addition 8950
to a stated prison term, the offender shall serve the period of 8951
post-release control in the following manner: 8952

(a) If a period of post-release control is imposed upon 8953
the offender and if the offender also is subject to a period of 8954
parole under a life sentence or an indefinite sentence, and if 8955
the period of post-release control ends prior to the period of 8956
parole, the offender shall be supervised on parole. The offender 8957
shall receive credit for post-release control supervision during 8958
the period of parole. The offender is not eligible for final 8959
release under section 2967.16 of the Revised Code until the 8960
post-release control period otherwise would have ended. 8961

(b) If a period of post-release control is imposed upon 8962
the offender and if the offender also is subject to a period of 8963
parole under an indefinite sentence, and if the period of parole 8964
ends prior to the period of post-release control, the offender 8965

shall be supervised on post-release control. The requirements of 8966
parole supervision shall be satisfied during the post-release 8967
control period. 8968

(c) If an offender is subject to more than one period of 8969
post-release control, the period of post-release control for all 8970
of the sentences shall be the period of post-release control 8971
that expires last, as determined by the parole board or court. 8972
Periods of post-release control shall be served concurrently and 8973
shall not be imposed consecutively to each other. 8974

(d) The period of post-release control for a releasee who 8975
commits a felony while under post-release control for an earlier 8976
felony shall be the longer of the period of post-release control 8977
specified for the new felony under division (B) or (C) of this 8978
section or the time remaining under the period of post-release 8979
control imposed for the earlier felony as determined by the 8980
parole board or court. 8981

Sec. 2981.01. (A) Forfeitures under this chapter shall be 8982
governed by all of the following purposes: 8983

(1) To provide economic disincentives and remedies to 8984
deter and offset the economic effect of offenses by seizing and 8985
forfeiting contraband, proceeds, and certain instrumentalities; 8986

(2) To ensure that seizures and forfeitures of 8987
instrumentalities are proportionate to the offense committed; 8988

(3) To protect third parties from wrongful forfeiture of 8989
their property; 8990

(4) To prioritize restitution for victims of offenses. 8991

(B) As used in this chapter: 8992

(1) "Aircraft" has the same meaning as in section 4561.01 8993

of the Revised Code. 8994

(2) "Computers," "computer networks," "computer systems," 8995
"computer software," and "telecommunications device" have the 8996
same meanings as in section 2913.01 of the Revised Code. 8997

(3) "Financial institution" means a bank, credit union, 8998
savings and loan association, or a licensee or registrant under 8999
Chapter 1321. of the Revised Code. 9000

(4) "Firearm" and "dangerous ordnance" have the same 9001
meanings as in section 2923.11 of the Revised Code. 9002

(5) "Innocent person" includes any bona fide purchaser of 9003
property that is subject to forfeiture, including any person who 9004
establishes a valid claim to or interest in the property in 9005
accordance with section 2981.04 of the Revised Code, and any 9006
victim of an alleged offense. 9007

(6) "Instrumentality" means property otherwise lawful to 9008
possess that is used in or intended to be used in an offense. An 9009
"instrumentality" may include, but is not limited to, a firearm, 9010
a mobile instrumentality, a computer, a computer network, a 9011
computer system, computer software, a telecommunications device, 9012
money, and any other means of exchange. 9013

(7) "Law enforcement agency" includes, but is not limited 9014
to, the state board of pharmacy, the enforcement division of the 9015
department of taxation, the Ohio casino control commission, and 9016
the office of the prosecutor. 9017

(8) "Mobile instrumentality" means an instrumentality that 9018
is inherently mobile and used in the routine transport of 9019
persons. "Mobile instrumentality" includes, but is not limited 9020
to, any vehicle, any watercraft, and any aircraft. 9021

(9) "Money" has the same meaning as in section 1301.201 of the Revised Code. 9022
9023

(10) "Offense" means any act or omission that could be charged as a criminal offense or a delinquent act, whether or not a formal criminal prosecution or delinquent child proceeding began at the time the forfeiture is initiated. Except as otherwise specified, an offense for which property may be forfeited includes any felony and any misdemeanor. The commission of an "offense" includes the commission of a delinquent act. 9024
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(11) "Proceeds" means both of the following: 9032

(a) In cases involving unlawful goods, services, or activities, "proceeds" means any property derived directly or indirectly from an offense. "Proceeds" may include, but is not limited to, money or any other means of exchange. "Proceeds" is not limited to the net gain or profit realized from the offense. "Proceeds" does not include property, including money or other means of exchange, if all of the following apply to that property: 9033
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(i) It is held under clear title by a law enforcement agency. 9041
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(ii) It is used or may be used to purchase contraband for the purpose of investigating any drug abuse offense, as defined in section 2925.01 of the Revised Code. 9043
9044
9045

(iii) If it is used to purchase contraband under division (B) (11) (a) (ii) of this section, the property continues to be considered the property of the law enforcement agency if the agency establishes a clear chain of custody of it. 9046
9047
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(b) In cases involving lawful goods or services that are 9050

sold or provided in an unlawful manner, "proceeds" means the 9051
amount of money or other means of exchange acquired through the 9052
illegal transactions resulting in the forfeiture, less the 9053
direct costs lawfully incurred in providing the goods or 9054
services. The lawful costs deduction does not include any part 9055
of the overhead expenses of, or income taxes paid by, the entity 9056
providing the goods or services. The alleged offender or 9057
delinquent child has the burden to prove that any costs are 9058
lawfully incurred. 9059

(12) "Property" means "property" as defined in section 9060
2901.01 of the Revised Code and any benefit, privilege, claim, 9061
position, interest in an enterprise, or right derived, directly 9062
or indirectly, from the offense. 9063

(13) "Property subject to forfeiture" includes contraband 9064
and proceeds and may include instrumentalities as provided in 9065
this chapter. 9066

(14) "Prosecutor" has the same meaning as in section 9067
2935.01 of the Revised Code. When relevant, "prosecutor" also 9068
includes the attorney general. 9069

(15) "Vehicle" has the same meaning as in section 4501.01 9070
of the Revised Code. 9071

(16) "Watercraft" has the same meaning as in section 9072
1546.01 of the Revised Code. 9073

(C) The penalties and procedures under Chapters 2923., 9074
2925., 2933., and 3772. of the Revised Code remain in effect to 9075
the extent that they do not conflict with this chapter. 9076

(D) (1) If, prior to the effective date of this amendment, 9077
a person committed a violation of the version of section 2925.11 9078
of the Revised Code that was in effect prior to that effective 9079

date, if the violation was a felony when it was committed, and 9080
if on that effective date the violation is changed to an 9081
unclassified misdemeanor, notwithstanding the change of the 9082
classification of the violation to an unclassified misdemeanor, 9083
on and after that effective date, the provisions of this chapter 9084
remain applicable with respect to the person and the violation 9085
to the same extent as if the charge against the person had 9086
remained a charge of a felony. This division applies regardless 9087
of whether, on the effective date of this amendment, a 9088
forfeiture proceeding is pending under this chapter against the 9089
person based on the violation. 9090

(2) If, prior to the effective date of this amendment, 9091
property of a person was forfeited under this chapter based on a 9092
violation of the version of section 2925.11 of the Revised Code 9093
that was in effect prior to that effective date, if the 9094
violation was a felony when it was committed, and if on that 9095
effective date the violation is changed to an unclassified 9096
misdemeanor, notwithstanding the change of the classification of 9097
the violation to an unclassified misdemeanor, on and after that 9098
effective date, the change of the classification of the 9099
violation does not affect the validity of the forfeiture and, 9100
for purposes of this chapter, the violation shall be considered 9101
as if it had remained a felony. 9102

Sec. 5119.93. (A) A person may initiate proceedings for 9103
treatment for an individual suffering from alcohol and other 9104
drug abuse by filing a verified petition in the probate court 9105
~~and paying a filing fee in the same amount, if any, that is~~ 9106
~~charged for the filing under section 5122.11 of the Revised Code~~ 9107
~~of an affidavit seeking the hospitalization of a person.~~ The 9108
petition and all subsequent court documents shall be entitled: 9109
"In the interest of (name of respondent)." A spouse, relative, 9110

or guardian of the individual concerning whom the petition is 9111
filed shall file the petition. A petition filed under this 9112
division shall be kept confidential and shall not be disclosed 9113
by any person, except as needed for purposes of this section or 9114
when disclosure is ordered by a court. 9115

(B) A petition filed under division (A) of this section 9116
shall set forth all of the following: 9117

(1) The petitioner's relationship to the respondent; 9118

(2) The respondent's name, residence address, and current 9119
location, if known; 9120

(3) The name and residence of the respondent's parents, if 9121
living and if known, or of the respondent's legal guardian, if 9122
any and if known; 9123

(4) The name and residence of the respondent's spouse, if 9124
any and if known; 9125

(5) The name and residence of the person having custody of 9126
the respondent, if any, or if no such person is known, the name 9127
and residence of a near relative or a statement that the person 9128
is unknown; 9129

(6) The petitioner's belief, including the factual basis 9130
for the belief, that the respondent is suffering from alcohol 9131
and other drug abuse and presents an imminent danger or imminent 9132
threat of danger to self, family, or others if not treated for 9133
alcohol or other drug abuse; 9134

(7) If the petitioner's belief specified in division (B) 9135
(6) of this section is that the respondent is suffering from 9136
opioid or opiate abuse, the information provided in the petition 9137
under that division also shall include any evidence that the 9138

respondent has overdosed and been revived one or more times by 9139
an opioid antagonist, overdosed in a vehicle, or overdosed in 9140
the presence of a minor. 9141

(C) (1) Any petition filed pursuant to divisions (A) and 9142
(B) of this section shall be accompanied by a certificate of a 9143
physician who has examined the respondent within two days prior 9144
to the day that the petition is filed in the probate court. The 9145
physician shall be authorized to practice medicine and surgery 9146
or osteopathic medicine and surgery under Chapter 4731. of the 9147
Revised Code. A physician who is responsible for admitting 9148
persons into treatment, if that physician examines the 9149
respondent, may be the physician who completes the certificate. 9150
The physician's certificate shall set forth the physician's 9151
findings in support of the need to treat the respondent for 9152
alcohol or other drug abuse. The certificate shall indicate if 9153
the respondent presents an imminent danger or imminent threat of 9154
danger to self, family, or others if not treated. Further, the 9155
certificate shall indicate the type and length of treatment 9156
required and if the respondent can reasonably benefit from 9157
treatment. If the physician's certificate indicates that 9158
inpatient treatment is required, the certificate shall identify 9159
any inpatient facilities known to the physician that are able 9160
and willing to provide the recommended inpatient treatment. 9161

If the respondent refuses to undergo an examination with a 9162
physician concerning the respondent's possible need for 9163
treatment for alcohol or other drug abuse, the petition shall 9164
state that the respondent has refused all requests made by the 9165
petitioner to undergo a physician's examination. In that case, 9166
the petitioner shall not be required to provide a physician's 9167
certificate with the petition. 9168

(2) Any petition filed pursuant to divisions (A) and (B) 9169
of this section shall contain a statement that the petitioner 9170
has arranged for treatment of the respondent. Further, the 9171
petition shall be accompanied by a statement from the person or 9172
facility who has agreed to provide the treatment that verifies 9173
that the person or facility has agreed to provide the treatment 9174
and the estimated cost of the treatment. 9175

(D) Any petition filed pursuant to divisions (A) and (B) 9176
of this section shall be accompanied by both of the following: 9177

(1) One of the following: 9178

(a) A security deposit to be deposited with the clerk of 9179
the probate court that will cover half of the estimated cost of 9180
treatment of the respondent; 9181

(b) Documentation establishing that insurance coverage of 9182
the petitioner or respondent will cover at least half of the 9183
estimated cost of treatment of the respondent; 9184

(c) Other evidence to the satisfaction of the court 9185
establishing that the petitioner or respondent will be able to 9186
cover some of the estimated cost of treatment of the respondent. 9187

(2) One of the following: 9188

(a) A guarantee, signed by the petitioner or another 9189
person authorized to file the petition, obligating the guarantor 9190
to pay the costs of the examinations of the respondent conducted 9191
by the physician and qualified health professional under 9192
division (B) (5) of section 5119.94 of the Revised Code, the 9193
costs of the respondent that are associated with a hearing 9194
conducted in accordance with section 5119.94 of the Revised Code 9195
and that the court determines to be appropriate, and the costs 9196
of any treatment ordered by the court; 9197

(b) Documentation establishing that insurance coverage of 9198
the petitioner or respondent will cover the costs described in 9199
division (D) (2) (a) of this section; 9200

(c) Documentation establishing that, consistent with the 9201
evidence described in division (D) (1) (c) of this section, the 9202
petitioner or respondent will cover some of the costs described 9203
in division (D) (2) (a) of this section. 9204

Sec. 5119.94. (A) Upon receipt of a petition filed under 9205
section 5119.93 of the Revised Code ~~and the payment of the~~ 9206
~~appropriate filing fee, if any,~~ the probate court shall examine 9207
the petitioner under oath as to the contents of the petition. 9208

(B) If, after reviewing the allegations contained in the 9209
petition and examining the petitioner under oath, it appears to 9210
the probate court that there is probable cause to believe the 9211
respondent may reasonably benefit from treatment, the court 9212
shall do all of the following: 9213

(1) Schedule a hearing to be held within seven days to 9214
determine if there is clear and convincing evidence that the 9215
respondent may reasonably benefit from treatment for alcohol and 9216
other drug abuse; 9217

(2) Notify the respondent, the legal guardian, if any and 9218
if known, and the spouse, parents, or nearest relative or friend 9219
of the respondent concerning the allegations and contents of the 9220
petition and of the date and purpose of the hearing; 9221

(3) Notify the respondent that the respondent may retain 9222
counsel and, if the person is unable to obtain an attorney, that 9223
the respondent may be represented by court-appointed counsel at 9224
public expense if the person is indigent. Upon the appointment 9225
of an attorney to represent an indigent respondent, the court 9226

shall notify the respondent of the name, address, and telephone 9227
number of the attorney appointed to represent the respondent. 9228

(4) Notify the respondent that the court shall cause the 9229
respondent to be examined not later than twenty-four hours 9230
before the hearing date by a physician for the purpose of a 9231
physical examination and by a qualified health professional for 9232
the purpose of a drug and alcohol addiction assessment and 9233
diagnosis. In addition, the court shall notify the respondent 9234
that the respondent may have an independent expert evaluation of 9235
the person's physical and mental condition conducted at the 9236
respondent's own expense. 9237

(5) Cause the respondent to be examined not later than 9238
twenty-four hours before the hearing date by a ~~physician for the~~ 9239
~~purpose of a physical examination and by a~~ qualified health 9240
professional for the purpose of a drug and alcohol addiction 9241
assessment and diagnosis; 9242

(6) Conduct the hearing. 9243

(C) The ~~physician and~~ qualified health professional who 9244
~~examine~~ examines the respondent pursuant to division (B) (5) of 9245
this section or who ~~are~~ is obtained by the respondent at the 9246
respondent's own expense shall certify ~~their~~ the professional's 9247
findings to the court within twenty-four hours of the 9248
~~examinations~~ examination. The findings of each qualified health 9249
professional shall include a recommendation for treatment if the 9250
qualified health professional determines that treatment is 9251
necessary. 9252

(D) (1) (a) If upon completion of the hearing held under 9253
this section the probate court finds by clear and convincing 9254
evidence that the respondent may reasonably benefit from 9255

treatment, the court ~~may~~shall order the treatment after 9256
considering the qualified health professionals' recommendations 9257
for treatment that have been submitted to the court under 9258
division (C) of this section. Evidence that the respondent has 9259
overdosed and been revived one or more times by an opioid 9260
antagonist, overdosed in a vehicle, or overdosed in the presence 9261
of a minor is sufficient to satisfy this evidentiary 9262
requirement. If the court orders the treatment under this 9263
division, the order shall specify the type of treatment to be 9264
provided, the type of required aftercare, and the duration of 9265
the required aftercare which shall be at least three months and 9266
shall not exceed six months, and the court shall order the 9267
treatment to be provided through a community addiction services 9268
provider or by an individual licensed or certified by the state 9269
medical board under Chapter 4731. of the Revised Code, the 9270
chemical dependency professionals board under Chapter 4758. of 9271
the Revised Code, the counselor, social worker, and marriage and 9272
family therapist board under Chapter 4757. of the Revised Code, 9273
or a similar board of another state authorized to provide 9274
substance abuse treatment. In addition, the court also may order 9275
that the respondent submit to periodic examinations by a 9276
qualified mental health professional to determine if the 9277
treatment remains necessary. 9278

(b) If the qualified health professional who examines the 9279
respondent certifies that the respondent meets the criteria 9280
specified in division (B) (6) of section 5119.93 of the Revised 9281
Code, if the court orders treatment under division (D) (1) (a) of 9282
this section, and if the court finds by clear and convincing 9283
evidence that the respondent presents an imminent danger or 9284
imminent threat of danger to self, family, or others as a result 9285
of alcohol or other drug abuse, separate from the treatment 9286

described in division (D) (1) (a) of this section, the court may 9287
order that the respondent be hospitalized for a period not to 9288
exceed seventy-two hours. The court shall direct that the order 9289
shall be executed as soon as possible, but not later than 9290
seventy-two hours, after its issuance. If the order cannot be 9291
executed within seventy-two hours after its issuance, it remains 9292
valid for sixty days after its issuance, subject to tolling as 9293
described in division (D) (1) (c) of this section, and may be 9294
executed at any time during that six-month period or that six- 9295
month period as extended by the tolling. Any respondent who has 9296
been admitted to a hospital under this division shall be 9297
released within seventy-two hours of admittance, unless the 9298
respondent voluntarily agrees to remain longer. A respondent who 9299
voluntarily agrees to remain longer may be hospitalized for the 9300
additional period of time agreed to by the respondent. No 9301
respondent ordered under this division to be hospitalized shall 9302
be held in jail pending transportation to the hospital unless 9303
the court has previously found the respondent to be in contempt 9304
of court for either failure to undergo treatment or failure to 9305
appear at an evaluation ordered under this section. 9306

(c) The six-month period for execution of an order 9307
specified in division (D) (1) (b) of this section shall not run 9308
during any time when the respondent purposely avoids execution 9309
of the order. Proof that the respondent departed this state or 9310
concealed the respondent's identity or whereabouts is prima 9311
facie evidence of the respondent's purpose to avoid the 9312
execution. 9313

(2) (a) Failure of a respondent to undergo and complete any 9314
treatment ordered pursuant to this division is contempt of 9315
court. Any community addiction services provider or person 9316
providing treatment under this division shall notify the probate 9317

court of a respondent's failure to undergo or complete the 9318
ordered treatment. 9319

(b) In addition to and separate from the sanction 9320
specified in division (D)(2)(a) of this section, if a respondent 9321
fails to undergo and complete any treatment ordered pursuant to 9322
this section, the court may issue a summons. The summons shall 9323
be directed to the respondent and shall command the respondent 9324
to appear at a time and place specified in the summons. If a 9325
respondent who has been summoned under this division fails to 9326
appear at the specified time and place, the court may order a 9327
peace officer, as defined in section 2935.01 of the Revised 9328
Code, to transport the respondent to a place described in 9329
division (D)(1)(a) of this section or a hospital for treatment. 9330
The peace officer, with the approval of the officer's agency, 9331
may provide for the transportation of the respondent by a 9332
private entity. The transportation costs of the peace officer or 9333
the private entity shall be included within the costs of 9334
treatment. 9335

(E) If, at any time after a petition is filed under 9336
section 5119.93 of the Revised Code, the probate court finds 9337
that there is not probable cause to continue treatment or if the 9338
petitioner withdraws the petition, then the court shall dismiss 9339
the proceedings against the respondent. 9340

Sec. 5120.16. (A) Persons sentenced to any institution, 9341
division, or place under the control of the department of 9342
rehabilitation and correction, including convicted misdemeanants 9343
sentenced to a prison term, are committed to the control, care, 9344
and custody of the department. Subject to division (B) of this 9345
section, the director of rehabilitation and correction or the 9346
director's designee may direct that such persons sentenced to 9347

the department, or to any institution or place within the 9348
department, shall be conveyed initially to an appropriate 9349
facility established and maintained by the department for 9350
reception, examination, observation, and classification of the 9351
persons so sentenced. If a presentence investigation report was 9352
not prepared pursuant to section 2947.06 or 2951.03 of the 9353
Revised Code or Criminal Rule 32.2 regarding any person 9354
sentenced to the department or to any institution or place 9355
within the department for a felony, the director or the 9356
director's designee may order the department's field staff to 9357
conduct an offender background investigation and prepare an 9358
offender background investigation report regarding the person. 9359
The investigation and report shall be conducted in accordance 9360
with division (A) of section 2951.03 of the Revised Code and the 9361
report shall contain the same information as a presentence 9362
investigation report prepared pursuant to that section. 9363

When the examination, observation, and classification of 9364
the person sentenced to the institution, division, or place 9365
under the control of the department of rehabilitation and 9366
correction, including convicted misdemeanants sentenced to a 9367
prison term, have been completed by the facility and a written 9368
report of the examination, observation, and classification is 9369
filed with the commitment papers, the director or the director's 9370
designee, subject to division (B) of this section, shall assign 9371
the person to a suitable state institution or place maintained 9372
by the state within the director's department or, if the person 9373
was sentenced for a felony, shall designate that the person is 9374
to be housed in a county, multicounty, municipal, municipal- 9375
county, or multicounty-municipal jail or workhouse, if 9376
authorized by section 5120.161 of the Revised Code, there to be 9377
confined, cared for, treated, trained, and rehabilitated until 9378

paroled, released in accordance with section 2929.20, 2967.26, 9379
2967.28, or 5120.036 of the Revised Code, or otherwise released 9380
under the order of the court that imposed the person's sentence. 9381
No person committed by a probate court, a trial court pursuant 9382
to section 2945.40, 2945.401, or 2945.402 of the Revised Code 9383
subsequent to a finding of not guilty by reason of insanity, or 9384
a juvenile court shall be assigned to a state correctional 9385
institution. 9386

If a person is sentenced, committed, or assigned for the 9387
commission of a felony to any one of the institutions or places 9388
maintained by the department or to a county, multicounty, 9389
municipal, municipal-county, or multicounty-municipal jail or 9390
workhouse, the department, by order duly recorded and subject to 9391
division (B) of this section, may transfer the person to any 9392
other institution, or, if authorized by section 5120.161 of the 9393
Revised Code, to a county, multicounty, municipal, municipal- 9394
county, or multicounty-municipal jail or workhouse. 9395

If a person is a convicted misdemeanor sentenced to a 9396
prison term who is sentenced, committed, or assigned for the 9397
offense to any one of the institutions or places maintained by 9398
the department, the department, by order duly recorded, may 9399
transfer the person to any other institution. 9400

(B) If the case of a child who is alleged to be a 9401
delinquent child is transferred for criminal prosecution to the 9402
appropriate court having jurisdiction of the offense pursuant to 9403
section 2152.12 of the Revised Code, if the child is convicted 9404
of or pleads guilty to a felony in that case, if the child is 9405
sentenced to a prison term, as defined in section 2901.01 of the 9406
Revised Code, and if the child is under eighteen years of age 9407
when delivered to the custody of the department of 9408

rehabilitation and correction, all of the following apply 9409
regarding the housing of the child: 9410

(1) Until the child attains eighteen years of age, subject 9411
to divisions (B)(2), (3), and (4) of this section, the 9412
department shall house the child in a housing unit in a state 9413
correctional institution separate from inmates who are eighteen 9414
years of age or older. 9415

(2) The department is not required to house the child in 9416
the manner described in division (B)(1) of this section if the 9417
child does not observe the rules and regulations of the 9418
institution or the child otherwise creates a security risk by 9419
being housed separately. 9420

(3) If the department receives too few inmates who are 9421
under eighteen years of age to fill a housing unit in a state 9422
correctional institution separate from inmates who are eighteen 9423
years of age or older, as described in division (B)(1) of this 9424
section, the department may house the child in a housing unit in 9425
a state correctional institution that includes both inmates who 9426
are under eighteen years of age and inmates who are eighteen 9427
years of age or older and under twenty-one years of age. 9428

(4) Upon the child's attainment of eighteen years of age, 9429
the department may house the child with the adult population of 9430
the state correctional institution. 9431

(C) The director or the director's designee shall develop 9432
a policy for dealing with problems related to infection with the 9433
human immunodeficiency virus. The policy shall include methods 9434
of identifying individuals committed to the custody of the 9435
department who are at high risk of infection with the virus and 9436
counseling those individuals. 9437

Arrangements for housing individuals diagnosed as having 9438
AIDS or an AIDS-related condition shall be made by the 9439
department based on security and medical considerations and in 9440
accordance with division (B) of this section, if applicable. 9441

(D) If the department of rehabilitation and correction, 9442
pursuant to division (A) of this section, has control, care, and 9443
custody of a convicted misdemeanor sentenced to a prison term, 9444
all provisions of law that pertain to an offender sentenced to 9445
or serving a stated prison term for a felony of the fourth 9446
degree apply to the convicted misdemeanor as if the convicted 9447
misdemeanant had been sentenced to and is serving the term for a 9448
felony of the fourth degree, except to the extent that the 9449
provisions clearly are inapplicable or to the extent that their 9450
application to the convicted misdemeanor would not be possible 9451
or feasible. A convicted misdemeanor sentenced to a prison term 9452
shall not be transferred to or housed under the term in a 9453
county, multicounty, municipal, municipal-county, or 9454
multicounty-municipal jail or workhouse pursuant to an agreement 9455
under section 5120.161 of the Revised Code. 9456

(E) As used in this section, "convicted misdemeanor 9457
sentenced to a prison term" means an offender who is convicted 9458
of a violation of section 2925.11 or 2925.112 of the Revised 9459
Code that is an unclassified misdemeanor and who is sentenced to 9460
a prison term for that offense under division (C)(7) of section 9461
2925.112 of the Revised Code. 9462

Sec. 5149.38. (A) In each voluntary county, subject to 9463
division (B) of this section and not later than October 29, 9464
2017, a county commissioner representing the board of county 9465
commissioners of the county, the administrative judge of the 9466
general division of the court of common pleas of the county, the 9467

sheriff of the county, and an official from any municipality 9468
operating a local correctional facility in the county to which 9469
courts of the county sentence offenders shall agree to, sign, 9470
and submit to the department of rehabilitation and correction 9471
for its approval a memorandum of understanding that does both of 9472
the following: 9473

(1) Sets forth the plans by which the county will use 9474
grant money provided to the county in state fiscal year 2018 and 9475
succeeding state fiscal years under the targeting community 9476
alternatives to prison (T-CAP) program, including uses on or 9477
after the effective date of this amendment of the type described 9478
in division (A) (3) of this section; 9479

(2) Specifies the manner in which the county will address 9480
a per diem reimbursement of local correctional facilities for 9481
prisoners who serve a prison term in the facility pursuant to 9482
division (B) (3) (c) of section 2929.34 of the Revised Code. The 9483
per diem reimbursement rate shall be the rate determined in 9484
division (F) (1) of this section and shall be specified in the 9485
memorandum. 9486

(3) On and after the effective date of this amendment, in 9487
addition to the per diem costs for facilities referred to in 9488
division (A) (2) of this section, a county may use a 9489
reimbursement for the cost of sanctions imposed on an offender 9490
for an unclassified misdemeanor drug possession offense under 9491
section 2925.11 or 2925.112 of the Revised Code committed on or 9492
after the effective date of this amendment. On and after the 9493
effective date of this amendment, in addition to the items 9494
described in divisions (A) (1) and (2) of this section, the 9495
memorandum of understanding also shall specify the manner in 9496
which the county will address a reimbursement for such 9497

offenders. 9498

(B) Two or more voluntary counties may join together to 9499
jointly establish a memorandum of understanding of the type 9500
described in division (A) of this section. Not later than 9501
October 29, 2017, a county commissioner from each of the 9502
affiliating voluntary counties representing the county's board 9503
of county commissioners, the administrative judge of the general 9504
division of the court of common pleas of each affiliating 9505
voluntary county, the sheriff of each affiliating voluntary 9506
county, and an official from any municipality operating a local 9507
correctional facility in the affiliating voluntary counties to 9508
which courts of the counties sentence offenders shall agree to, 9509
sign, and submit to the department of rehabilitation and 9510
correction for its approval the memorandum of understanding. The 9511
memorandum of understanding shall set forth the plans by which, 9512
and specify the manner in which, the affiliating counties will 9513
complete the tasks identified in divisions (A) (1) ~~and~~, (2), and 9514
(3) of this section. 9515

(C) The department of rehabilitation and correction shall 9516
adopt rules establishing standards for approval of memorandums 9517
of understanding submitted to it under division (A) or (B) of 9518
this section. The department shall review the memorandums of 9519
understanding submitted to it and may require the county or 9520
counties that submit a memorandum to modify the memorandum. The 9521
director of rehabilitation and correction shall approve 9522
memorandums of understanding submitted to it under division (A) 9523
or (B) of this section that the director determines satisfy the 9524
standards adopted by the department within thirty days after 9525
receiving each memorandum submitted. 9526

(D) Any person responsible for agreeing to, signing, and 9527

submitting a memorandum of understanding under division (A) or 9528
(B) of this section may delegate the person's authority to do so 9529
to an employee of the agency, entity, or office served by the 9530
person. 9531

(E) The persons signing a memorandum of understanding 9532
under division (A) or (B) of this section, or their successors 9533
in office, may revise the memorandum as they determine 9534
necessary. Any revision of the memorandum shall be signed by the 9535
parties specified in division (A) or (B) of this section and 9536
submitted to the department of rehabilitation and correction for 9537
its approval under division (C) of this section within thirty 9538
days after the beginning of the state fiscal year. 9539

(F) (1) In each county, commencing in calendar year 2018, 9540
on or before the first day of February of each calendar year the 9541
sheriff shall determine the per diem costs for the preceding 9542
calendar year for each of the local correctional facilities for 9543
the housing in the facility of prisoners who serve a term in it 9544
pursuant to division (B) (3) (c) of section 2929.34 of the Revised 9545
Code. The per diem cost so determined shall apply in the 9546
calendar year in which the determination is made. 9547

(2) For each county, the per diem cost determined under 9548
division (F) (1) of this section that applies with respect to a 9549
facility in a specified calendar year shall be the per diem rate 9550
of reimbursement in that calendar year, under the targeting 9551
community alternatives to prison (T-CAP) program, for prisoners 9552
who serve a term in the facility pursuant to division (B) (3) (c) 9553
of section 2929.34 of the Revised Code. 9554

(3) The per diem costs of housing determined under 9555
division (F) (1) of this section for a facility shall be the 9556
actual costs of housing the specified prisoners in the facility, 9557

on a per diem basis. 9558

(G) On and after the effective date of this amendment, in 9559
addition to the per diem costs for facilities determined as 9560
specified in division (F) of this section, counties shall be 9561
reimbursed for and may use funding under the targeting community 9562
alternatives to prison (T-CAP) program for the cost of sanctions 9563
imposed on an offender for an unclassified misdemeanor drug 9564
possession offense under section 2925.11 or 2925.112 of the 9565
Revised Code committed on or after the effective date of this 9566
amendment. 9567

(H) As used in this section: 9568

(1) "Local correctional facility" means a facility of a 9569
type described in division (C) or (D) of section 2929.34 of the 9570
Revised Code. 9571

(2) "Voluntary county" has the same meanings as in section 9572
2929.34 of the Revised Code. 9573

Section 2. That existing sections 1901.186, 1901.20, 9574
1901.261, 1907.02, 1907.261, 2901.13, 2921.45, 2923.02, 2923.13, 9575
2925.01, 2925.03, 2925.11, 2925.12, 2925.14, 2925.141, 2929.01, 9576
2929.13, 2929.14, 2929.141, 2929.15, 2929.17, 2929.21, 2929.25, 9577
2929.26, 2929.34, 2931.03, 2941.1410, 2945.71, 2949.12, 2953.31, 9578
2953.32, 2953.52, 2967.28, 2981.01, 5119.93, 5119.94, 5120.16, 9579
and 5149.38 of the Revised Code are hereby repealed. 9580

Section 3. That sections 109.572, 128.04, 177.01, 9581
2152.021, 2152.18, 2743.60, 2923.01, 2923.241, 2923.31, 2923.41, 9582
2925.02, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 9583
2925.23, 2925.36, 2925.37, 2925.38, 2925.42, 2925.51, 2927.21, 9584
2929.141, 2929.18, 2933.51, 2935.36, 2951.041, 2967.18, 2967.19, 9585
3301.32, 3301.541, 3313.662, 3319.31, 3319.39, 3712.09, 9586

3719.013, 3719.21, 3719.99, 3721.121, 3734.44, 3767.01, 4112.02, 9587
4510.17, 4729.99, 4742.03, 5103.0319, 5119.36, 5119.37, 5120.53, 9588
5153.111, and 5502.13 of the Revised Code be amended to read as 9589
follows: 9590

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 9591
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 9592
Code, a completed form prescribed pursuant to division (C) (1) of 9593
this section, and a set of fingerprint impressions obtained in 9594
the manner described in division (C) (2) of this section, the 9595
superintendent of the bureau of criminal identification and 9596
investigation shall conduct a criminal records check in the 9597
manner described in division (B) of this section to determine 9598
whether any information exists that indicates that the person 9599
who is the subject of the request previously has been convicted 9600
of or pleaded guilty to any of the following: 9601

(a) A violation of section 2903.01, 2903.02, 2903.03, 9602
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 9603
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 9604
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 9605
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 9606
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 9607
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 9608
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 9609
Code, felonious sexual penetration in violation of former 9610
section 2907.12 of the Revised Code, a violation of section 9611
2905.04 of the Revised Code as it existed prior to July 1, 1996, 9612
a violation of section 2919.23 of the Revised Code that would 9613
have been a violation of section 2905.04 of the Revised Code as 9614
it existed prior to July 1, 1996, had the violation been 9615
committed prior to that date, or a violation of section 2925.11, 9616
2925.111, or 2925.112 of the Revised Code that is not a minor 9617

drug possession offense; 9618

(b) A violation of an existing or former law of this 9619
state, any other state, or the United States that is 9620
substantially equivalent to any of the offenses listed in 9621
division (A) (1) (a) of this section; 9622

(c) If the request is made pursuant to section 3319.39 of 9623
the Revised Code for an applicant who is a teacher, any offense 9624
specified in section 3319.31 of the Revised Code. 9625

(2) On receipt of a request pursuant to section 3712.09 or 9626
3721.121 of the Revised Code, a completed form prescribed 9627
pursuant to division (C) (1) of this section, and a set of 9628
fingerprint impressions obtained in the manner described in 9629
division (C) (2) of this section, the superintendent of the 9630
bureau of criminal identification and investigation shall 9631
conduct a criminal records check with respect to any person who 9632
has applied for employment in a position for which a criminal 9633
records check is required by those sections. The superintendent 9634
shall conduct the criminal records check in the manner described 9635
in division (B) of this section to determine whether any 9636
information exists that indicates that the person who is the 9637
subject of the request previously has been convicted of or 9638
pleaded guilty to any of the following: 9639

(a) A violation of section 2903.01, 2903.02, 2903.03, 9640
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 9641
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 9642
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 9643
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 9644
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 9645
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 9646
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 9647

2925.032, 2925.11, 2925.111, 2925.112, 2925.13, 2925.22, 9648
2925.23, or 3716.11 of the Revised Code; 9649

(b) An existing or former law of this state, any other 9650
state, or the United States that is substantially equivalent to 9651
any of the offenses listed in division (A)(2)(a) of this 9652
section. 9653

(3) On receipt of a request pursuant to section 173.27, 9654
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 9655
5123.081, or 5123.169 of the Revised Code, a completed form 9656
prescribed pursuant to division (C)(1) of this section, and a 9657
set of fingerprint impressions obtained in the manner described 9658
in division (C)(2) of this section, the superintendent of the 9659
bureau of criminal identification and investigation shall 9660
conduct a criminal records check of the person for whom the 9661
request is made. The superintendent shall conduct the criminal 9662
records check in the manner described in division (B) of this 9663
section to determine whether any information exists that 9664
indicates that the person who is the subject of the request 9665
previously has been convicted of, has pleaded guilty to, or 9666
(except in the case of a request pursuant to section 5164.34, 9667
5164.341, or 5164.342 of the Revised Code) has been found 9668
eligible for intervention in lieu of conviction for any of the 9669
following, regardless of the date of the conviction, the date of 9670
entry of the guilty plea, or (except in the case of a request 9671
pursuant to section 5164.34, 5164.341, or 5164.342 of the 9672
Revised Code) the date the person was found eligible for 9673
intervention in lieu of conviction: 9674

(a) A violation of section 959.13, 959.131, 2903.01, 9675
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 9676
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 9677

2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 9678
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 9679
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 9680
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 9681
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 9682
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 9683
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 9684
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 9685
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 9686
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 9687
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 9688
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 9689
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 9690
2925.03, 2925.031, 2925.032, 2925.04, 2925.041, 2925.05, 9691
2925.06, 2925.09, 2925.11, 2925.111, 2925.112, 2925.13, 2925.14, 9692
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 9693
2927.12, or 3716.11 of the Revised Code; 9694

(b) Felonious sexual penetration in violation of former 9695
section 2907.12 of the Revised Code; 9696

(c) A violation of section 2905.04 of the Revised Code as 9697
it existed prior to July 1, 1996; 9698

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 9699
the Revised Code when the underlying offense that is the object 9700
of the conspiracy, attempt, or complicity is one of the offenses 9701
listed in divisions (A) (3) (a) to (c) of this section; 9702

(e) A violation of an existing or former municipal 9703
ordinance or law of this state, any other state, or the United 9704
States that is substantially equivalent to any of the offenses 9705
listed in divisions (A) (3) (a) to (d) of this section. 9706

(4) On receipt of a request pursuant to section 2151.86 or 9707
2151.904 of the Revised Code, a completed form prescribed 9708
pursuant to division (C)(1) of this section, and a set of 9709
fingerprint impressions obtained in the manner described in 9710
division (C)(2) of this section, the superintendent of the 9711
bureau of criminal identification and investigation shall 9712
conduct a criminal records check in the manner described in 9713
division (B) of this section to determine whether any 9714
information exists that indicates that the person who is the 9715
subject of the request previously has been convicted of or 9716
pleaded guilty to any of the following: 9717

(a) A violation of section 959.13, 2903.01, 2903.02, 9718
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 9719
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 9720
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 9721
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 9722
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 9723
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 9724
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 9725
2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 2925.032, 9726
2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised 9727
Code, a violation of section 2905.04 of the Revised Code as it 9728
existed prior to July 1, 1996, a violation of section 2919.23 of 9729
the Revised Code that would have been a violation of section 9730
2905.04 of the Revised Code as it existed prior to July 1, 1996, 9731
had the violation been committed prior to that date, a violation 9732
of section 2925.11, 2925.111, or 2925.112 of the Revised Code 9733
that is not a minor drug possession offense, two or more OVI or 9734
OVUAC violations committed within the three years immediately 9735
preceding the submission of the application or petition that is 9736
the basis of the request, or felonious sexual penetration in 9737

violation of former section 2907.12 of the Revised Code; 9738

(b) A violation of an existing or former law of this 9739
state, any other state, or the United States that is 9740
substantially equivalent to any of the offenses listed in 9741
division (A)(4)(a) of this section. 9742

(5) Upon receipt of a request pursuant to section 5104.013 9743
of the Revised Code, a completed form prescribed pursuant to 9744
division (C)(1) of this section, and a set of fingerprint 9745
impressions obtained in the manner described in division (C)(2) 9746
of this section, the superintendent of the bureau of criminal 9747
identification and investigation shall conduct a criminal 9748
records check in the manner described in division (B) of this 9749
section to determine whether any information exists that 9750
indicates that the person who is the subject of the request has 9751
been convicted of or pleaded guilty to any of the following: 9752

(a) A violation of section 2151.421, 2903.01, 2903.02, 9753
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 9754
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 9755
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 9756
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 9757
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 9758
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 9759
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 9760
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 9761
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 9762
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 9763
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 9764
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 9765
2923.161, 2925.02, 2925.03, 2925.031, 2925.032, 2925.04, 9766
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 9767

sexual penetration in violation of former section 2907.12 of the 9768
Revised Code, a violation of section 2905.04 of the Revised Code 9769
as it existed prior to July 1, 1996, a violation of section 9770
2919.23 of the Revised Code that would have been a violation of 9771
section 2905.04 of the Revised Code as it existed prior to July 9772
1, 1996, had the violation been committed prior to that date, a 9773
violation of section 2925.11, 2925.111, or 2925.112 of the 9774
Revised Code that is not a minor drug possession offense, a 9775
violation of section 2923.02 or 2923.03 of the Revised Code that 9776
relates to a crime specified in this division, or a second 9777
violation of section 4511.19 of the Revised Code within five 9778
years of the date of application for licensure or certification. 9779

(b) A violation of an existing or former law of this 9780
state, any other state, or the United States that is 9781
substantially equivalent to any of the offenses or violations 9782
described in division (A) (5) (a) of this section. 9783

(6) Upon receipt of a request pursuant to section 5153.111 9784
of the Revised Code, a completed form prescribed pursuant to 9785
division (C) (1) of this section, and a set of fingerprint 9786
impressions obtained in the manner described in division (C) (2) 9787
of this section, the superintendent of the bureau of criminal 9788
identification and investigation shall conduct a criminal 9789
records check in the manner described in division (B) of this 9790
section to determine whether any information exists that 9791
indicates that the person who is the subject of the request 9792
previously has been convicted of or pleaded guilty to any of the 9793
following: 9794

(a) A violation of section 2903.01, 2903.02, 2903.03, 9795
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 9796
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 9797

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 9798
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 9799
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 9800
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 9801
2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, or 9802
3716.11 of the Revised Code, felonious sexual penetration in 9803
violation of former section 2907.12 of the Revised Code, a 9804
violation of section 2905.04 of the Revised Code as it existed 9805
prior to July 1, 1996, a violation of section 2919.23 of the 9806
Revised Code that would have been a violation of section 2905.04 9807
of the Revised Code as it existed prior to July 1, 1996, had the 9808
violation been committed prior to that date, or a violation of 9809
section 2925.11, 2925.111, or 2925.112 of the Revised Code that 9810
is not a minor drug possession offense; 9811

(b) A violation of an existing or former law of this 9812
state, any other state, or the United States that is 9813
substantially equivalent to any of the offenses listed in 9814
division (A) (6) (a) of this section. 9815

(7) On receipt of a request for a criminal records check 9816
from an individual pursuant to section 4749.03 or 4749.06 of the 9817
Revised Code, accompanied by a completed copy of the form 9818
prescribed in division (C) (1) of this section and a set of 9819
fingerprint impressions obtained in a manner described in 9820
division (C) (2) of this section, the superintendent of the 9821
bureau of criminal identification and investigation shall 9822
conduct a criminal records check in the manner described in 9823
division (B) of this section to determine whether any 9824
information exists indicating that the person who is the subject 9825
of the request has been convicted of or pleaded guilty to a 9826
felony in this state or in any other state. If the individual 9827
indicates that a firearm will be carried in the course of 9828

business, the superintendent shall require information from the 9829
federal bureau of investigation as described in division (B) (2) 9830
of this section. Subject to division (F) of this section, the 9831
superintendent shall report the findings of the criminal records 9832
check and any information the federal bureau of investigation 9833
provides to the director of public safety. 9834

(8) On receipt of a request pursuant to section 1321.37, 9835
1321.53, or 4763.05 of the Revised Code, a completed form 9836
prescribed pursuant to division (C) (1) of this section, and a 9837
set of fingerprint impressions obtained in the manner described 9838
in division (C) (2) of this section, the superintendent of the 9839
bureau of criminal identification and investigation shall 9840
conduct a criminal records check with respect to any person who 9841
has applied for a license, permit, or certification from the 9842
department of commerce or a division in the department. The 9843
superintendent shall conduct the criminal records check in the 9844
manner described in division (B) of this section to determine 9845
whether any information exists that indicates that the person 9846
who is the subject of the request previously has been convicted 9847
of or pleaded guilty to any of the following: a violation of 9848
section 2913.02, 2913.11, 2913.31, 2913.51, ~~or~~ 2925.03, 9849
2925.031, or 2925.032 of the Revised Code; any other criminal 9850
offense involving theft, receiving stolen property, 9851
embezzlement, forgery, fraud, passing bad checks, money 9852
laundering, or drug trafficking, or any criminal offense 9853
involving money or securities, as set forth in Chapters 2909., 9854
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 9855
Code; or any existing or former law of this state, any other 9856
state, or the United States that is substantially equivalent to 9857
those offenses. 9858

(9) On receipt of a request for a criminal records check 9859

from the treasurer of state under section 113.041 of the Revised 9860
Code or from an individual under section 928.03, 4701.08, 9861
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 9862
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 9863
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 9864
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 9865
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 9866
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 9867
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 9868
Code, accompanied by a completed form prescribed under division 9869
(C) (1) of this section and a set of fingerprint impressions 9870
obtained in the manner described in division (C) (2) of this 9871
section, the superintendent of the bureau of criminal 9872
identification and investigation shall conduct a criminal 9873
records check in the manner described in division (B) of this 9874
section to determine whether any information exists that 9875
indicates that the person who is the subject of the request has 9876
been convicted of or pleaded guilty to any criminal offense in 9877
this state or any other state. Subject to division (F) of this 9878
section, the superintendent shall send the results of a check 9879
requested under section 113.041 of the Revised Code to the 9880
treasurer of state and shall send the results of a check 9881
requested under any of the other listed sections to the 9882
licensing board specified by the individual in the request. 9883

(10) On receipt of a request pursuant to section 124.74, 9884
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 9885
Code, a completed form prescribed pursuant to division (C) (1) of 9886
this section, and a set of fingerprint impressions obtained in 9887
the manner described in division (C) (2) of this section, the 9888
superintendent of the bureau of criminal identification and 9889
investigation shall conduct a criminal records check in the 9890

manner described in division (B) of this section to determine 9891
whether any information exists that indicates that the person 9892
who is the subject of the request previously has been convicted 9893
of or pleaded guilty to any criminal offense under any existing 9894
or former law of this state, any other state, or the United 9895
States. 9896

(11) On receipt of a request for a criminal records check 9897
from an appointing or licensing authority under section 3772.07 9898
of the Revised Code, a completed form prescribed under division 9899
(C) (1) of this section, and a set of fingerprint impressions 9900
obtained in the manner prescribed in division (C) (2) of this 9901
section, the superintendent of the bureau of criminal 9902
identification and investigation shall conduct a criminal 9903
records check in the manner described in division (B) of this 9904
section to determine whether any information exists that 9905
indicates that the person who is the subject of the request 9906
previously has been convicted of or pleaded guilty or no contest 9907
to any offense under any existing or former law of this state, 9908
any other state, or the United States that is a disqualifying 9909
offense as defined in section 3772.07 of the Revised Code or 9910
substantially equivalent to such an offense. 9911

(12) On receipt of a request pursuant to section 2151.33 9912
or 2151.412 of the Revised Code, a completed form prescribed 9913
pursuant to division (C) (1) of this section, and a set of 9914
fingerprint impressions obtained in the manner described in 9915
division (C) (2) of this section, the superintendent of the 9916
bureau of criminal identification and investigation shall 9917
conduct a criminal records check with respect to any person for 9918
whom a criminal records check is required under that section. 9919
The superintendent shall conduct the criminal records check in 9920
the manner described in division (B) of this section to 9921

determine whether any information exists that indicates that the 9922
person who is the subject of the request previously has been 9923
convicted of or pleaded guilty to any of the following: 9924

(a) A violation of section 2903.01, 2903.02, 2903.03, 9925
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 9926
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 9927
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 9928
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 9929
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 9930
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 9931
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 9932
2925.032, 2925.11, 2925.111, 2925.112, 2925.13, 2925.22, 9933
2925.23, or 3716.11 of the Revised Code; 9934

(b) An existing or former law of this state, any other 9935
state, or the United States that is substantially equivalent to 9936
any of the offenses listed in division (A)(12)(a) of this 9937
section. 9938

(13) On receipt of a request pursuant to section 3796.12 9939
of the Revised Code, a completed form prescribed pursuant to 9940
division (C)(1) of this section, and a set of fingerprint 9941
impressions obtained in a manner described in division (C)(2) of 9942
this section, the superintendent of the bureau of criminal 9943
identification and investigation shall conduct a criminal 9944
records check in the manner described in division (B) of this 9945
section to determine whether any information exists that 9946
indicates that the person who is the subject of the request 9947
previously has been convicted of or pleaded guilty to the 9948
following: 9949

(a) A disqualifying offense as specified in rules adopted 9950
under division (B)(2)(b) of section 3796.03 of the Revised Code 9951

if the person who is the subject of the request is an 9952
administrator or other person responsible for the daily 9953
operation of, or an owner or prospective owner, officer or 9954
prospective officer, or board member or prospective board member 9955
of, an entity seeking a license from the department of commerce 9956
under Chapter 3796. of the Revised Code; 9957

(b) A disqualifying offense as specified in rules adopted 9958
under division (B) (2) (b) of section 3796.04 of the Revised Code 9959
if the person who is the subject of the request is an 9960
administrator or other person responsible for the daily 9961
operation of, or an owner or prospective owner, officer or 9962
prospective officer, or board member or prospective board member 9963
of, an entity seeking a license from the state board of pharmacy 9964
under Chapter 3796. of the Revised Code. 9965

(14) On receipt of a request required by section 3796.13 9966
of the Revised Code, a completed form prescribed pursuant to 9967
division (C) (1) of this section, and a set of fingerprint 9968
impressions obtained in a manner described in division (C) (2) of 9969
this section, the superintendent of the bureau of criminal 9970
identification and investigation shall conduct a criminal 9971
records check in the manner described in division (B) of this 9972
section to determine whether any information exists that 9973
indicates that the person who is the subject of the request 9974
previously has been convicted of or pleaded guilty to the 9975
following: 9976

(a) A disqualifying offense as specified in rules adopted 9977
under division (B) (8) (a) of section 3796.03 of the Revised Code 9978
if the person who is the subject of the request is seeking 9979
employment with an entity licensed by the department of commerce 9980
under Chapter 3796. of the Revised Code; 9981

(b) A disqualifying offense as specified in rules adopted 9982
under division (B) (14) (a) of section 3796.04 of the Revised Code 9983
if the person who is the subject of the request is seeking 9984
employment with an entity licensed by the state board of 9985
pharmacy under Chapter 3796. of the Revised Code. 9986

(15) On receipt of a request pursuant to section 4768.06 9987
of the Revised Code, a completed form prescribed under division 9988
(C) (1) of this section, and a set of fingerprint impressions 9989
obtained in the manner described in division (C) (2) of this 9990
section, the superintendent of the bureau of criminal 9991
identification and investigation shall conduct a criminal 9992
records check in the manner described in division (B) of this 9993
section to determine whether any information exists indicating 9994
that the person who is the subject of the request has been 9995
convicted of or pleaded guilty to a felony in this state or in 9996
any other state. 9997

(16) On receipt of a request pursuant to division (B) of 9998
section 4764.07 or division (A) of section 4735.143 of the 9999
Revised Code, a completed form prescribed under division (C) (1) 10000
of this section, and a set of fingerprint impressions obtained 10001
in the manner described in division (C) (2) of this section, the 10002
superintendent of the bureau of criminal identification and 10003
investigation shall conduct a criminal records check in the 10004
manner described in division (B) of this section to determine 10005
whether any information exists indicating that the person who is 10006
the subject of the request has been convicted of or pleaded 10007
guilty to any crime of moral turpitude, a felony, or an 10008
equivalent offense in any other state or the United States. 10009

(17) On receipt of a request for a criminal records check 10010
under section 147.022 of the Revised Code, a completed form 10011

prescribed under division (C)(1) of this section, and a set of 10012
fingerprint impressions obtained in the manner prescribed in 10013
division (C)(2) of this section, the superintendent of the 10014
bureau of criminal identification and investigation shall 10015
conduct a criminal records check in the manner described in 10016
division (B) of this section to determine whether any 10017
information exists that indicates that the person who is the 10018
subject of the request previously has been convicted of or 10019
pleaded guilty or no contest to any disqualifying offense, as 10020
defined in section 147.011 of the Revised Code, or to any 10021
offense under any existing or former law of this state, any 10022
other state, or the United States that is substantially 10023
equivalent to such a disqualifying offense. 10024

(B) Subject to division (F) of this section, the 10025
superintendent shall conduct any criminal records check to be 10026
conducted under this section as follows: 10027

(1) The superintendent shall review or cause to be 10028
reviewed any relevant information gathered and compiled by the 10029
bureau under division (A) of section 109.57 of the Revised Code 10030
that relates to the person who is the subject of the criminal 10031
records check, including, if the criminal records check was 10032
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 10033
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 10034
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 10035
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 10036
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 10037
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 10038
5153.111 of the Revised Code, any relevant information contained 10039
in records that have been sealed under section 2953.32 of the 10040
Revised Code; 10041

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

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

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law.

(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent

not later than the following number of days after the date the 10072
superintendent receives the request for the criminal records 10073
check, the completed form prescribed under division (C)(1) of 10074
this section, and the set of fingerprint impressions obtained in 10075
the manner described in division (C)(2) of this section: 10076

(a) If the superintendent is required by division (A) of 10077
this section (other than division (A)(3) of this section) to 10078
conduct the criminal records check, thirty; 10079

(b) If the superintendent is required by division (A)(3) 10080
of this section to conduct the criminal records check, sixty. 10081

(C)(1) The superintendent shall prescribe a form to obtain 10082
the information necessary to conduct a criminal records check 10083
from any person for whom a criminal records check is to be 10084
conducted under this section. The form that the superintendent 10085
prescribes pursuant to this division may be in a tangible 10086
format, in an electronic format, or in both tangible and 10087
electronic formats. 10088

(2) The superintendent shall prescribe standard impression 10089
sheets to obtain the fingerprint impressions of any person for 10090
whom a criminal records check is to be conducted under this 10091
section. Any person for whom a records check is to be conducted 10092
under this section shall obtain the fingerprint impressions at a 10093
county sheriff's office, municipal police department, or any 10094
other entity with the ability to make fingerprint impressions on 10095
the standard impression sheets prescribed by the superintendent. 10096
The office, department, or entity may charge the person a 10097
reasonable fee for making the impressions. The standard 10098
impression sheets the superintendent prescribes pursuant to this 10099
division may be in a tangible format, in an electronic format, 10100
or in both tangible and electronic formats. 10101

(3) Subject to division (D) of this section, the
superintendent shall prescribe and charge a reasonable fee for
providing a criminal records check under this section. The
person requesting the criminal records check shall pay the fee
prescribed pursuant to this division. In the case of a request
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47,
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the
fee shall be paid in the manner specified in that section.

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

(D) The results of a criminal records check conducted
under this section, other than a criminal records check
specified in division (A) (7) of this section, are valid for the
person who is the subject of the criminal records check for a
period of one year from the date upon which the superintendent
completes the criminal records check. If during that period the
superintendent receives another request for a criminal records
check to be conducted under this section for that person, the
superintendent shall provide the results from the previous
criminal records check of the person at a lower fee than the fee
prescribed for the initial criminal records check.

(E) When the superintendent receives a request for
information from a registered private provider, the
superintendent shall proceed as if the request was received from
a school district board of education under section 3319.39 of
the Revised Code. The superintendent shall apply division (A) (1)
(c) of this section to any such request for an applicant who is

a teacher. 10132

(F) (1) Subject to division (F) (2) of this section, all 10133
information regarding the results of a criminal records check 10134
conducted under this section that the superintendent reports or 10135
sends under division (A) (7) or (9) of this section to the 10136
director of public safety, the treasurer of state, or the 10137
person, board, or entity that made the request for the criminal 10138
records check shall relate to the conviction of the subject 10139
person, or the subject person's plea of guilty to, a criminal 10140
offense. 10141

(2) Division (F) (1) of this section does not limit, 10142
restrict, or preclude the superintendent's release of 10143
information that relates to the arrest of a person who is 10144
eighteen years of age or older, to an adjudication of a child as 10145
a delinquent child, or to a criminal conviction of a person 10146
under eighteen years of age in circumstances in which a release 10147
of that nature is authorized under division (E) (2), (3), or (4) 10148
of section 109.57 of the Revised Code pursuant to a rule adopted 10149
under division (E) (1) of that section. 10150

(G) As used in this section: 10151

(1) "Criminal records check" means any criminal records 10152
check conducted by the superintendent of the bureau of criminal 10153
identification and investigation in accordance with division (B) 10154
of this section. 10155

(2) "Minor drug possession offense" has the same meaning 10156
as in section 2925.01 of the Revised Code. 10157

(3) "OVI or OVUAC violation" means a violation of section 10158
4511.19 of the Revised Code or a violation of an existing or 10159
former law of this state, any other state, or the United States 10160

that is substantially equivalent to section 4511.19 of the Revised Code.

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

Sec. 128.04. (A) Public safety answering point personnel who are certified as emergency service telecommunicators under section 4742.03 of the Revised Code shall receive training in informing individuals who call about an apparent drug overdose about the immunity from prosecution for a minor drug possession offense created by ~~section~~ sections 2925.11, 2925.111, and 2925.112 of the Revised Code.

(B) Public safety answering point personnel who receive a call about an apparent drug overdose shall make reasonable efforts, upon the caller's inquiry, to inform the caller about the immunity from prosecution for a minor drug possession offense created by ~~section~~ sections 2925.11, 2925.111, and 2925.112 of the Revised Code.

Sec. 177.01. (A) The organized crime investigations commission, consisting of seven members, is hereby established in the office of the attorney general. One of the members shall be the attorney general. Of the remaining members, each of whom shall be appointed by the governor with the advice and consent of the senate, two shall be prosecuting attorneys, two shall be county sheriffs, and two shall be chief municipal law enforcement officers. No more than four members of the commission shall be members of the same political party.

Of the initial appointments to the commission, one member 10191
who is a prosecuting attorney and one who is a county sheriff 10192
each shall be appointed for terms ending September 3, 1987, one 10193
member who is a prosecuting attorney and one who is a chief 10194
municipal law enforcement officer each shall be appointed for 10195
terms ending September 3, 1988, and one member who is a county 10196
sheriff and one who is a chief municipal law enforcement officer 10197
each shall be appointed for terms ending September 3, 1989. 10198
Thereafter, terms of office of persons appointed to the 10199
commission shall be for three years, with each term ending on 10200
the same day of the same month of the year as did the term that 10201
it succeeds. Members may be reappointed. Each appointed member 10202
shall hold office from the date of the member's appointment 10203
until the end of the term for which the member was appointed, 10204
except that an appointed member who ceases to hold the office or 10205
position of prosecuting attorney, county sheriff, or chief 10206
municipal law enforcement officer prior to the expiration of the 10207
member's term of office on the commission shall cease to be a 10208
member of the commission on the date that the member ceases to 10209
hold the office or position. Vacancies shall be filled in the 10210
manner provided for original appointments. Any member appointed 10211
to fill a vacancy occurring prior to the expiration of the term 10212
for which the member's predecessor was appointed shall take 10213
office on the commission when the member is confirmed by the 10214
senate and shall hold office for the remainder of such term. Any 10215
member shall continue in office subsequent to the expiration 10216
date of the member's term until the member's successor takes 10217
office, or until a period of sixty days has elapsed, whichever 10218
occurs first. 10219

The attorney general shall become a member of the 10220
commission on September 3, 1986. Successors in office to that 10221

attorney general shall become members of the commission on the 10222
day they assume the office of attorney general. An attorney 10223
general's term of office as a member of the commission shall 10224
continue for as long as the person in question holds the office 10225
of attorney general. 10226

Each member of the commission may designate, in writing, 10227
another person to represent the member on the commission. If a 10228
member makes such a designation, either the member or the 10229
designee may perform the member's duties and exercise the 10230
member's authority on the commission. If a member makes such a 10231
designation, the member may revoke the designation by sending 10232
written notice of the revocation to the commission. Upon such a 10233
revocation, the member may designate a different person to 10234
represent the member on the commission by sending written notice 10235
of the designation to the commission at least two weeks prior to 10236
the date on which the new designation is to take effect. 10237

The attorney general or a person the attorney general 10238
designates pursuant to this division to represent the attorney 10239
general on the commission shall serve as chairperson of the 10240
commission. The commission shall meet within two weeks after all 10241
appointed members have been appointed, at a time and place 10242
determined by the governor. The commission shall organize by 10243
selecting a vice-chairperson and other officers who are 10244
necessary and shall adopt rules to govern its procedures. 10245
Thereafter, the commission shall meet at least once every six 10246
months, or more often upon the call of the chairperson or the 10247
written request of two or more members. Each member of the 10248
commission shall have one vote. Four members constitute a 10249
quorum, and four votes are required to validate an action of the 10250
commission. 10251

The members of the commission shall serve without 10252
compensation, but each member shall be reimbursed for actual and 10253
necessary expenses incurred in the performance of official 10254
duties. In the absence of the chairperson, the vice-chairperson 10255
shall perform the duties of the chairperson. 10256

(B) The commission shall coordinate investigations of 10257
organized criminal activity and perform all of the functions and 10258
duties relative to the investigations that are set forth in 10259
section 177.02 of the Revised Code, and it shall cooperate with 10260
departments and officers of the government of the United States 10261
in the suppression of organized criminal activity. 10262

(C) The commission shall appoint and fix the compensation 10263
of a director and such technical and clerical employees who are 10264
necessary to exercise the powers and carry out the duties of the 10265
commission, may enter into contracts with one or more 10266
consultants to assist in exercising those powers and carrying 10267
out those duties, and may enter into contracts and purchase any 10268
equipment necessary to the performance of its duties. The 10269
director and employees of the commission shall be members of the 10270
unclassified service as defined in section 124.11 of the Revised 10271
Code. The commission shall require the director and each 10272
employee, prior to commencing employment with the commission, to 10273
undergo an investigation for the purpose of obtaining a security 10274
clearance and, after the initial investigation, may require the 10275
director and each employee to undergo an investigation for that 10276
purpose at any time during the director's or employee's 10277
employment with the commission. The commission may require any 10278
consultant with whom it contracts to undergo an investigation 10279
for the purpose of obtaining a security clearance. An 10280
investigation under this division may include, but is not 10281
limited to, a polygraph examination and shall be conducted by an 10282

organization designated by the commission. 10283

(D) An appointed commission member may be removed from 10284
office as a member of the commission by the vote of four members 10285
of the commission or by the governor for any of the following 10286
reasons: 10287

(1) Neglect of duty, misconduct, incompetence, or 10288
malfeasance in office; 10289

(2) Conviction of or a plea of guilty to a felony or an 10290
offense of moral turpitude; 10291

(3) Being mentally ill or mentally incompetent; 10292

(4) Being the subject of an investigation by a task force 10293
established by the commission or another law enforcement agency, 10294
where the proof of criminal activity is evident or the 10295
presumption great; 10296

(5) Engaging in any activity or associating with any 10297
persons or organization inappropriate to the member's position 10298
as a member of the commission. 10299

(E) As used in sections 177.01 to 177.03 of the Revised 10300
Code: 10301

(1) "Organized criminal activity" means any combination or 10302
conspiracy to engage in activity that constitutes "engaging in a 10303
pattern of corrupt activity;" any violation, combination of 10304
violations, or conspiracy to commit one or more violations of 10305
section 2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, 10306
~~or 2925.11, 2925.111, or 2925.112~~ of the Revised Code other than 10307
a violation of section 2925.11, 2925.111, or 2925.112 of the 10308
Revised Code that is a minor drug possession offense; or any 10309
criminal activity that relates to the corruption of a public 10310

official, as defined in section 2921.01 of the Revised Code, or 10311
of a public servant of the type described in division (B) (3) of 10312
that section. 10313

(2) A person is engaging in an activity that constitutes 10314
"engaging in a pattern of corrupt activity" if any of the 10315
following apply: 10316

(a) The person is or was employed by, or associated with, 10317
an enterprise and the person conducts or participates in, 10318
directly or indirectly, the affairs of the enterprise through a 10319
pattern of corrupt activity or the collection of an unlawful 10320
debt. 10321

(b) The person, through a pattern of corrupt activity or 10322
the collection of an unlawful debt, acquires or maintains, 10323
directly or indirectly, an interest in, or control of, an 10324
enterprise or real property. 10325

(c) The person knowingly has received proceeds derived, 10326
directly or indirectly, from a pattern of corrupt activity or 10327
the collection of an unlawful debt and the person uses or 10328
invests, directly or indirectly, a part of those proceeds, or 10329
proceeds derived from the use or investment of any of those 10330
proceeds, in the acquisition of title to, or a right, interest, 10331
or equity in, real property or the establishment or operation of 10332
an enterprise. A purchase of securities on the open market with 10333
intent to make an investment, without intent to control or 10334
participate in the control of the issuer, and without intent to 10335
assist another to do so is not an activity that constitutes 10336
"engaging in a pattern of corrupt activity" if the securities of 10337
the issuer held after the purchase by the purchaser, the members 10338
of the purchaser's immediate family, and the purchaser's or 10339
members' accomplices in any pattern of corrupt activity or the 10340

collection of an unlawful debt, do not aggregate one per cent of 10341
the outstanding securities of any one class of the issuer and do 10342
not confer, in law or in fact, the power to elect one or more 10343
directors of the issuer. 10344

(3) "Pattern of corrupt activity" means two or more 10345
incidents of corrupt activity, whether or not there has been a 10346
prior conviction, that are related to the affairs of the same 10347
enterprise, are not isolated, and are not so closely related to 10348
each other and connected in time and place that they constitute 10349
a single event. At least one of the incidents forming the 10350
pattern shall occur on or after September 3, 1986. Unless any 10351
incident was an aggravated murder or murder, the most recent of 10352
the incidents forming the pattern shall occur within six years 10353
after the commission of any prior incident forming the pattern, 10354
excluding any period of imprisonment served by any person 10355
engaging in the corrupt activity. 10356

(4) "Corrupt activity," "unlawful debt," "enterprise," 10357
"person," "real property," and "beneficial interest" have the 10358
same meanings as in section 2923.31 of the Revised Code. 10359

(5) "Minor drug possession offense" has the same meaning 10360
as in section 2925.01 of the Revised Code. 10361

Sec. 2152.021. (A) (1) Subject to division (A) (2) of this 10362
section, any person having knowledge of a child who appears to 10363
be a juvenile traffic offender or to be a delinquent child may 10364
file a sworn complaint with respect to that child in the 10365
juvenile court of the county in which the child has a residence 10366
or legal settlement or in which the traffic offense or 10367
delinquent act allegedly occurred. The sworn complaint may be 10368
upon information and belief, and, in addition to the allegation 10369
that the child is a delinquent child or a juvenile traffic 10370

offender, the complaint shall allege the particular facts upon 10371
which the allegation that the child is a delinquent child or a 10372
juvenile traffic offender is based. 10373

If a child appears to be a delinquent child who is 10374
eligible for a serious youthful offender dispositional sentence 10375
under section 2152.11 of the Revised Code and if the prosecuting 10376
attorney desires to seek a serious youthful offender 10377
dispositional sentence under section 2152.13 of the Revised Code 10378
in regard to the child, the prosecuting attorney of the county 10379
in which the alleged delinquency occurs may initiate a case in 10380
the juvenile court of the county by presenting the case to a 10381
grand jury for indictment, by charging the child in a bill of 10382
information as a serious youthful offender pursuant to section 10383
2152.13 of the Revised Code, by requesting a serious youthful 10384
offender dispositional sentence in the original complaint 10385
alleging that the child is a delinquent child, or by filing with 10386
the juvenile court a written notice of intent to seek a serious 10387
youthful offender dispositional sentence. This paragraph does 10388
not apply regarding the imposition of a serious youthful 10389
offender dispositional sentence pursuant to section 2152.121 of 10390
the Revised Code. 10391

(2) Any person having knowledge of a child who appears to 10392
be a delinquent child for violating a court order regarding the 10393
child's adjudication as an unruly child for being an habitual 10394
truant, may file a sworn complaint with respect to that child, 10395
or with respect to that child and the parent, guardian, or other 10396
person having care of the child, in the juvenile court of the 10397
county in which the child has a residence or legal settlement or 10398
in which the child is supposed to attend public school. The 10399
sworn complaint may be upon information and belief and shall 10400
allege that the child is a delinquent child for violating a 10401

court order regarding the child's prior adjudication as an 10402
unruly child for being a habitual truant and, in addition, the 10403
particular facts upon which that allegation is based. If the 10404
complaint contains allegations regarding the child's parent, 10405
guardian, or other person having care of the child, the 10406
complaint additionally shall allege that the parent, guardian, 10407
or other person having care of the child has failed to cause the 10408
child's attendance at school in violation of section 3321.38 of 10409
the Revised Code and, in addition, the particular facts upon 10410
which that allegation is based. 10411

(B) Any person with standing under applicable law may file 10412
a complaint for the determination of any other matter over which 10413
the juvenile court is given jurisdiction by section 2151.23 of 10414
the Revised Code. The complaint shall be filed in the county in 10415
which the child who is the subject of the complaint is found or 10416
was last known to be found. 10417

(C) Within ten days after the filing of a complaint or the 10418
issuance of an indictment, the court shall give written notice 10419
of the filing of the complaint or the issuance of an indictment 10420
and of the substance of the complaint or indictment to the 10421
superintendent of a city, local, exempted village, or joint 10422
vocational school district if the complaint or indictment 10423
alleges that a child committed an act that would be a criminal 10424
offense if committed by an adult, that the child was sixteen 10425
years of age or older at the time of the commission of the 10426
alleged act, and that the alleged act is any of the following: 10427

(1) A violation of section 2923.122 of the Revised Code 10428
that relates to property owned or controlled by, or to an 10429
activity held under the auspices of, the board of education of 10430
that school district; 10431

(2) A violation of section 2923.12 of the Revised Code, of 10432
a substantially similar municipal ordinance, or of section 10433
2925.03, 2925.031, or 2925.032 of the Revised Code that was 10434
committed on property owned or controlled by, or at an activity 10435
held under the auspices of, the board of education of that 10436
school district; 10437

(3) A violation of section 2925.11, 2925.111, or 2925.112 10438
of the Revised Code that was committed on property owned or 10439
controlled by, or at an activity held under the auspices of, the 10440
board of education of that school district, other than a 10441
violation of that section that would be a minor drug possession 10442
offense if committed by an adult; 10443

(4) A violation of section 2903.01, 2903.02, 2903.03, 10444
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 10445
Code, or a violation of former section 2907.12 of the Revised 10446
Code, that was committed on property owned or controlled by, or 10447
at an activity held under the auspices of, the board of 10448
education of that school district, if the victim at the time of 10449
the commission of the alleged act was an employee of the board 10450
of education of that school district; 10451

(5) Complicity in any violation described in division (C) 10452
(1), (2), (3), or (4) of this section that was alleged to have 10453
been committed in the manner described in division (C) (1), (2), 10454
(3), or (4) of this section, regardless of whether the act of 10455
complicity was committed on property owned or controlled by, or 10456
at an activity held under the auspices of, the board of 10457
education of that school district. 10458

(D) A public children services agency, acting pursuant to 10459
a complaint or an action on a complaint filed under this 10460
section, is not subject to the requirements of section 3127.23 10461

of the Revised Code. 10462

(E) For purposes of the record to be maintained by the 10463
clerk under division (B) of section 2152.71 of the Revised Code, 10464
when a complaint is filed that alleges that a child is a 10465
delinquent child, the court shall determine if the victim of the 10466
alleged delinquent act was sixty-five years of age or older or 10467
permanently and totally disabled at the time of the alleged 10468
commission of the act. 10469

(F)(1) At any time after the filing of a complaint 10470
alleging that a child is a delinquent child and before 10471
adjudication, the court may hold a hearing to determine whether 10472
to hold the complaint in abeyance pending the child's successful 10473
completion of actions that constitute a method to divert the 10474
child from the juvenile court system if the child agrees to the 10475
hearing and either of the following applies: 10476

(a) The act charged would be a violation of section 10477
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 10478
were an adult. 10479

(b) The court has reason to believe that the child is a 10480
victim of a violation of section 2905.32 of the Revised Code, 10481
regardless of whether any person has been convicted of a 10482
violation of that section or of any other section for 10483
victimizing the child, and the act charged is related to the 10484
child's victimization. 10485

(2) The prosecuting attorney has the right to participate 10486
in any hearing held under division (F)(1) of this section, to 10487
object to holding the complaint that is the subject of the 10488
hearing in abeyance, and to make recommendations related to 10489
diversion actions. No statement made by a child at a hearing 10490

held under division (F)(1) of this section is admissible in any 10491
subsequent proceeding against the child. 10492

(3) If either division (F)(1)(a) or (b) of this section 10493
applies, the court shall promptly appoint a guardian ad litem 10494
for the child. The court shall not appoint the child's attorney 10495
as guardian ad litem. If the court decides to hold the complaint 10496
in abeyance, the guardian ad litem shall make recommendations 10497
that are in the best interest of the child to the court. 10498

(4) If after a hearing the court decides to hold the 10499
complaint in abeyance, the court may make any orders regarding 10500
placement, services, supervision, diversion actions, and 10501
conditions of abeyance, including, but not limited to, 10502
engagement in trauma-based behavioral health services or 10503
education activities, that the court considers appropriate and 10504
in the best interest of the child. The court may hold the 10505
complaint in abeyance for up to ninety days while the child 10506
engages in diversion actions. If the child violates the 10507
conditions of abeyance or does not complete the diversion 10508
actions to the court's satisfaction within ninety days, the 10509
court may extend the period of abeyance for not more than two 10510
additional ninety-day periods. 10511

(5) If the court holds the complaint in abeyance and the 10512
child complies with the conditions of abeyance and completes the 10513
diversion actions to the court's satisfaction, the court shall 10514
dismiss the complaint and order that the records pertaining to 10515
the case be expunged immediately. If the child fails to complete 10516
the diversion actions to the court's satisfaction, the court 10517
shall proceed upon the complaint. 10518

Sec. 2152.18. (A) When a juvenile court commits a 10519
delinquent child to the custody of the department of youth 10520

services pursuant to this chapter, the court shall not designate 10521
the specific institution in which the department is to place the 10522
child but instead shall specify that the child is to be 10523
institutionalized in a secure facility. 10524

(B) When a juvenile court commits a delinquent child to 10525
the custody of the department of youth services pursuant to this 10526
chapter, the court shall state in the order of commitment the 10527
total number of days that the child has been confined in 10528
connection with the delinquent child complaint upon which the 10529
order of commitment is based. The court shall not include days 10530
that the child has been under electronic monitoring or house 10531
arrest or days that the child has been confined in a halfway 10532
house. The department shall reduce the minimum period of 10533
institutionalization that was ordered by both the total number 10534
of days that the child has been so confined as stated by the 10535
court in the order of commitment and the total number of any 10536
additional days that the child has been confined subsequent to 10537
the order of commitment but prior to the transfer of physical 10538
custody of the child to the department. 10539

(C) (1) When a juvenile court commits a delinquent child to 10540
the custody of the department of youth services pursuant to this 10541
chapter, the court shall provide the department with the child's 10542
medical records, a copy of the report of any mental examination 10543
of the child ordered by the court, the Revised Code section or 10544
sections the child violated and the degree of each violation, 10545
the warrant to convey the child to the department, a copy of the 10546
court's journal entry ordering the commitment of the child to 10547
the legal custody of the department, a copy of the arrest record 10548
pertaining to the act for which the child was adjudicated a 10549
delinquent child, a copy of any victim impact statement 10550
pertaining to the act, and any other information concerning the 10551

child that the department reasonably requests. The court also 10552
shall complete the form for the standard predisposition 10553
investigation report that the department furnishes pursuant to 10554
section 5139.04 of the Revised Code and provide the department 10555
with the completed form. 10556

The department may refuse to accept physical custody of a 10557
delinquent child who is committed to the legal custody of the 10558
department until the court provides to the department the 10559
documents specified in this division. No officer or employee of 10560
the department who refuses to accept physical custody of a 10561
delinquent child who is committed to the legal custody of the 10562
department shall be subject to prosecution or contempt of court 10563
for the refusal if the court fails to provide the documents 10564
specified in this division at the time the court transfers the 10565
physical custody of the child to the department. 10566

(2) Within twenty working days after the department of 10567
youth services receives physical custody of a delinquent child 10568
from a juvenile court, the court shall provide the department 10569
with a certified copy of the child's birth certificate and the 10570
child's social security number or, if the court made all 10571
reasonable efforts to obtain the information but was 10572
unsuccessful, with documentation of the efforts it made to 10573
obtain the information. 10574

(3) If an officer is preparing pursuant to section 2947.06 10575
or 2951.03 of the Revised Code or Criminal Rule 32.2 a 10576
presentence investigation report pertaining to a person, the 10577
department shall make available to the officer, for use in 10578
preparing the report, any records or reports it possesses 10579
regarding that person that it received from a juvenile court 10580
pursuant to division (C) (1) of this section or that pertain to 10581

the treatment of that person after the person was committed to 10582
the custody of the department as a delinquent child. 10583

(D) (1) Within ten days after an adjudication that a child 10584
is a delinquent child, the court shall give written notice of 10585
the adjudication to the superintendent of a city, local, 10586
exempted village, or joint vocational school district, and to 10587
the principal of the school the child attends, if the basis of 10588
the adjudication was the commission of an act that would be a 10589
criminal offense if committed by an adult, if the act was 10590
committed by the delinquent child when the child was fourteen 10591
years of age or older, and if the act is any of the following: 10592

(a) An act that would be a felony or an offense of 10593
violence if committed by an adult, an act in the commission of 10594
which the child used or brandished a firearm, or an act that is 10595
a violation of section 2907.06, 2907.07, 2907.08, 2907.09, 10596
2907.24, or 2907.241 of the Revised Code and that would be a 10597
misdemeanor if committed by an adult; 10598

(b) A violation of section 2923.12 of the Revised Code or 10599
of a substantially similar municipal ordinance that would be a 10600
misdemeanor if committed by an adult and that was committed on 10601
property owned or controlled by, or at an activity held under 10602
the auspices of, the board of education of that school district; 10603

(c) A violation of division (A) of section 2925.03~~or,~~ 10604
2925.031, 2925.032, 2925.11, 2925.111, or 2925.112 of the 10605
Revised Code that would be a misdemeanor if committed by an 10606
adult, that was committed on property owned or controlled by, or 10607
at an activity held under the auspices of, the board of 10608
education of that school district, and that is not a minor drug 10609
possession offense; 10610

(d) An act that would be a criminal offense if committed 10611
by an adult and that results in serious physical harm to persons 10612
or serious physical harm to property while the child is at 10613
school, on any other property owned or controlled by the board, 10614
or at an interscholastic competition, an extracurricular event, 10615
or any other school program or activity; 10616

(e) Complicity in any violation described in division (D) 10617
(1) (a), (b), (c), or (d) of this section that was alleged to 10618
have been committed in the manner described in division (D) (1) 10619
(a), (b), (c), or (d) of this section, regardless of whether the 10620
act of complicity was committed on property owned or controlled 10621
by, or at an activity held under the auspices of, the board of 10622
education of that school district. 10623

(2) The notice given pursuant to division (D) (1) of this 10624
section shall include the name of the child who was adjudicated 10625
to be a delinquent child, the child's age at the time the child 10626
committed the act that was the basis of the adjudication, and 10627
identification of the violation of the law or ordinance that was 10628
the basis of the adjudication. 10629

(3) Within fourteen days after committing a delinquent 10630
child to the custody of the department of youth services, the 10631
court shall give notice to the school attended by the child of 10632
the child's commitment by sending to that school a copy of the 10633
court's journal entry ordering the commitment. As soon as 10634
possible after receipt of the notice described in this division, 10635
the school shall provide the department with the child's school 10636
transcript. However, the department shall not refuse to accept a 10637
child committed to it, and a child committed to it shall not be 10638
held in a county or district detention facility, because of a 10639
school's failure to provide the school transcript that it is 10640

required to provide under this division. 10641

(4) Within fourteen days after discharging or releasing a 10642
child from an institution under its control, the department of 10643
youth services shall provide the court and the superintendent of 10644
the school district in which the child is entitled to attend 10645
school under section 3313.64 or 3313.65 of the Revised Code with 10646
the following: 10647

(a) An updated copy of the child's school transcript; 10648

(b) A report outlining the child's behavior in school 10649
while in the custody of the department; 10650

(c) The child's current individualized education program, 10651
as defined in section 3323.01 of the Revised Code, if such a 10652
program has been developed for the child; 10653

(d) A summary of the institutional record of the child's 10654
behavior. 10655

The department also shall provide the court with a copy of 10656
any portion of the child's institutional record that the court 10657
specifically requests, within five working days of the request. 10658

(E) At any hearing at which a child is adjudicated a 10659
delinquent child or as soon as possible after the hearing, the 10660
court shall notify all victims of the delinquent act who may be 10661
entitled to a recovery under any of the following sections of 10662
the right of the victims to recover, pursuant to section 3109.09 10663
of the Revised Code, compensatory damages from the child's 10664
parents; of the right of the victims to recover, pursuant to 10665
section 3109.10 of the Revised Code, compensatory damages from 10666
the child's parents for willful and malicious assaults committed 10667
by the child; and of the right of the victims to recover an 10668
award of reparations pursuant to sections 2743.51 to 2743.72 of 10669

the Revised Code. 10670

Sec. 2743.60. (A) The attorney general or the court of 10671
claims shall not make or order an award of reparations to a 10672
claimant if the criminally injurious conduct upon which the 10673
claimant bases a claim never was reported to a law enforcement 10674
officer or agency. 10675

(B) (1) The attorney general or the court of claims shall 10676
not make or order an award of reparations to a claimant if any 10677
of the following apply: 10678

(a) The claimant is the offender or an accomplice of the 10679
offender who committed the criminally injurious conduct, or the 10680
award would unjustly benefit the offender or accomplice. 10681

(b) Except as provided in division (B) (2) of this section, 10682
both of the following apply: 10683

(i) The victim was a passenger in a motor vehicle and knew 10684
or reasonably should have known that the driver was under the 10685
influence of alcohol, a drug of abuse, or both. 10686

(ii) The claimant is seeking compensation for injuries 10687
proximately caused by the driver described in division (B) (1) (b) 10688
(i) of this section being under the influence of alcohol, a drug 10689
of abuse, or both. 10690

(c) Both of the following apply: 10691

(i) The victim was under the influence of alcohol, a drug 10692
of abuse, or both and was a passenger in a motor vehicle and, if 10693
sober, should have reasonably known that the driver was under 10694
the influence of alcohol, a drug of abuse, or both. 10695

(ii) The claimant is seeking compensation for injuries 10696
proximately caused by the driver described in division (B) (1) (b) 10697

(i) of this section being under the influence of alcohol, a drug 10698
of abuse, or both. 10699

(2) Division (B)(1)(b) of this section does not apply if 10700
on the date of the occurrence of the criminally injurious 10701
conduct, the victim was under sixteen years of age or was at 10702
least sixteen years of age but less than eighteen years of age 10703
and was riding with a parent, guardian, or care-provider. 10704

(C) The attorney general or the court of claims, upon a 10705
finding that the claimant or victim has not fully cooperated 10706
with appropriate law enforcement agencies, may deny a claim or 10707
reconsider and reduce an award of reparations. 10708

(D) The attorney general or the court of claims shall 10709
reduce an award of reparations or deny a claim for an award of 10710
reparations that is otherwise payable to a claimant to the 10711
extent that the economic loss upon which the claim is based is 10712
recouped from other persons, including collateral sources. If an 10713
award is reduced or a claim is denied because of the expected 10714
recoupment of all or part of the economic loss of the claimant 10715
from a collateral source, the amount of the award or the denial 10716
of the claim shall be conditioned upon the claimant's economic 10717
loss being recouped by the collateral source. If the award or 10718
denial is conditioned upon the recoupment of the claimant's 10719
economic loss from a collateral source and it is determined that 10720
the claimant did not unreasonably fail to present a timely claim 10721
to the collateral source and will not receive all or part of the 10722
expected recoupment, the claim may be reopened and an award may 10723
be made in an amount equal to the amount of expected recoupment 10724
that it is determined the claimant will not receive from the 10725
collateral source. 10726

If the claimant recoups all or part of the economic loss 10727

upon which the claim is based from any other person or entity, 10728
including a collateral source, the attorney general may recover 10729
pursuant to section 2743.72 of the Revised Code the part of the 10730
award that represents the economic loss for which the claimant 10731
received the recoupment from the other person or entity. 10732

(E) (1) Except as otherwise provided in division (E) (2) of 10733
this section, the attorney general or the court of claims shall 10734
not make an award to a claimant if any of the following applies: 10735

(a) The victim was convicted of a felony within ten years 10736
prior to the criminally injurious conduct that gave rise to the 10737
claim or is convicted of a felony during the pendency of the 10738
claim. 10739

(b) The claimant was convicted of a felony within ten 10740
years prior to the criminally injurious conduct that gave rise 10741
to the claim or is convicted of a felony during the pendency of 10742
the claim. 10743

(c) It is proved by a preponderance of the evidence that 10744
the victim or the claimant engaged, within ten years prior to 10745
the criminally injurious conduct that gave rise to the claim or 10746
during the pendency of the claim, in an offense of violence, a 10747
violation of section 2925.03, 2925.031, or 2925.032 of the 10748
Revised Code, or any substantially similar offense that also 10749
would constitute a felony under the laws of this state, another 10750
state, or the United States. 10751

(d) The claimant was convicted of a violation of section 10752
2919.22 or 2919.25 of the Revised Code, or of any state law or 10753
municipal ordinance substantially similar to either section, 10754
within ten years prior to the criminally injurious conduct that 10755
gave rise to the claim or during the pendency of the claim. 10756

(e) It is proved by a preponderance of the evidence that 10757
the victim at the time of the criminally injurious conduct that 10758
gave rise to the claim engaged in conduct that was a felony 10759
violation of section 2925.11, 2925.111, or 2925.112 of the 10760
Revised Code or engaged in any substantially similar conduct 10761
that would constitute a felony under the laws of this state, 10762
another state, or the United States. 10763

(2) The attorney general or the court of claims may make 10764
an award to a minor dependent of a deceased victim for 10765
dependent's economic loss or for counseling pursuant to division 10766
(F) (2) of section 2743.51 of the Revised Code if the minor 10767
dependent is not ineligible under division (E) (1) of this 10768
section due to the minor dependent's criminal history and if the 10769
victim was not killed while engaging in illegal conduct that 10770
contributed to the criminally injurious conduct that gave rise 10771
to the claim. For purposes of this section, the use of illegal 10772
drugs by the deceased victim shall not be deemed to have 10773
contributed to the criminally injurious conduct that gave rise 10774
to the claim. 10775

(F) In determining whether to make an award of reparations 10776
pursuant to this section, the attorney general or the court of 10777
claims shall consider whether there was contributory misconduct 10778
by the victim or the claimant. The attorney general or the court 10779
of claims shall reduce an award of reparations or deny a claim 10780
for an award of reparations to the extent it is determined to be 10781
reasonable because of the contributory misconduct of the 10782
claimant or the victim. 10783

When the attorney general decides whether a claim should 10784
be denied because of an allegation of contributory misconduct, 10785
the burden of proof on the issue of that alleged contributory 10786

misconduct shall be upon the claimant, if either of the 10787
following apply: 10788

(1) The victim was convicted of a felony more than ten 10789
years prior to the criminally injurious conduct that is the 10790
subject of the claim or has a record of felony arrests under the 10791
laws of this state, another state, or the United States. 10792

(2) There is good cause to believe that the victim engaged 10793
in an ongoing course of criminal conduct within five years or 10794
less of the criminally injurious conduct that is the subject of 10795
the claim. 10796

(G) The attorney general or the court of claims shall not 10797
make an award of reparations to a claimant if the criminally 10798
injurious conduct that caused the injury or death that is the 10799
subject of the claim occurred to a victim who was an adult and 10800
while the victim, after being convicted of or pleading guilty to 10801
an offense, was serving a sentence of imprisonment in any 10802
detention facility, as defined in section 2921.01 of the Revised 10803
Code. 10804

(H) If a claimant unreasonably fails to present a claim 10805
timely to a source of benefits or advantages that would have 10806
been a collateral source and that would have reimbursed the 10807
claimant for all or a portion of a particular expense, the 10808
attorney general or the court of claims may reduce an award of 10809
reparations or deny a claim for an award of reparations to the 10810
extent that it is reasonable to do so. 10811

(I) Reparations payable to a victim and to all other 10812
claimants sustaining economic loss because of injury to or the 10813
death of that victim shall not exceed fifty thousand dollars in 10814
the aggregate. If the attorney general or the court of claims 10815

reduces an award under division (F) of this section, the maximum 10816
aggregate amount of reparations payable under this division 10817
shall be reduced proportionately to the reduction under division 10818
(F) of this section. 10819

(J) Nothing in this section shall be construed to prohibit 10820
an award to a claimant whose claim is based on the claimant's 10821
being a victim of a violation of section 2905.32 of the Revised 10822
Code if the claimant was less than eighteen years of age when 10823
the criminally injurious conduct occurred. 10824

Sec. 2923.01. (A) No person, with purpose to commit or to 10825
promote or facilitate the commission of aggravated murder, 10826
murder, kidnapping, abduction, compelling prostitution, 10827
promoting prostitution, trafficking in persons, aggravated 10828
arson, arson, aggravated robbery, robbery, aggravated burglary, 10829
burglary, trespassing in a habitation when a person is present 10830
or likely to be present, engaging in a pattern of corrupt 10831
activity, corrupting another with drugs, a felony drug 10832
trafficking, manufacturing, processing, or possession offense, 10833
theft of drugs, or illegal processing of drug documents, the 10834
commission of a felony offense of unauthorized use of a vehicle, 10835
illegally transmitting multiple commercial electronic mail 10836
messages or unauthorized access of a computer in violation of 10837
section 2923.421 of the Revised Code, or the commission of a 10838
violation of any provision of Chapter 3734. of the Revised Code, 10839
other than section 3734.18 of the Revised Code, that relates to 10840
hazardous wastes, shall do either of the following: 10841

(1) With another person or persons, plan or aid in 10842
planning the commission of any of the specified offenses; 10843

(2) Agree with another person or persons that one or more 10844
of them will engage in conduct that facilitates the commission 10845

of any of the specified offenses. 10846

(B) No person shall be convicted of conspiracy unless a 10847
substantial overt act in furtherance of the conspiracy is 10848
alleged and proved to have been done by the accused or a person 10849
with whom the accused conspired, subsequent to the accused's 10850
entrance into the conspiracy. For purposes of this section, an 10851
overt act is substantial when it is of a character that 10852
manifests a purpose on the part of the actor that the object of 10853
the conspiracy should be completed. 10854

(C) When the offender knows or has reasonable cause to 10855
believe that a person with whom the offender conspires also has 10856
conspired or is conspiring with another to commit the same 10857
offense, the offender is guilty of conspiring with that other 10858
person, even though the other person's identity may be unknown 10859
to the offender. 10860

(D) It is no defense to a charge under this section that, 10861
in retrospect, commission of the offense that was the object of 10862
the conspiracy was impossible under the circumstances. 10863

(E) A conspiracy terminates when the offense or offenses 10864
that are its objects are committed or when it is abandoned by 10865
all conspirators. In the absence of abandonment, it is no 10866
defense to a charge under this section that no offense that was 10867
the object of the conspiracy was committed. 10868

(F) A person who conspires to commit more than one offense 10869
is guilty of only one conspiracy, when the offenses are the 10870
object of the same agreement or continuous conspiratorial 10871
relationship. 10872

(G) When a person is convicted of committing or attempting 10873
to commit a specific offense or of complicity in the commission 10874

of or attempt to commit the specific offense, the person shall 10875
not be convicted of conspiracy involving the same offense. 10876

(H) (1) No person shall be convicted of conspiracy upon the 10877
testimony of a person with whom the defendant conspired, 10878
unsupported by other evidence. 10879

(2) If a person with whom the defendant allegedly has 10880
conspired testifies against the defendant in a case in which the 10881
defendant is charged with conspiracy and if the testimony is 10882
supported by other evidence, the court, when it charges the 10883
jury, shall state substantially the following: 10884

"The testimony of an accomplice that is supported by other 10885
evidence does not become inadmissible because of the 10886
accomplice's complicity, moral turpitude, or self-interest, but 10887
the admitted or claimed complicity of a witness may affect the 10888
witness' credibility and make the witness' testimony subject to 10889
grave suspicion, and require that it be weighed with great 10890
caution. 10891

It is for you, as jurors, in the light of all the facts 10892
presented to you from the witness stand, to evaluate such 10893
testimony and to determine its quality and worth or its lack of 10894
quality and worth." 10895

(3) "Conspiracy," as used in division (H) (1) of this 10896
section, does not include any conspiracy that results in an 10897
attempt to commit an offense or in the commission of an offense. 10898

(I) The following are affirmative defenses to a charge of 10899
conspiracy: 10900

(1) After conspiring to commit an offense, the actor 10901
thwarted the success of the conspiracy under circumstances 10902
manifesting a complete and voluntary renunciation of the actor's 10903

criminal purpose. 10904

(2) After conspiring to commit an offense, the actor 10905
abandoned the conspiracy prior to the commission of or attempt 10906
to commit any offense that was the object of the conspiracy, 10907
either by advising all other conspirators of the actor's 10908
abandonment, or by informing any law enforcement authority of 10909
the existence of the conspiracy and of the actor's participation 10910
in the conspiracy. 10911

(J) Whoever violates this section is guilty of conspiracy, 10912
which is one of the following: 10913

(1) A felony of the first degree, when one of the objects 10914
of the conspiracy is aggravated murder, murder, or an offense 10915
for which the maximum penalty is imprisonment for life; 10916

(2) A felony of the next lesser degree than the most 10917
serious offense that is the object of the conspiracy, when the 10918
most serious offense that is the object of the conspiracy is a 10919
felony of the first, second, third, or fourth degree; 10920

(3) A felony punishable by a fine of not more than twenty- 10921
five thousand dollars or imprisonment for not more than eighteen 10922
months, or both, when the offense that is the object of the 10923
conspiracy is a violation of any provision of Chapter 3734. of 10924
the Revised Code, other than section 3734.18 of the Revised 10925
Code, that relates to hazardous wastes; 10926

(4) A misdemeanor of the first degree, when the most 10927
serious offense that is the object of the conspiracy is a felony 10928
of the fifth degree. 10929

(K) This section does not define a separate conspiracy 10930
offense or penalty where conspiracy is defined as an offense by 10931
one or more sections of the Revised Code, other than this 10932

section. In such a case, however: 10933

(1) With respect to the offense specified as the object of 10934
the conspiracy in the other section or sections, division (A) of 10935
this section defines the voluntary act or acts and culpable 10936
mental state necessary to constitute the conspiracy; 10937

(2) Divisions (B) to (I) of this section are incorporated 10938
by reference in the conspiracy offense defined by the other 10939
section or sections of the Revised Code. 10940

(L) (1) In addition to the penalties that otherwise are 10941
imposed for conspiracy, a person who is found guilty of 10942
conspiracy to engage in a pattern of corrupt activity is subject 10943
to divisions (B) (2) and (3) of section 2923.32, division (A) of 10944
section 2981.04, and division (D) of section 2981.06 of the 10945
Revised Code. 10946

(2) If a person is convicted of or pleads guilty to 10947
conspiracy and if the most serious offense that is the object of 10948
the conspiracy is a felony drug trafficking, manufacturing, 10949
processing, or possession offense, in addition to the penalties 10950
or sanctions that may be imposed for the conspiracy under 10951
division (J) (2) or (4) of this section and Chapter 2929. of the 10952
Revised Code, both of the following apply: 10953

(a) The provisions of divisions ~~(D)~~, ~~(F)~~, (L), (N), and 10954
~~(G)~~ ~~(O)~~ of section 2925.03 and the related provisions of 10955
sections 2925.031 and 2925.032, division (D) of section 2925.04, 10956
division (D) of section 2925.05, division (D) of section 10957
2925.06, and division (E) of section 2925.11 and the related 10958
provisions of sections 2925.111 and 2925.112 of the Revised Code 10959
that pertain to mandatory and additional fines, driver's or 10960
commercial driver's license or permit suspensions, and 10961

professionally licensed persons and that would apply under the 10962
appropriate provisions of those divisions to a person who is 10963
convicted of or pleads guilty to the felony drug trafficking, 10964
manufacturing, processing, or possession offense that is the 10965
most serious offense that is the basis of the conspiracy shall 10966
apply to the person who is convicted of or pleads guilty to the 10967
conspiracy as if the person had been convicted of or pleaded 10968
guilty to the felony drug trafficking, manufacturing, 10969
processing, or possession offense that is the most serious 10970
offense that is the basis of the conspiracy. 10971

(b) The court that imposes sentence upon the person who is 10972
convicted of or pleads guilty to the conspiracy shall comply 10973
with the provisions identified as being applicable under 10974
division (L) (2) of this section, in addition to any other 10975
penalty or sanction that it imposes for the conspiracy under 10976
division (J) (2) or (4) of this section and Chapter 2929. of the 10977
Revised Code. 10978

(M) As used in this section: 10979

(1) "Felony drug trafficking, manufacturing, processing, 10980
or possession offense" means any of the following that is a 10981
felony: 10982

(a) A violation of section 2925.03, 2925.031, 2925.032, 10983
2925.04, 2925.05, or 2925.06 of the Revised Code; 10984

(b) A violation of section 2925.11, 2925.111, or 2925.112 10985
of the Revised Code that is not a minor drug possession offense. 10986

(2) "Minor drug possession offense" has the same meaning 10987
as in section 2925.01 of the Revised Code. 10988

Sec. 2923.241. (A) As used in this section: 10989

- (1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 10990
10991
- (2) "Hidden compartment" means a container, space, or enclosure that conceals, hides, or otherwise prevents the discovery of the contents of the container, space, or enclosure. 10992
10993
"Hidden compartment" includes, but is not limited to, any of the 10994
following: 10995
10996
- (a) False, altered, or modified fuel tanks; 10997
- (b) Any original factory equipment on a vehicle that has been modified to conceal, hide, or prevent the discovery of the modified equipment's contents; 10998
10999
11000
- (c) Any compartment, space, box, or other closed container that is added or attached to existing compartments, spaces, boxes, or closed containers integrated or attached to a vehicle. 11001
11002
11003
- (3) "Vehicle" has the same meaning as in section 4511.01 of the Revised Code and includes, but is not limited to, a motor vehicle, commercial tractor, trailer, noncommercial trailer, semitrailer, mobile home, recreational vehicle, or motor home. 11004
11005
11006
11007
- (4) "Motor vehicle," "commercial trailer," "trailer," "noncommercial trailer," "semitrailer," "mobile home," "manufacturer," "recreational vehicle," and "motor home" have the same meanings as in section 4501.01 of the Revised Code. 11008
11009
11010
11011
- (5) "Motor vehicle dealer" has the same meaning as in section 4517.01 of the Revised Code. 11012
11013
- (B) No person shall knowingly design, build, construct, or fabricate a vehicle with a hidden compartment, or modify or alter any portion of a vehicle in order to create or add a hidden compartment, with the intent to facilitate the unlawful 11014
11015
11016
11017

concealment or transportation of a controlled substance. 11018

(C) No person shall knowingly operate, possess, or use a 11019
vehicle with a hidden compartment with knowledge that the hidden 11020
compartment is used or intended to be used to facilitate the 11021
unlawful concealment or transportation of a controlled 11022
substance. 11023

(D) No person who has been convicted of or pleaded guilty 11024
to a violation of aggravated trafficking in drugs under section 11025
2925.03 of the Revised Code as it existed prior to the effective 11026
date of this amendment that is a felony of the first or second 11027
degree, or a violation of section 2925.03, 2925.031, or 2925.032 11028
of the Revised Code as those sections exist on and after the 11029
effective date of this amendment and that involve a schedule I 11030
or schedule II controlled substance and are a felony of the 11031
first or second degree, shall operate, possess, or use a vehicle 11032
with a hidden compartment. 11033

(E) Whoever violates division (B) of this section is 11034
guilty of designing a vehicle with a hidden compartment used to 11035
transport a controlled substance. Except as otherwise provided 11036
in this division, designing a vehicle with a hidden compartment 11037
used to transport a controlled substance is a felony of the 11038
fourth degree. If the offender previously has been convicted of 11039
or pleaded guilty to a violation of division (B) of this 11040
section, designing a vehicle with a hidden compartment used to 11041
transport a controlled substance is a felony of the third 11042
degree. 11043

(F) Whoever violates division (C) or (D) of this section 11044
is guilty of operating a vehicle with a hidden compartment used 11045
to transport a controlled substance. Except as otherwise 11046
provided in this division, operating a vehicle with a hidden 11047

compartment used to transport a controlled substance is a felony 11048
of the fourth degree. Except as otherwise provided in this 11049
division, if the offender previously has been convicted of or 11050
pleaded guilty to a violation of division (C) or (D) of this 11051
section, operating a vehicle with a hidden compartment used to 11052
transport a controlled substance is a felony of the third 11053
degree. If the hidden compartment contains a controlled 11054
substance at the time of the offense, operating a vehicle with a 11055
hidden compartment used to transport a controlled substance is a 11056
felony of the second degree. 11057

(G) This section does not apply to any law enforcement 11058
officer acting in the performance of the law enforcement 11059
officer's duties. 11060

(H) (1) This section does not apply to any licensed motor 11061
vehicle dealer or motor vehicle manufacturer that in the 11062
ordinary course of business repairs, purchases, receives in 11063
trade, leases, or sells a motor vehicle. 11064

(2) This section does not impose a duty on a licensed 11065
motor vehicle dealer to know, discover, report, repair, or 11066
disclose the existence of a hidden compartment to any person. 11067

(I) This section does not apply to a box, safe, container, 11068
or other item added to a vehicle for the purpose of securing 11069
valuables, electronics, or firearms provided that at the time of 11070
discovery the box, safe, container, or other item added to the 11071
vehicle does not contain a controlled substance or visible 11072
residue of a controlled substance. 11073

Sec. 2923.31. As used in sections 2923.31 to 2923.36 of 11074
the Revised Code: 11075

(A) "Beneficial interest" means any of the following: 11076

(1) The interest of a person as a beneficiary under a 11077
trust in which the trustee holds title to personal or real 11078
property; 11079

(2) The interest of a person as a beneficiary under any 11080
other trust arrangement under which any other person holds title 11081
to personal or real property for the benefit of such person; 11082

(3) The interest of a person under any other form of 11083
express fiduciary arrangement under which any other person holds 11084
title to personal or real property for the benefit of such 11085
person. 11086

"Beneficial interest" does not include the interest of a 11087
stockholder in a corporation or the interest of a partner in 11088
either a general or limited partnership. 11089

(B) "Costs of investigation and prosecution" and "costs of 11090
investigation and litigation" mean all of the costs incurred by 11091
the state or a county or municipal corporation under sections 11092
2923.31 to 2923.36 of the Revised Code in the prosecution and 11093
investigation of any criminal action or in the litigation and 11094
investigation of any civil action, and includes, but is not 11095
limited to, the costs of resources and personnel. 11096

(C) "Enterprise" includes any individual, sole 11097
proprietorship, partnership, limited partnership, corporation, 11098
trust, union, government agency, or other legal entity, or any 11099
organization, association, or group of persons associated in 11100
fact although not a legal entity. "Enterprise" includes illicit 11101
as well as licit enterprises. 11102

(D) "Innocent person" includes any bona fide purchaser of 11103
property that is allegedly involved in a violation of section 11104
2923.32 of the Revised Code, including any person who 11105

establishes a valid claim to or interest in the property in 11106
accordance with division (E) of section 2981.04 of the Revised 11107
Code, and any victim of an alleged violation of that section or 11108
of any underlying offense involved in an alleged violation of 11109
that section. 11110

(E) "Pattern of corrupt activity" means two or more 11111
incidents of corrupt activity, whether or not there has been a 11112
prior conviction, that are related to the affairs of the same 11113
enterprise, are not isolated, and are not so closely related to 11114
each other and connected in time and place that they constitute 11115
a single event. 11116

At least one of the incidents forming the pattern shall 11117
occur on or after January 1, 1986. Unless any incident was an 11118
aggravated murder or murder, the last of the incidents forming 11119
the pattern shall occur within six years after the commission of 11120
any prior incident forming the pattern, excluding any period of 11121
imprisonment served by any person engaging in the corrupt 11122
activity. 11123

For the purposes of the criminal penalties that may be 11124
imposed pursuant to section 2923.32 of the Revised Code, at 11125
least one of the incidents forming the pattern shall constitute 11126
a felony under the laws of this state in existence at the time 11127
it was committed or, if committed in violation of the laws of 11128
the United States or of any other state, shall constitute a 11129
felony under the law of the United States or the other state and 11130
would be a criminal offense under the law of this state if 11131
committed in this state. 11132

(F) "Pecuniary value" means money, a negotiable 11133
instrument, a commercial interest, or anything of value, as 11134
defined in section 1.03 of the Revised Code, or any other 11135

property or service that has a value in excess of one hundred 11136
dollars. 11137

(G) "Person" means any person, as defined in section 1.59 11138
of the Revised Code, and any governmental officer, employee, or 11139
entity. 11140

(H) "Personal property" means any personal property, any 11141
interest in personal property, or any right, including, but not 11142
limited to, bank accounts, debts, corporate stocks, patents, or 11143
copyrights. Personal property and any beneficial interest in 11144
personal property are deemed to be located where the trustee of 11145
the property, the personal property, or the instrument 11146
evidencing the right is located. 11147

(I) "Corrupt activity" means engaging in, attempting to 11148
engage in, conspiring to engage in, or soliciting, coercing, or 11149
intimidating another person to engage in any of the following: 11150

(1) Conduct defined as "racketeering activity" under the 11151
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 11152
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 11153

(2) Conduct constituting any of the following: 11154

(a) A violation of section 1315.55, 1322.07, 2903.01, 11155
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 11156
2905.11, 2905.22, 2905.32 as specified in division (I)(2)(g) of 11157
this section, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 11158
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 11159
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 11160
2913.06, 2913.30, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 11161
2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; 11162
division (F)(1)(a), (b), or (c) of section 1315.53; division (A) 11163
(1) or (2) of section 1707.042; division (B), (C)(4), (D), (E), 11164

or (F) of section 1707.44; division (A) (1) or (2) of section 11165
2923.20; division (E) or (G) of section 3772.99; division (J) (1) 11166
of section 4712.02; section 4719.02, 4719.05, or 4719.06; 11167
division (C), (D), or (E) of section 4719.07; section 4719.08; 11168
or division (A) of section 4719.09 of the Revised Code. 11169

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 11170
3769.19 of the Revised Code as it existed prior to July 1, 1996, 11171
any violation of section 2915.02 of the Revised Code that occurs 11172
on or after July 1, 1996, and that, had it occurred prior to 11173
that date, would have been a violation of section 3769.11 of the 11174
Revised Code as it existed prior to that date, or any violation 11175
of section 2915.05 of the Revised Code that occurs on or after 11176
July 1, 1996, and that, had it occurred prior to that date, 11177
would have been a violation of section 3769.15, 3769.16, or 11178
3769.19 of the Revised Code as it existed prior to that date. 11179

(c) Any violation of section 2907.21, 2907.22, 2907.31, 11180
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 11181
2913.47, 2913.51, 2915.03, 2925.03, 2925.031, 2925.032, 2925.04, 11182
2925.05, or 2925.37 of the Revised Code, any violation of 11183
section 2925.11, 2925.111, or 2925.112 of the Revised Code that 11184
is a felony of the first, second, third, or fourth degree and 11185
that occurs on or after July 1, 1996, any violation of section 11186
2915.02 of the Revised Code that occurred prior to July 1, 1996, 11187
any violation of section 2915.02 of the Revised Code that occurs 11188
on or after July 1, 1996, and that, had it occurred prior to 11189
that date, would not have been a violation of section 3769.11 of 11190
the Revised Code as it existed prior to that date, any violation 11191
of section 2915.06 of the Revised Code as it existed prior to 11192
July 1, 1996, or any violation of division (B) of section 11193
2915.05 of the Revised Code as it exists on and after July 1, 11194
1996, when the proceeds of the violation, the payments made in 11195

the violation, the amount of a claim for payment or for any 11196
other benefit that is false or deceptive and that is involved in 11197
the violation, or the value of the contraband or other property 11198
illegally possessed, sold, or purchased in the violation exceeds 11199
one thousand dollars, or any combination of violations described 11200
in division (I) (2) (c) of this section when the total proceeds of 11201
the combination of violations, payments made in the combination 11202
of violations, amount of the claims for payment or for other 11203
benefits that is false or deceptive and that is involved in the 11204
combination of violations, or value of the contraband or other 11205
property illegally possessed, sold, or purchased in the 11206
combination of violations exceeds one thousand dollars; 11207

(d) Any violation of section 5743.112 of the Revised Code 11208
when the amount of unpaid tax exceeds one hundred dollars; 11209

(e) Any violation or combination of violations of section 11210
2907.32 of the Revised Code involving any material or 11211
performance containing a display of bestiality or of sexual 11212
conduct, as defined in section 2907.01 of the Revised Code, that 11213
is explicit and depicted with clearly visible penetration of the 11214
genitals or clearly visible penetration by the penis of any 11215
orifice when the total proceeds of the violation or combination 11216
of violations, the payments made in the violation or combination 11217
of violations, or the value of the contraband or other property 11218
illegally possessed, sold, or purchased in the violation or 11219
combination of violations exceeds one thousand dollars; 11220

(f) Any combination of violations described in division 11221
(I) (2) (c) of this section and violations of section 2907.32 of 11222
the Revised Code involving any material or performance 11223
containing a display of bestiality or of sexual conduct, as 11224
defined in section 2907.01 of the Revised Code, that is explicit 11225

and depicted with clearly visible penetration of the genitals or 11226
clearly visible penetration by the penis of any orifice when the 11227
total proceeds of the combination of violations, payments made 11228
in the combination of violations, amount of the claims for 11229
payment or for other benefits that is false or deceptive and 11230
that is involved in the combination of violations, or value of 11231
the contraband or other property illegally possessed, sold, or 11232
purchased in the combination of violations exceeds one thousand 11233
dollars; 11234

(g) Any violation of section 2905.32 of the Revised Code 11235
to the extent the violation is not based solely on the same 11236
conduct that constitutes corrupt activity pursuant to division 11237
(I) (2) (c) of this section due to the conduct being in violation 11238
of section 2907.21 of the Revised Code. 11239

(3) Conduct constituting a violation of any law of any 11240
state other than this state that is substantially similar to the 11241
conduct described in division (I) (2) of this section, provided 11242
the defendant was convicted of the conduct in a criminal 11243
proceeding in the other state; 11244

(4) Animal or ecological terrorism; 11245

(5) (a) Conduct constituting any of the following: 11246

(i) Organized retail theft; 11247

(ii) Conduct that constitutes one or more violations of 11248
any law of any state other than this state, that is 11249
substantially similar to organized retail theft, and that if 11250
committed in this state would be organized retail theft, if the 11251
defendant was convicted of or pleaded guilty to the conduct in a 11252
criminal proceeding in the other state. 11253

(b) By enacting division (I) (5) (a) of this section, it is 11254

the intent of the general assembly to add organized retail theft 11255
and the conduct described in division (I) (5) (a) (ii) of this 11256
section as conduct constituting corrupt activity. The enactment 11257
of division (I) (5) (a) of this section and the addition by 11258
division (I) (5) (a) of this section of organized retail theft and 11259
the conduct described in division (I) (5) (a) (ii) of this section 11260
as conduct constituting corrupt activity does not limit or 11261
preclude, and shall not be construed as limiting or precluding, 11262
any prosecution for a violation of section 2923.32 of the 11263
Revised Code that is based on one or more violations of section 11264
2913.02 or 2913.51 of the Revised Code, one or more similar 11265
offenses under the laws of this state or any other state, or any 11266
combination of any of those violations or similar offenses, even 11267
though the conduct constituting the basis for those violations 11268
or offenses could be construed as also constituting organized 11269
retail theft or conduct of the type described in division (I) (5) 11270
(a) (ii) of this section. 11271

(J) "Real property" means any real property or any 11272
interest in real property, including, but not limited to, any 11273
lease of, or mortgage upon, real property. Real property and any 11274
beneficial interest in it is deemed to be located where the real 11275
property is located. 11276

(K) "Trustee" means any of the following: 11277

(1) Any person acting as trustee under a trust in which 11278
the trustee holds title to personal or real property; 11279

(2) Any person who holds title to personal or real 11280
property for which any other person has a beneficial interest; 11281

(3) Any successor trustee. 11282

"Trustee" does not include an assignee or trustee for an 11283

insolvent debtor or an executor, administrator, administrator 11284
with the will annexed, testamentary trustee, guardian, or 11285
committee, appointed by, under the control of, or accountable to 11286
a court. 11287

(L) "Unlawful debt" means any money or other thing of 11288
value constituting principal or interest of a debt that is 11289
legally unenforceable in this state in whole or in part because 11290
the debt was incurred or contracted in violation of any federal 11291
or state law relating to the business of gambling activity or 11292
relating to the business of lending money at an usurious rate 11293
unless the creditor proves, by a preponderance of the evidence, 11294
that the usurious rate was not intentionally set and that it 11295
resulted from a good faith error by the creditor, 11296
notwithstanding the maintenance of procedures that were adopted 11297
by the creditor to avoid an error of that nature. 11298

(M) "Animal activity" means any activity that involves the 11299
use of animals or animal parts, including, but not limited to, 11300
hunting, fishing, trapping, traveling, camping, the production, 11301
preparation, or processing of food or food products, clothing or 11302
garment manufacturing, medical research, other research, 11303
entertainment, recreation, agriculture, biotechnology, or 11304
service activity that involves the use of animals or animal 11305
parts. 11306

(N) "Animal facility" means a vehicle, building, 11307
structure, nature preserve, or other premises in which an animal 11308
is lawfully kept, handled, housed, exhibited, bred, or offered 11309
for sale, including, but not limited to, a zoo, rodeo, circus, 11310
amusement park, hunting preserve, or premises in which a horse 11311
or dog event is held. 11312

(O) "Animal or ecological terrorism" means the commission 11313

of any felony that involves causing or creating a substantial 11314
risk of physical harm to any property of another, the use of a 11315
deadly weapon or dangerous ordnance, or purposely, knowingly, or 11316
recklessly causing serious physical harm to property and that 11317
involves an intent to obstruct, impede, or deter any person from 11318
participating in a lawful animal activity, from mining, 11319
forestry, harvesting, gathering, or processing natural 11320
resources, or from being lawfully present in or on an animal 11321
facility or research facility. 11322

(P) "Research facility" means a place, laboratory, 11323
institution, medical care facility, government facility, or 11324
public or private educational institution in which a scientific 11325
test, experiment, or investigation involving the use of animals 11326
or other living organisms is lawfully carried out, conducted, or 11327
attempted. 11328

(Q) "Organized retail theft" means the theft of retail 11329
property with a retail value of one thousand dollars or more 11330
from one or more retail establishments with the intent to sell, 11331
deliver, or transfer that property to a retail property fence. 11332

(R) "Retail property" means any tangible personal property 11333
displayed, held, stored, or offered for sale in or by a retail 11334
establishment. 11335

(S) "Retail property fence" means a person who possesses, 11336
procures, receives, or conceals retail property that was 11337
represented to the person as being stolen or that the person 11338
knows or believes to be stolen. 11339

(T) "Retail value" means the full retail value of the 11340
retail property. In determining whether the retail value of 11341
retail property equals or exceeds one thousand dollars, the 11342

value of all retail property stolen from the retail 11343
establishment or retail establishments by the same person or 11344
persons within any one-hundred-eighty-day period shall be 11345
aggregated. 11346

Sec. 2923.41. As used in sections 2923.41 to 2923.44 of 11347
the Revised Code: 11348

(A) "Criminal gang" means an ongoing formal or informal 11349
organization, association, or group of three or more persons to 11350
which all of the following apply: 11351

(1) It has as one of its primary activities the commission 11352
of one or more of the offenses listed in division (B) of this 11353
section. 11354

(2) It has a common name or one or more common, 11355
identifying signs, symbols, or colors. 11356

(3) The persons in the organization, association, or group 11357
individually or collectively engage in or have engaged in a 11358
pattern of criminal gang activity. 11359

(B) (1) "Pattern of criminal gang activity" means, subject 11360
to division (B) (2) of this section, that persons in the criminal 11361
gang have committed, attempted to commit, conspired to commit, 11362
been complicitors in the commission of, or solicited, coerced, 11363
or intimidated another to commit, attempt to commit, conspire to 11364
commit, or be in complicity in the commission of two or more of 11365
any of the following offenses: 11366

(a) A felony or an act committed by a juvenile that would 11367
be a felony if committed by an adult; 11368

(b) An offense of violence or an act committed by a 11369
juvenile that would be an offense of violence if committed by an 11370

adult; 11371

(c) A violation of section 2907.04, 2909.06, 2911.211, 11372
2917.04, 2919.23, or 2919.24 of the Revised Code, section 11373
2921.04 or 2923.16 of the Revised Code, section 2925.03, 11374
2925.031, or 2925.032 of the Revised Code if the offense is 11375
aggravated trafficking in marihuana, major trafficking in 11376
marihuana, or trafficking in marihuana or section 2927.12 of the 11377
Revised Code. 11378

(2) There is a "pattern of criminal gang activity" if all 11379
of the following apply with respect to the offenses that are 11380
listed in division (B)(1)(a), (b), or (c) of this section and 11381
that persons in the criminal gang committed, attempted to 11382
commit, conspired to commit, were in complicity in committing, 11383
or solicited, coerced, or intimidated another to commit, attempt 11384
to commit, conspire to commit, or be in complicity in 11385
committing: 11386

(a) At least one of the two or more offenses is a felony. 11387

(b) At least one of those two or more offenses occurs on 11388
or after January 1, 1999. 11389

(c) The last of those two or more offenses occurs within 11390
five years after at least one of those offenses. 11391

(d) The two or more offenses are committed on separate 11392
occasions or by two or more persons. 11393

(C) "Criminal conduct" means the commission of, an attempt 11394
to commit, a conspiracy to commit, complicity in the commission 11395
of, or solicitation, coercion, or intimidation of another to 11396
commit, attempt to commit, conspire to commit, or be in 11397
complicity in the commission of an offense listed in division 11398
(B)(1)(a), (b), or (c) of this section or an act that is 11399

committed by a juvenile and that would be an offense, an attempt 11400
to commit an offense, a conspiracy to commit an offense, 11401
complicity in the commission of, or solicitation, coercion, or 11402
intimidation of another to commit, attempt to commit, conspire 11403
to commit, or be in complicity in the commission of an offense 11404
listed in division (B)(1)(a), (b), or (c) of this section if 11405
committed by an adult. 11406

(D) "Juvenile" means a person who is under eighteen years 11407
of age. 11408

(E) "Law enforcement agency" includes, but is not limited 11409
to, the state board of pharmacy and the office of a prosecutor. 11410

(F) "Prosecutor" has the same meaning as in section 11411
2935.01 of the Revised Code. 11412

Sec. 2925.02. (A) No person shall knowingly do any of the 11413
following: 11414

(1) By force, threat, or deception, administer to another 11415
or induce or cause another to use a controlled substance; 11416

(2) By any means, administer or furnish to another or 11417
induce or cause another to use a controlled substance with 11418
purpose to cause serious physical harm to the other person, or 11419
with purpose to cause the other person to become drug dependent; 11420

(3) By any means, administer or furnish to another or 11421
induce or cause another to use a controlled substance, and 11422
thereby cause serious physical harm to the other person, or 11423
cause the other person to become drug dependent; 11424

(4) By any means, do any of the following: 11425

(a) Furnish or administer a controlled substance to a 11426
juvenile who is at least two years the offender's junior, when 11427

the offender knows the age of the juvenile or is reckless in 11428
that regard; 11429

(b) Induce or cause a juvenile who is at least two years 11430
the offender's junior to use a controlled substance, when the 11431
offender knows the age of the juvenile or is reckless in that 11432
regard; 11433

(c) Induce or cause a juvenile who is at least two years 11434
the offender's junior to commit a felony drug abuse offense, 11435
when the offender knows the age of the juvenile or is reckless 11436
in that regard; 11437

(d) Use a juvenile, whether or not the offender knows the 11438
age of the juvenile, to perform any surveillance activity that 11439
is intended to prevent the detection of the offender or any 11440
other person in the commission of a felony drug abuse offense or 11441
to prevent the arrest of the offender or any other person for 11442
the commission of a felony drug abuse offense. 11443

(5) By any means, furnish or administer a controlled 11444
substance to a pregnant woman or induce or cause a pregnant 11445
woman to use a controlled substance, when the offender knows 11446
that the woman is pregnant or is reckless in that regard. 11447

(B) Division (A) (1), (3), (4), or (5) of this section does 11448
not apply to manufacturers, wholesalers, licensed health 11449
professionals authorized to prescribe drugs, pharmacists, owners 11450
of pharmacies, and other persons whose conduct is in accordance 11451
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 11452
4741. of the Revised Code. 11453

(C) Whoever violates this section is guilty of corrupting 11454
another with drugs. The penalty for the offense shall be 11455
determined as follows: 11456

(1) If the offense is a violation of division (A) (1), (2), (3), or (4) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the offender shall be punished as follows:

(a) Except as otherwise provided in division (C) (1) (b) of this section, corrupting another with drugs committed in those circumstances is a felony of the second degree and, subject to division (E) of this section, the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances is a felony of the first degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(2) If the offense is a violation of division (A) (1), (2), (3), or (4) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule III, IV, or V, the offender shall be punished as follows:

(a) Except as otherwise provided in division (C) (2) (b) of this section, corrupting another with drugs committed in those circumstances is a felony of the second degree and there is a presumption for a prison term for the offense.

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances is a felony of the second degree and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(3) If the offense is a violation of division (A) (1), (2), (3), or (4) of this section and the drug involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the offender shall be punished as follows:

(a) Except as otherwise provided in division (C) (3) (b) of this section, corrupting another with drugs committed in those circumstances is a felony of the fourth degree and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances is a felony of the third degree and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(4) If the offense is a violation of division (A) (5) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a

felony of the first degree and, subject to division (E) of this 11517
section, the court shall impose as a mandatory prison term a 11518
first degree felony mandatory prison term. 11519

(5) If the offense is a violation of division (A) (5) of 11520
this section and the drug involved is any compound, mixture, 11521
preparation, or substance included in schedule III, IV, or V, 11522
corrupting another with drugs is a felony of the second degree 11523
and the court shall impose as a mandatory prison term a second 11524
degree felony mandatory prison term. 11525

(6) If the offense is a violation of division (A) (5) of 11526
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 11527
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 11528
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 11529
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 11530
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 11531
corrupting another with drugs is a felony of the third degree 11532
and division (C) of section 2929.13 of the Revised Code applies 11533
in determining whether to impose a prison term on the offender. 11534

(D) In addition to any prison term authorized or required 11535
by division (C) or (E) of this section and sections 2929.13 and 11536
2929.14 of the Revised Code and in addition to any other 11537
sanction imposed for the offense under this section or sections 11538
2929.11 to 2929.18 of the Revised Code, the court that sentences 11539
an offender who is convicted of or pleads guilty to a violation 11540
of division (A) of this section may suspend for not more than 11541
five years the offender's driver's or commercial driver's 11542
license or permit. However, if the offender pleaded guilty to or 11543
was convicted of a violation of section 4511.19 of the Revised 11544
Code or a substantially similar municipal ordinance or the law 11545
of another state or the United States arising out of the same 11546

set of circumstances as the violation, the court shall suspend 11547
the offender's driver's or commercial driver's license or permit 11548
for not more than five years. The court also shall do all of the 11549
following that are applicable regarding the offender: 11550

(1) (a) If the violation is a felony of the first, second, 11551
or third degree, the court shall impose upon the offender the 11552
mandatory fine specified for the offense under division (B) (1) 11553
of section 2929.18 of the Revised Code unless, as specified in 11554
that division, the court determines that the offender is 11555
indigent. 11556

(b) Notwithstanding any contrary provision of section 11557
3719.21 of the Revised Code, any mandatory fine imposed pursuant 11558
to division (D) (1) (a) of this section and any fine imposed for a 11559
violation of this section pursuant to division (A) of section 11560
2929.18 of the Revised Code shall be paid by the clerk of the 11561
court in accordance with and subject to the requirements of, and 11562
shall be used as specified in, division ~~(F)~~ (N) of section 11563
2925.03 of the Revised Code. 11564

(c) If a person is charged with any violation of this 11565
section that is a felony of the first, second, or third degree, 11566
posts bail, and forfeits the bail, the forfeited bail shall be 11567
paid by the clerk of the court pursuant to division (D) (1) (b) of 11568
this section as if it were a fine imposed for a violation of 11569
this section. 11570

(2) If the offender is a professionally licensed person, 11571
in addition to any other sanction imposed for a violation of 11572
this section, the court immediately shall comply with section 11573
2925.38 of the Revised Code. 11574

(E) Notwithstanding the prison term otherwise authorized 11575

or required for the offense under division (C) of this section 11576
and sections 2929.13 and 2929.14 of the Revised Code, if the 11577
violation of division (A) of this section involves the sale, 11578
offer to sell, or possession of a schedule I or II controlled 11579
substance, with the exception of marihuana, 1-Pentyl-3-(1- 11580
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 11581
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 11582
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 11583
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 11584
if the court imposing sentence upon the offender finds that the 11585
offender as a result of the violation is a major drug offender 11586
and is guilty of a specification of the type described in 11587
division (A) of section 2941.1410 of the Revised Code, the 11588
court, in lieu of the prison term that otherwise is authorized 11589
or required, shall impose upon the offender the mandatory prison 11590
term specified in division (B) (3) (a) of section 2929.14 of the 11591
Revised Code. 11592

(F) (1) If the sentencing court suspends the offender's 11593
driver's or commercial driver's license or permit under division 11594
(D) of this section, the offender, at any time after the 11595
expiration of two years from the day on which the offender's 11596
sentence was imposed or from the day on which the offender 11597
finally was released from a prison term under the sentence, 11598
whichever is later, may file a motion with the sentencing court 11599
requesting termination of the suspension. Upon the filing of the 11600
motion and the court's finding of good cause for the 11601
determination, the court may terminate the suspension. 11602

(2) Any offender who received a mandatory suspension of 11603
the offender's driver's or commercial driver's license or permit 11604
under this section prior to September 13, 2016, may file a 11605
motion with the sentencing court requesting the termination of 11606

the suspension. However, an offender who pleaded guilty to or
was convicted of a violation of section 4511.19 of the Revised
Code or a substantially similar municipal ordinance or law of
another state or the United States that arose out of the same
set of circumstances as the violation for which the offender's
license or permit was suspended under this section shall not
file such a motion.

Upon the filing of a motion under division (F)(2) of this
section, the sentencing court, in its discretion, may terminate
the suspension.

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

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

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

(2) Except as otherwise provided in this division, if the
drug involved in the violation of division (A) of this section
is any compound, mixture, preparation, or substance included in
schedule I or II, with the exception of methamphetamine or
marihuana, illegal manufacture of drugs is a felony of the
second degree, and, subject to division (E) of this section, the
court shall impose as a mandatory prison term a second degree

felony mandatory prison term. 11636

If the drug involved in the violation is any compound, 11637
mixture, preparation, or substance included in schedule I or II, 11638
with the exception of methamphetamine or marihuana, and if the 11639
offense was committed in the vicinity of a juvenile or in the 11640
vicinity of a school, illegal manufacture of drugs is a felony 11641
of the first degree, and, subject to division (E) of this 11642
section, the court shall impose as a mandatory prison term a 11643
first degree felony mandatory prison term. 11644

(3) If the drug involved in the violation of division (A) 11645
of this section is methamphetamine, the penalty for the 11646
violation shall be determined as follows: 11647

(a) Except as otherwise provided in division (C) (3) (b) of 11648
this section, if the drug involved in the violation is 11649
methamphetamine, illegal manufacture of drugs is a felony of the 11650
second degree, and, subject to division (E) of this section, the 11651
court shall impose a mandatory prison term on the offender 11652
determined in accordance with this division. Except as otherwise 11653
provided in this division, the court shall impose as a mandatory 11654
prison term a second degree felony mandatory prison term that is 11655
not less than three years. If the offender previously has been 11656
convicted of or pleaded guilty to a violation of division (A) of 11657
this section, a violation of division (B) (6) of section 2919.22 11658
of the Revised Code, or a violation of division (A) of section 11659
2925.041 of the Revised Code, the court shall impose as a 11660
mandatory prison term a second degree felony mandatory prison 11661
term that is not less than five years. 11662

(b) If the drug involved in the violation is 11663
methamphetamine and if the offense was committed in the vicinity 11664
of a juvenile, in the vicinity of a school, or on public 11665

premises, illegal manufacture of drugs is a felony of the first 11666
degree, and, subject to division (E) of this section, the court 11667
shall impose a mandatory prison term on the offender determined 11668
in accordance with this division. Except as otherwise provided 11669
in this division, the court shall impose as a mandatory prison 11670
term a first degree felony mandatory prison term that is not 11671
less than four years. If the offender previously has been 11672
convicted of or pleaded guilty to a violation of division (A) of 11673
this section, a violation of division (B) (6) of section 2919.22 11674
of the Revised Code, or a violation of division (A) of section 11675
2925.041 of the Revised Code, the court shall impose as a 11676
mandatory prison term a first degree felony mandatory prison 11677
term that is not less than five years. 11678

(4) If the drug involved in the violation of division (A) 11679
of this section is any compound, mixture, preparation, or 11680
substance included in schedule III, IV, or V, illegal 11681
manufacture of drugs is a felony of the third degree or, if the 11682
offense was committed in the vicinity of a school or in the 11683
vicinity of a juvenile, a felony of the second degree, and there 11684
is a presumption for a prison term for the offense. 11685

(5) If the drug involved in the violation is marihuana, 11686
the penalty for the offense shall be determined as follows: 11687

(a) Except as otherwise provided in division (C) (5) (b), 11688
(c), (d), (e), or (f) of this section, illegal cultivation of 11689
marihuana is a minor misdemeanor or, if the offense was 11690
committed in the vicinity of a school or in the vicinity of a 11691
juvenile, a misdemeanor of the fourth degree. 11692

(b) If the amount of marihuana involved equals or exceeds 11693
one hundred grams but is less than two hundred grams, illegal 11694
cultivation of marihuana is a misdemeanor of the fourth degree 11695

or, if the offense was committed in the vicinity of a school or 11696
in the vicinity of a juvenile, a misdemeanor of the third 11697
degree. 11698

(c) If the amount of marihuana involved equals or exceeds 11699
two hundred grams but is less than one thousand grams, illegal 11700
cultivation of marihuana is a felony of the fifth degree or, if 11701
the offense was committed in the vicinity of a school or in the 11702
vicinity of a juvenile, a felony of the fourth degree, and 11703
division (B) of section 2929.13 of the Revised Code applies in 11704
determining whether to impose a prison term on the offender. 11705

(d) If the amount of marihuana involved equals or exceeds 11706
one thousand grams but is less than five thousand grams, illegal 11707
cultivation of marihuana is a felony of the third degree or, if 11708
the offense was committed in the vicinity of a school or in the 11709
vicinity of a juvenile, a felony of the second degree, and 11710
division (C) of section 2929.13 of the Revised Code applies in 11711
determining whether to impose a prison term on the offender. 11712

(e) If the amount of marihuana involved equals or exceeds 11713
five thousand grams but is less than twenty thousand grams, 11714
illegal cultivation of marihuana is a felony of the third degree 11715
or, if the offense was committed in the vicinity of a school or 11716
in the vicinity of a juvenile, a felony of the second degree, 11717
and there is a presumption for a prison term for the offense. 11718

(f) Except as otherwise provided in this division, if the 11719
amount of marihuana involved equals or exceeds twenty thousand 11720
grams, illegal cultivation of marihuana is a felony of the 11721
second degree, and the court shall impose as a mandatory prison 11722
term a maximum second degree felony mandatory prison term. If 11723
the amount of the drug involved equals or exceeds twenty 11724
thousand grams and if the offense was committed in the vicinity 11725

of a school or in the vicinity of a juvenile, illegal 11726
cultivation of marihuana is a felony of the first degree, and 11727
the court shall impose as a mandatory prison term a maximum 11728
first degree felony mandatory prison term. 11729

(D) In addition to any prison term authorized or required 11730
by division (C) or (E) of this section and sections 2929.13 and 11731
2929.14 of the Revised Code and in addition to any other 11732
sanction imposed for the offense under this section or sections 11733
2929.11 to 2929.18 of the Revised Code, the court that sentences 11734
an offender who is convicted of or pleads guilty to a violation 11735
of division (A) of this section may suspend the offender's 11736
driver's or commercial driver's license or permit in accordance 11737
with division ~~(G)~~(O) of section 2925.03 of the Revised Code. 11738
However, if the offender pleaded guilty to or was convicted of a 11739
violation of section 4511.19 of the Revised Code or a 11740
substantially similar municipal ordinance or the law of another 11741
state or the United States arising out of the same set of 11742
circumstances as the violation, the court shall suspend the 11743
offender's driver's or commercial driver's license or permit in 11744
accordance with division ~~(G)~~(O) of section 2925.03 of the 11745
Revised Code. If applicable, the court also shall do the 11746
following: 11747

(1) If the violation of division (A) of this section is a 11748
felony of the first, second, or third degree, the court shall 11749
impose upon the offender the mandatory fine specified for the 11750
offense under division (B)(1) of section 2929.18 of the Revised 11751
Code unless, as specified in that division, the court determines 11752
that the offender is indigent. The clerk of the court shall pay 11753
a mandatory fine or other fine imposed for a violation of this 11754
section pursuant to division (A) of section 2929.18 of the 11755
Revised Code in accordance with and subject to the requirements 11756

of division ~~(F)~~(N) of section 2925.03 of the Revised Code. The 11757
agency that receives the fine shall use the fine as specified in 11758
division ~~(F)~~(N) of section 2925.03 of the Revised Code. If a 11759
person is charged with a violation of this section that is a 11760
felony of the first, second, or third degree, posts bail, and 11761
forfeits the bail, the clerk shall pay the forfeited bail as if 11762
the forfeited bail were a fine imposed for a violation of this 11763
section. 11764

(2) If the offender is a professionally licensed person, 11765
the court immediately shall comply with section 2925.38 of the 11766
Revised Code. 11767

(E) Notwithstanding the prison term otherwise authorized 11768
or required for the offense under division (C) of this section 11769
and sections 2929.13 and 2929.14 of the Revised Code, if the 11770
violation of division (A) of this section involves the sale, 11771
offer to sell, or possession of a schedule I or II controlled 11772
substance, with the exception of marihuana, and if the court 11773
imposing sentence upon the offender finds that the offender as a 11774
result of the violation is a major drug offender and is guilty 11775
of a specification of the type described in division (A) of 11776
section 2941.1410 of the Revised Code, the court, in lieu of the 11777
prison term otherwise authorized or required, shall impose upon 11778
the offender the mandatory prison term specified in division (B) 11779
(3) of section 2929.14 of the Revised Code. 11780

(F) It is an affirmative defense, as provided in section 11781
2901.05 of the Revised Code, to a charge under this section for 11782
a fifth degree felony violation of illegal cultivation of 11783
marihuana that the marihuana that gave rise to the charge is in 11784
an amount, is in a form, is prepared, compounded, or mixed with 11785
substances that are not controlled substances in a manner, or is 11786

possessed or cultivated under any other circumstances that 11787
indicate that the marihuana was solely for personal use. 11788

Notwithstanding any contrary provision of division (F) of 11789
this section, if, in accordance with section 2901.05 of the 11790
Revised Code, a person who is charged with a violation of 11791
illegal cultivation of marihuana that is a felony of the fifth 11792
degree sustains the burden of going forward with evidence of and 11793
establishes by a preponderance of the evidence the affirmative 11794
defense described in this division, the person may be prosecuted 11795
for and may be convicted of or plead guilty to a misdemeanor 11796
violation of illegal cultivation of marihuana. 11797

(G) Arrest or conviction for a minor misdemeanor violation 11798
of this section does not constitute a criminal record and need 11799
not be reported by the person so arrested or convicted in 11800
response to any inquiries about the person's criminal record, 11801
including any inquiries contained in an application for 11802
employment, a license, or any other right or privilege or made 11803
in connection with the person's appearance as a witness. 11804

(H) (1) If the sentencing court suspends the offender's 11805
driver's or commercial driver's license or permit under this 11806
section in accordance with division ~~(G)~~(O) of section 2925.03 of 11807
the Revised Code, the offender may request termination of, and 11808
the court may terminate, the suspension of the offender in 11809
accordance with that division. 11810

(2) Any offender who received a mandatory suspension of 11811
the offender's driver's or commercial driver's license or permit 11812
under this section prior to September 13, 2016, may file a 11813
motion with the sentencing court requesting the termination of 11814
the suspension. However, an offender who pleaded guilty to or 11815
was convicted of a violation of section 4511.19 of the Revised 11816

Code or a substantially similar municipal ordinance or law of 11817
another state or the United States that arose out of the same 11818
set of circumstances as the violation for which the offender's 11819
license or permit was suspended under this section shall not 11820
file such a motion. 11821

Upon the filing of a motion under division (H) (2) of this 11822
section, the sentencing court, in its discretion, may terminate 11823
the suspension. 11824

Sec. 2925.041. (A) No person shall knowingly assemble or 11825
possess one or more chemicals that may be used to manufacture a 11826
controlled substance in schedule I or II with the intent to 11827
manufacture a controlled substance in schedule I or II in 11828
violation of section 2925.04 of the Revised Code. 11829

(B) In a prosecution under this section, it is not 11830
necessary to allege or prove that the offender assembled or 11831
possessed all chemicals necessary to manufacture a controlled 11832
substance in schedule I or II. The assembly or possession of a 11833
single chemical that may be used in the manufacture of a 11834
controlled substance in schedule I or II, with the intent to 11835
manufacture a controlled substance in either schedule, is 11836
sufficient to violate this section. 11837

(C) Whoever violates this section is guilty of illegal 11838
assembly or possession of chemicals for the manufacture of 11839
drugs. Except as otherwise provided in this division, illegal 11840
assembly or possession of chemicals for the manufacture of drugs 11841
is a felony of the third degree, and, except as otherwise 11842
provided in division (C) (1) or (2) of this section, division (C) 11843
of section 2929.13 of the Revised Code applies in determining 11844
whether to impose a prison term on the offender. If the offense 11845
was committed in the vicinity of a juvenile or in the vicinity 11846

of a school, illegal assembly or possession of chemicals for the 11847
manufacture of drugs is a felony of the second degree, and, 11848
except as otherwise provided in division (C) (1) or (2) of this 11849
section, division (C) of section 2929.13 of the Revised Code 11850
applies in determining whether to impose a prison term on the 11851
offender. If the violation of division (A) of this section is a 11852
felony of the third degree under this division and if the 11853
chemical or chemicals assembled or possessed in violation of 11854
division (A) of this section may be used to manufacture 11855
methamphetamine, there either is a presumption for a prison term 11856
for the offense or the court shall impose a mandatory prison 11857
term on the offender, determined as follows: 11858

(1) Except as otherwise provided in this division, there 11859
is a presumption for a prison term for the offense. If the 11860
offender two or more times previously has been convicted of or 11861
pleaded guilty to a felony drug abuse offense, except as 11862
otherwise provided in this division, the court shall impose as a 11863
mandatory prison term one of the prison terms prescribed for a 11864
felony of the third degree that is not less than two years. If 11865
the offender two or more times previously has been convicted of 11866
or pleaded guilty to a felony drug abuse offense and if at least 11867
one of those previous convictions or guilty pleas was to a 11868
violation of division (A) of this section, a violation of 11869
division (B) (6) of section 2919.22 of the Revised Code, or a 11870
violation of division (A) of section 2925.04 of the Revised 11871
Code, the court shall impose as a mandatory prison term one of 11872
the prison terms prescribed for a felony of the third degree 11873
that is not less than five years. 11874

(2) If the violation of division (A) of this section is a 11875
felony of the second degree under division (C) of this section 11876
and the chemical or chemicals assembled or possessed in 11877

committing the violation may be used to manufacture 11878
methamphetamine, the court shall impose as a mandatory prison 11879
term a second degree felony mandatory prison term that is not 11880
less than three years. If the violation of division (A) of this 11881
section is a felony of the second degree under division (C) of 11882
this section, if the chemical or chemicals assembled or 11883
possessed in committing the violation may be used to manufacture 11884
methamphetamine, and if the offender previously has been 11885
convicted of or pleaded guilty to a violation of division (A) of 11886
this section, a violation of division (B)(6) of section 2919.22 11887
of the Revised Code, or a violation of division (A) of section 11888
2925.04 of the Revised Code, the court shall impose as a 11889
mandatory prison term a second degree felony mandatory prison 11890
term that is not less than five years. 11891

(D) In addition to any prison term authorized by division 11892
(C) of this section and sections 2929.13 and 2929.14 of the 11893
Revised Code and in addition to any other sanction imposed for 11894
the offense under this section or sections 2929.11 to 2929.18 of 11895
the Revised Code, the court that sentences an offender who is 11896
convicted of or pleads guilty to a violation of this section may 11897
suspend the offender's driver's or commercial driver's license 11898
or permit in accordance with division ~~(G)~~(O) of section 2925.03 11899
of the Revised Code. However, if the offender pleaded guilty to 11900
or was convicted of a violation of section 4511.19 of the 11901
Revised Code or a substantially similar municipal ordinance or 11902
the law of another state or the United States arising out of the 11903
same set of circumstances as the violation, the court shall 11904
suspend the offender's driver's or commercial driver's license 11905
or permit in accordance with division ~~(G)~~(O) of section 2925.03 11906
of the Revised Code. If applicable, the court also shall do the 11907
following: 11908

(1) The court shall impose upon the offender the mandatory fine specified for the offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. The clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section under division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division ~~(F)~~ (N) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division ~~(F)~~ (N) of section 2925.03 of the Revised Code. If a person charged with a violation of this section posts bail and forfeits the bail, the clerk shall pay the forfeited bail as if the forfeited bail were a fine imposed for a violation of this section.

(2) If the offender is a professionally licensed person or a person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules, the court shall comply with section 2925.38 of the Revised Code.

(E) (1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under this section in accordance with division ~~(G)~~ (O) of section 2925.03 of the Revised Code, the offender may request termination of, and the court may terminate, the suspension of the offender in accordance with that division.

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or

was convicted of a violation of section 4511.19 of the Revised 11939
Code or a substantially similar municipal ordinance or law of 11940
another state or the United States that arose out of the same 11941
set of circumstances as the violation for which the offender's 11942
license or permit was suspended under this section shall not 11943
file such a motion. 11944

Upon the filing of a motion under division (E)(2) of this 11945
section, the sentencing court, in its discretion, may terminate 11946
the suspension. 11947

Sec. 2925.05. (A) No person shall knowingly provide money 11948
or other items of value to another person with the purpose that 11949
the recipient of the money or items of value use them to obtain 11950
any controlled substance for the purpose of violating section 11951
2925.04 of the Revised Code or for the purpose of selling or 11952
offering to sell the controlled substance in the following 11953
amount: 11954

(1) If the drug to be sold or offered for sale is any 11955
compound, mixture, preparation, or substance included in 11956
schedule I or II, with the exception of marihuana, cocaine, 11957
L.S.D., heroin, any fentanyl-related compound, and hashish, or 11958
schedule III, IV, or V, an amount of the drug that equals or 11959
exceeds the bulk amount of the drug; 11960

(2) If the drug to be sold or offered for sale is 11961
marihuana or a compound, mixture, preparation, or substance 11962
other than hashish containing marihuana, an amount of the 11963
marihuana that equals or exceeds two hundred grams; 11964

(3) If the drug to be sold or offered for sale is cocaine 11965
or a compound, mixture, preparation, or substance containing 11966
cocaine, an amount of the cocaine that equals or exceeds five 11967

grams; 11968

(4) If the drug to be sold or offered for sale is L.S.D. 11969
or a compound, mixture, preparation, or substance containing 11970
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 11971
doses if the L.S.D. is in a solid form or equals or exceeds one 11972
gram if the L.S.D. is in a liquid concentrate, liquid extract, 11973
or liquid distillate form; 11974

(5) If the drug to be sold or offered for sale is heroin 11975
or a fentanyl-related compound, or a compound, mixture, 11976
preparation, or substance containing heroin or a fentanyl- 11977
related compound, an amount that equals or exceeds ten unit 11978
doses or equals or exceeds one gram; 11979

(6) If the drug to be sold or offered for sale is hashish 11980
or a compound, mixture, preparation, or substance containing 11981
hashish, an amount of the hashish that equals or exceeds ten 11982
grams if the hashish is in a solid form or equals or exceeds two 11983
grams if the hashish is in a liquid concentrate, liquid extract, 11984
or liquid distillate form. 11985

(B) This section does not apply to any person listed in 11986
division (B) (1), (2), or (3) of section 2925.03 of the Revised 11987
Code to the extent and under the circumstances described in 11988
those divisions. 11989

(C) (1) If the drug involved in the violation is any 11990
compound, mixture, preparation, or substance included in 11991
schedule I or II, with the exception of marihuana, whoever 11992
violates division (A) of this section is guilty of aggravated 11993
funding of drug trafficking, a felony of the first degree, and, 11994
subject to division (E) of this section, the court shall impose 11995
as a mandatory prison term a first degree felony mandatory 11996

prison term. 11997

(2) If the drug involved in the violation is any compound, 11998
mixture, preparation, or substance included in schedule III, IV, 11999
or V, whoever violates division (A) of this section is guilty of 12000
funding of drug trafficking, a felony of the second degree, and 12001
the court shall impose as a mandatory prison term a second 12002
degree felony mandatory prison term. 12003

(3) If the drug involved in the violation is marihuana, 12004
whoever violates division (A) of this section is guilty of 12005
funding of marihuana trafficking, a felony of the third degree, 12006
and, except as otherwise provided in this division, there is a 12007
presumption for a prison term for the offense. If funding of 12008
marihuana trafficking is a felony of the third degree under this 12009
division and if the offender two or more times previously has 12010
been convicted of or pleaded guilty to a felony drug abuse 12011
offense, the court shall impose as a mandatory prison term one 12012
of the prison terms prescribed for a felony of the third degree. 12013

(D) In addition to any prison term authorized or required 12014
by division (C) or (E) of this section and sections 2929.13 and 12015
2929.14 of the Revised Code and in addition to any other 12016
sanction imposed for the offense under this section or sections 12017
2929.11 to 2929.18 of the Revised Code, the court that sentences 12018
an offender who is convicted of or pleads guilty to a violation 12019
of division (A) of this section may suspend the offender's 12020
driver's or commercial driver's license or permit in accordance 12021
with division ~~(G)~~(O) of section 2925.03 of the Revised Code. 12022
However, if the offender pleaded guilty to or was convicted of a 12023
violation of section 4511.19 of the Revised Code or a 12024
substantially similar municipal ordinance or the law of another 12025
state or the United States arising out of the same set of 12026

circumstances as the violation, the court shall suspend the 12027
offender's driver's or commercial driver's license or permit in 12028
accordance with division ~~(G)~~ (O) of section 2925.03 of the 12029
Revised Code. If applicable, the court also shall do the 12030
following: 12031

(1) The court shall impose the mandatory fine specified 12032
for the offense under division (B) (1) of section 2929.18 of the 12033
Revised Code unless, as specified in that division, the court 12034
determines that the offender is indigent. The clerk of the court 12035
shall pay a mandatory fine or other fine imposed for a violation 12036
of this section pursuant to division (A) of section 2929.18 of 12037
the Revised Code in accordance with and subject to the 12038
requirements of division ~~(F)~~ (N) of section 2925.03 of the 12039
Revised Code. The agency that receives the fine shall use the 12040
fine in accordance with division ~~(F)~~ (N) of section 2925.03 of 12041
the Revised Code. If a person is charged with a violation of 12042
this section, posts bail, and forfeits the bail, the forfeited 12043
bail shall be paid as if the forfeited bail were a fine imposed 12044
for a violation of this section. 12045

(2) If the offender is a professionally licensed person, 12046
the court immediately shall comply with section 2925.38 of the 12047
Revised Code. 12048

(E) Notwithstanding the prison term otherwise authorized 12049
or required for the offense under division (C) of this section 12050
and sections 2929.13 and 2929.14 of the Revised Code, if the 12051
violation of division (A) of this section involves the sale, 12052
offer to sell, or possession of a schedule I or II controlled 12053
substance, with the exception of marihuana, one of the following 12054
applies: 12055

(1) If the drug involved in the violation is a fentanyl- 12056

related compound, the offense is a felony of the first degree, 12057
the offender is a major drug offender, and the court shall 12058
impose as a mandatory prison term the maximum prison term 12059
prescribed for a felony of the first degree. 12060

(2) If division (E)(1) of this section does not apply and 12061
the court imposing sentence upon the offender finds that the 12062
offender as a result of the violation is a major drug offender 12063
and is guilty of a specification of the type described in 12064
division (A) of section 2941.1410 of the Revised Code, the 12065
court, in lieu of the prison term otherwise authorized or 12066
required, shall impose upon the offender the mandatory prison 12067
term specified in division (B)(3) of section 2929.14 of the 12068
Revised Code. 12069

(F)(1) If the sentencing court suspends the offender's 12070
driver's or commercial driver's license or permit under this 12071
section in accordance with division ~~(G)~~(O) of section 2925.03 of 12072
the Revised Code, the offender may request termination of, and 12073
the court may terminate, the suspension in accordance with that 12074
division. 12075

(2) Any offender who received a mandatory suspension of 12076
the offender's driver's or commercial driver's license or permit 12077
under this section prior to September 13, 2016, may file a 12078
motion with the sentencing court requesting the termination of 12079
the suspension. However, an offender who pleaded guilty to or 12080
was convicted of a violation of section 4511.19 of the Revised 12081
Code or a substantially similar municipal ordinance or law of 12082
another state or the United States that arose out of the same 12083
set of circumstances as the violation for which the offender's 12084
license or permit was suspended under this section shall not 12085
file such a motion. 12086

Upon the filing of a motion under division (F)(2) of this section, the sentencing court, in its discretion, may terminate the suspension.

Sec. 2925.06. (A) No person shall knowingly administer to a human being, or prescribe or dispense for administration to a human being, any anabolic steroid not approved by the United States food and drug administration for administration to human beings.

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

(C) Whoever violates division (A) of this section is guilty of illegal administration or distribution of anabolic steroids, a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(D) (1) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend the offender's driver's or commercial driver's license or permit in accordance with division ~~(C)~~ (O) of section 2925.03 of the Revised Code. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of

circumstances as the violation, the court shall suspend the 12117
offender's driver's or commercial driver's license or permit in 12118
accordance with division ~~(G)~~ (O) of section 2925.03 of the 12119
Revised Code. If an offender's driver's or commercial driver's 12120
license or permit is suspended in accordance with that division, 12121
the offender may request termination of, and the court may 12122
terminate, the suspension in accordance with that division. 12123

If the offender is a professionally licensed person, the 12124
court immediately shall comply with section 2925.38 of the 12125
Revised Code. 12126

(2) Any offender who received a mandatory suspension of 12127
the offender's driver's or commercial driver's license or permit 12128
under this section prior to ~~the effective date of this amendment~~ 12129
September 13, 2016, may file a motion with the sentencing court 12130
requesting the termination of the suspension. However, an 12131
offender who pleaded guilty to or was convicted of a violation 12132
of section 4511.19 of the Revised Code or a substantially 12133
similar municipal ordinance or law of another state or the 12134
United States that arose out of the same set of circumstances as 12135
the violation for which the offender's license or permit was 12136
suspended under this section shall not file such a motion. 12137

Upon the filing of a motion under division (D) (2) of this 12138
section, the sentencing court, in its discretion, may terminate 12139
the suspension. 12140

(E) If a person commits any act that constitutes a 12141
violation of division (A) of this section and that also 12142
constitutes a violation of any other provision of the Revised 12143
Code, the prosecutor, as defined in section 2935.01 of the 12144
Revised Code, using customary prosecutorial discretion, may 12145
prosecute the person for a violation of the appropriate 12146

provision of the Revised Code. 12147

Sec. 2925.13. (A) No person who is the owner, operator, or 12148
person in charge of a locomotive, watercraft, aircraft, or other 12149
vehicle, as defined in division (A) of section 4501.01 of the 12150
Revised Code, shall knowingly permit the vehicle to be used for 12151
the commission of a felony drug abuse offense. 12152

(B) No person who is the owner, lessee, or occupant, or 12153
who has custody, control, or supervision, of premises or real 12154
estate, including vacant land, shall knowingly permit the 12155
premises or real estate, including vacant land, to be used for 12156
the commission of a felony drug abuse offense by another person. 12157

(C) (1) Whoever violates this section is guilty of 12158
permitting drug abuse. 12159

(2) Except as provided in division (C) (3) of this section, 12160
permitting drug abuse is a misdemeanor of the first degree. 12161

(3) Permitting drug abuse is a felony of the fifth degree, 12162
and division (C) of section 2929.13 of the Revised Code applies 12163
in determining whether to impose a prison term on the offender, 12164
if either of the following applies: 12165

(a) The felony drug abuse offense in question is a 12166
violation of section 2925.02, 2925.03, 2925.031, 2925.032, or 12167
2925.04 of the Revised Code. 12168

(b) The felony drug abuse offense in question is a 12169
violation of section 2925.041 of the Revised Code and the 12170
offender had actual knowledge, at the time the offender 12171
permitted the vehicle, premises, or real estate to be used as 12172
described in division (A) or (B) of this section, that the 12173
person who assembled or possessed the chemicals in question in 12174
violation of section 2925.041 of the Revised Code had assembled 12175

or possessed them with the intent to manufacture a controlled 12176
substance in schedule I or II in violation of section 2925.04 of 12177
the Revised Code. 12178

(D) (1) In addition to any prison term authorized or 12179
required by division (C) of this section and sections 2929.13 12180
and 2929.14 of the Revised Code and in addition to any other 12181
sanction imposed for the offense under this section or sections 12182
2929.11 to 2929.18 of the Revised Code, the court that sentences 12183
a person who is convicted of or pleads guilty to a violation of 12184
division (A) of this section may suspend for not more than five 12185
years the offender's driver's or commercial driver's license or 12186
permit. However, if the offender pleaded guilty to or was 12187
convicted of a violation of section 4511.19 of the Revised Code 12188
or a substantially similar municipal ordinance or the law of 12189
another state or the United States arising out of the same set 12190
of circumstances as the violation, the court shall suspend the 12191
offender's driver's or commercial driver's license or permit for 12192
not more than five years. 12193

If the offender is a professionally licensed person, in 12194
addition to any other sanction imposed for a violation of this 12195
section, the court immediately shall comply with section 2925.38 12196
of the Revised Code. 12197

(2) Any offender who received a mandatory suspension of 12198
the offender's driver's or commercial driver's license or permit 12199
under this section prior to September 13, 2016, may file a 12200
motion with the sentencing court requesting the termination of 12201
the suspension. However, an offender who pleaded guilty to or 12202
was convicted of a violation of section 4511.19 of the Revised 12203
Code or a substantially similar municipal ordinance or law of 12204
another state or the United States that arose out of the same 12205

set of circumstances as the violation for which the offender's 12206
license or permit was suspended under this section shall not 12207
file such a motion. 12208

Upon the filing of a motion under division (D)(2) of this 12209
section, the sentencing court, in its discretion, may terminate 12210
the suspension. 12211

(E) Notwithstanding any contrary provision of section 12212
3719.21 of the Revised Code, the clerk of the court shall pay a 12213
fine imposed for a violation of this section pursuant to 12214
division (A) of section 2929.18 of the Revised Code in 12215
accordance with and subject to the requirements of division ~~(F)~~ 12216
(N) of section 2925.03 of the Revised Code. The agency that 12217
receives the fine shall use the fine as specified in division 12218
~~(F)~~ (N) of section 2925.03 of the Revised Code. 12219

(F) Any premises or real estate that is permitted to be 12220
used in violation of division (B) of this section constitutes a 12221
nuisance subject to abatement pursuant to Chapter 3767. of the 12222
Revised Code. 12223

Sec. 2925.22. (A) No person, by deception, shall procure 12224
the administration of, a prescription for, or the dispensing of, 12225
a dangerous drug or shall possess an uncompleted preprinted 12226
prescription blank used for writing a prescription for a 12227
dangerous drug. 12228

(B) Whoever violates this section is guilty of deception 12229
to obtain a dangerous drug. The penalty for the offense shall be 12230
determined as follows: 12231

(1) If the person possesses an uncompleted preprinted 12232
prescription blank used for writing a prescription for a 12233
dangerous drug or if the drug involved is a dangerous drug, 12234

except as otherwise provided in division (B) (2) or (3) of this 12235
section, deception to obtain a dangerous drug is a felony of the 12236
fifth degree or, if the offender previously has been convicted 12237
of or pleaded guilty to a drug abuse offense, a felony of the 12238
fourth degree. Division (C) of section 2929.13 of the Revised 12239
Code applies in determining whether to impose a prison term on 12240
the offender pursuant to this division. 12241

(2) If the drug involved is a compound, mixture, 12242
preparation, or substance included in schedule I or II, with the 12243
exception of marihuana, the penalty for deception to obtain 12244
drugs is one of the following: 12245

(a) Except as otherwise provided in division (B) (2) (b), 12246
(c), or (d) of this section, it is a felony of the fourth 12247
degree, and division (C) of section 2929.13 of the Revised Code 12248
applies in determining whether to impose a prison term on the 12249
offender. 12250

(b) If the amount of the drug involved equals or exceeds 12251
the bulk amount but is less than five times the bulk amount, or 12252
if the amount of the drug involved that could be obtained 12253
pursuant to the prescription would equal or exceed the bulk 12254
amount but would be less than five times the bulk amount, it is 12255
a felony of the third degree, and there is a presumption for a 12256
prison term for the offense. 12257

(c) If the amount of the drug involved equals or exceeds 12258
five times the bulk amount but is less than fifty times the bulk 12259
amount, or if the amount of the drug involved that could be 12260
obtained pursuant to the prescription would equal or exceed five 12261
times the bulk amount but would be less than fifty times the 12262
bulk amount, it is a felony of the second degree, and there is a 12263
presumption for a prison term for the offense. 12264

(d) If the amount of the drug involved equals or exceeds 12265
fifty times the bulk amount, or if the amount of the drug 12266
involved that could be obtained pursuant to the prescription 12267
would equal or exceed fifty times the bulk amount, it is a 12268
felony of the first degree, and there is a presumption for a 12269
prison term for the offense. 12270

(3) If the drug involved is a compound, mixture, 12271
preparation, or substance included in schedule III, IV, or V or 12272
is marihuana, the penalty for deception to obtain a dangerous 12273
drug is one of the following: 12274

(a) Except as otherwise provided in division (B) (3) (b), 12275
(c), or (d) of this section, it is a felony of the fifth degree, 12276
and division (C) of section 2929.13 of the Revised Code applies 12277
in determining whether to impose a prison term on the offender. 12278

(b) If the amount of the drug involved equals or exceeds 12279
the bulk amount but is less than five times the bulk amount, or 12280
if the amount of the drug involved that could be obtained 12281
pursuant to the prescription would equal or exceed the bulk 12282
amount but would be less than five times the bulk amount, it is 12283
a felony of the fourth degree, and division (C) of section 12284
2929.13 of the Revised Code applies in determining whether to 12285
impose a prison term on the offender. 12286

(c) If the amount of the drug involved equals or exceeds 12287
five times the bulk amount but is less than fifty times the bulk 12288
amount, or if the amount of the drug involved that could be 12289
obtained pursuant to the prescription would equal or exceed five 12290
times the bulk amount but would be less than fifty times the 12291
bulk amount, it is a felony of the third degree, and there is a 12292
presumption for a prison term for the offense. 12293

(d) If the amount of the drug involved equals or exceeds 12294
fifty times the bulk amount, or if the amount of the drug 12295
involved that could be obtained pursuant to the prescription 12296
would equal or exceed fifty times the bulk amount, it is a 12297
felony of the second degree, and there is a presumption for a 12298
prison term for the offense. 12299

(C) (1) In addition to any prison term authorized or 12300
required by division (B) of this section and sections 2929.13 12301
and 2929.14 of the Revised Code and in addition to any other 12302
sanction imposed for the offense under this section or sections 12303
2929.11 to 2929.18 of the Revised Code, the court that sentences 12304
an offender who is convicted of or pleads guilty to a violation 12305
of division (A) of this section may suspend for not more than 12306
five years the offender's driver's or commercial driver's 12307
license or permit. However, if the offender pleaded guilty to or 12308
was convicted of a violation of section 4511.19 of the Revised 12309
Code or a substantially similar municipal ordinance or the law 12310
of another state or the United States arising out of the same 12311
set of circumstances as the violation, the court shall suspend 12312
the offender's driver's or commercial driver's license or permit 12313
for not more than five years. 12314

If the offender is a professionally licensed person, in 12315
addition to any other sanction imposed for a violation of this 12316
section, the court immediately shall comply with section 2925.38 12317
of the Revised Code. 12318

(2) Any offender who received a mandatory suspension of 12319
the offender's driver's or commercial driver's license or permit 12320
under this section prior to ~~the effective date of this amendment~~ 12321
September 13, 2016, may file a motion with the sentencing court 12322
requesting the termination of the suspension. However, an 12323

offender who pleaded guilty to or was convicted of a violation 12324
of section 4511.19 of the Revised Code or a substantially 12325
similar municipal ordinance or law of another state or the 12326
United States that arose out of the same set of circumstances as 12327
the violation for which the offender's license or permit was 12328
suspended under this section shall not file such a motion. 12329

Upon the filing of a motion under division (C) (2) of this 12330
section, the sentencing court, in its discretion, may terminate 12331
the suspension. 12332

(D) Notwithstanding any contrary provision of section 12333
3719.21 of the Revised Code, the clerk of the court shall pay a 12334
fine imposed for a violation of this section pursuant to 12335
division (A) of section 2929.18 of the Revised Code in 12336
accordance with and subject to the requirements of division ~~(F)~~ 12337
(N) of section 2925.03 of the Revised Code. The agency that 12338
receives the fine shall use the fine as specified in division 12339
~~(F)~~ (N) of section 2925.03 of the Revised Code. 12340

Sec. 2925.23. (A) No person shall knowingly make a false 12341
statement in any prescription, order, report, or record required 12342
by Chapter 3719. or 4729. of the Revised Code. 12343

(B) No person shall intentionally make, utter, or sell, or 12344
knowingly possess any of the following that is a false or 12345
forged: 12346

- (1) Prescription; 12347
- (2) Uncompleted preprinted prescription blank used for 12348
writing a prescription; 12349
- (3) Official written order; 12350
- (4) License for a terminal distributor of dangerous drugs, 12351

as defined in section 4729.01 of the Revised Code; 12352

(5) License for a manufacturer of dangerous drugs, 12353
outsourcing facility, third-party logistics provider, repackager 12354
of dangerous drugs, or wholesale distributor of dangerous drugs, 12355
as defined in section 4729.01 of the Revised Code. 12356

(C) No person, by theft as defined in section 2913.02 of 12357
the Revised Code, shall acquire any of the following: 12358

(1) A prescription; 12359

(2) An uncompleted preprinted prescription blank used for 12360
writing a prescription; 12361

(3) An official written order; 12362

(4) A blank official written order; 12363

(5) A license or blank license for a terminal distributor 12364
of dangerous drugs, as defined in section 4729.01 of the Revised 12365
Code; 12366

(6) A license or blank license for a manufacturer of 12367
dangerous drugs, outsourcing facility, third-party logistics 12368
provider, repackager of dangerous drugs, or wholesale 12369
distributor of dangerous drugs, as defined in section 4729.01 of 12370
the Revised Code. 12371

(D) No person shall knowingly make or affix any false or 12372
forged label to a package or receptacle containing any dangerous 12373
drugs. 12374

(E) Divisions (A) and (D) of this section do not apply to 12375
licensed health professionals authorized to prescribe drugs, 12376
pharmacists, owners of pharmacies, and other persons whose 12377
conduct is in accordance with Chapters 3719., 4715., 4723., 12378

4725., 4729., 4730., 4731., and 4741. of the Revised Code. 12379

(F) Whoever violates this section is guilty of illegal 12380
processing of drug documents. If the offender violates division 12381
(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 12382
section, illegal processing of drug documents is a felony of the 12383
fifth degree. If the offender violates division (A), division 12384
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 12385
section, the penalty for illegal processing of drug documents 12386
shall be determined as follows: 12387

(1) If the drug involved is a compound, mixture, 12388
preparation, or substance included in schedule I or II, with the 12389
exception of marihuana, illegal processing of drug documents is 12390
a felony of the fourth degree, and division (C) of section 12391
2929.13 of the Revised Code applies in determining whether to 12392
impose a prison term on the offender. 12393

(2) If the drug involved is a dangerous drug or a 12394
compound, mixture, preparation, or substance included in 12395
schedule III, IV, or V or is marihuana, illegal processing of 12396
drug documents is a felony of the fifth degree, and division (C) 12397
of section 2929.13 of the Revised Code applies in determining 12398
whether to impose a prison term on the offender. 12399

(G) (1) In addition to any prison term authorized or 12400
required by division (F) of this section and sections 2929.13 12401
and 2929.14 of the Revised Code and in addition to any other 12402
sanction imposed for the offense under this section or sections 12403
2929.11 to 2929.18 of the Revised Code, the court that sentences 12404
an offender who is convicted of or pleads guilty to any 12405
violation of divisions (A) to (D) of this section may suspend 12406
for not more than five years the offender's driver's or 12407
commercial driver's license or permit. However, if the offender 12408

pleaded guilty to or was convicted of a violation of section 12409
4511.19 of the Revised Code or a substantially similar municipal 12410
ordinance or the law of another state or the United States 12411
arising out of the same set of circumstances as the violation, 12412
the court shall suspend the offender's driver's or commercial 12413
driver's license or permit for not more than five years. 12414

If the offender is a professionally licensed person, in 12415
addition to any other sanction imposed for a violation of this 12416
section, the court immediately shall comply with section 2925.38 12417
of the Revised Code. 12418

(2) Any offender who received a mandatory suspension of 12419
the offender's driver's or commercial driver's license or permit 12420
under this section prior to September 13, 2016, may file a 12421
motion with the sentencing court requesting the termination of 12422
the suspension. However, an offender who pleaded guilty to or 12423
was convicted of a violation of section 4511.19 of the Revised 12424
Code or a substantially similar municipal ordinance or law of 12425
another state or the United States that arose out of the same 12426
set of circumstances as the violation for which the offender's 12427
license or permit was suspended under this section shall not 12428
file such a motion. 12429

Upon the filing of a motion under division (G) (2) of this 12430
section, the sentencing court, in its discretion, may terminate 12431
the suspension. 12432

(H) Notwithstanding any contrary provision of section 12433
3719.21 of the Revised Code, the clerk of court shall pay a fine 12434
imposed for a violation of this section pursuant to division (A) 12435
of section 2929.18 of the Revised Code in accordance with and 12436
subject to the requirements of division ~~(F)~~ (N) of section 12437
2925.03 of the Revised Code. The agency that receives the fine 12438

shall use the fine as specified in division ~~(F)~~ (N) of section 12439
2925.03 of the Revised Code. 12440

Sec. 2925.36. (A) No person shall knowingly furnish 12441
another a sample drug. 12442

(B) Division (A) of this section does not apply to 12443
manufacturers, wholesalers, pharmacists, owners of pharmacies, 12444
licensed health professionals authorized to prescribe drugs, and 12445
other persons whose conduct is in accordance with Chapters 12446
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 12447
the Revised Code. 12448

(C) (1) Whoever violates this section is guilty of illegal 12449
dispensing of drug samples. 12450

(2) If the drug involved in the offense is a compound, 12451
mixture, preparation, or substance included in schedule I or II, 12452
with the exception of marihuana, the penalty for the offense 12453
shall be determined as follows: 12454

(a) Except as otherwise provided in division (C) (2) (b) of 12455
this section, illegal dispensing of drug samples is a felony of 12456
the fifth degree, and, subject to division (E) of this section, 12457
division (C) of section 2929.13 of the Revised Code applies in 12458
determining whether to impose a prison term on the offender. 12459

(b) If the offense was committed in the vicinity of a 12460
school or in the vicinity of a juvenile, illegal dispensing of 12461
drug samples is a felony of the fourth degree, and, subject to 12462
division (E) of this section, division (C) of section 2929.13 of 12463
the Revised Code applies in determining whether to impose a 12464
prison term on the offender. 12465

(3) If the drug involved in the offense is a dangerous 12466
drug or a compound, mixture, preparation, or substance included 12467

in schedule III, IV, or V, or is marihuana, the penalty for the 12468
offense shall be determined as follows: 12469

(a) Except as otherwise provided in division (C) (3) (b) of 12470
this section, illegal dispensing of drug samples is a 12471
misdemeanor of the second degree. 12472

(b) If the offense was committed in the vicinity of a 12473
school or in the vicinity of a juvenile, illegal dispensing of 12474
drug samples is a misdemeanor of the first degree. 12475

(D) (1) In addition to any prison term authorized or 12476
required by division (C) or (E) of this section and sections 12477
2929.13 and 2929.14 of the Revised Code and in addition to any 12478
other sanction imposed for the offense under this section or 12479
sections 2929.11 to 2929.18 of the Revised Code, the court that 12480
sentences an offender who is convicted of or pleads guilty to a 12481
violation of division (A) of this section may suspend for not 12482
more than five years the offender's driver's or commercial 12483
driver's license or permit. However, if the offender pleaded 12484
guilty to or was convicted of a violation of section 4511.19 of 12485
the Revised Code or a substantially similar municipal ordinance 12486
or the law of another state or the United States arising out of 12487
the same set of circumstances as the violation, the court shall 12488
suspend the offender's driver's or commercial driver's license 12489
or permit for not more than five years. 12490

If the offender is a professionally licensed person, in 12491
addition to any other sanction imposed for a violation of this 12492
section, the court immediately shall comply with section 2925.38 12493
of the Revised Code. 12494

(2) Any offender who received a mandatory suspension of 12495
the offender's driver's or commercial driver's license or permit 12496

under this section prior to September 13, 2016, may file a 12497
motion with the sentencing court requesting the termination of 12498
the suspension. However, an offender who pleaded guilty to or 12499
was convicted of a violation of section 4511.19 of the Revised 12500
Code or a substantially similar municipal ordinance or law of 12501
another state or the United States that arose out of the same 12502
set of circumstances as the violation for which the offender's 12503
license or permit was suspended under this section shall not 12504
file such a motion. 12505

Upon the filing of a motion under division (D) (2) of this 12506
section, the sentencing court, in its discretion, may terminate 12507
the suspension. 12508

(E) Notwithstanding the prison term authorized or required 12509
by division (C) of this section and sections 2929.13 and 2929.14 12510
of the Revised Code, if the violation of division (A) of this 12511
section involves the sale, offer to sell, or possession of a 12512
schedule I or II controlled substance, with the exception of 12513
marihuana, and if the court imposing sentence upon the offender 12514
finds that the offender as a result of the violation is a major 12515
drug offender and is guilty of a specification of the type 12516
described in division (A) of section 2941.1410 of the Revised 12517
Code, the court, in lieu of the prison term otherwise authorized 12518
or required, shall impose upon the offender the mandatory prison 12519
term specified in division (B) (3) (a) of section 2929.14 of the 12520
Revised Code. 12521

(F) Notwithstanding any contrary provision of section 12522
3719.21 of the Revised Code, the clerk of the court shall pay a 12523
fine imposed for a violation of this section pursuant to 12524
division (A) of section 2929.18 of the Revised Code in 12525
accordance with and subject to the requirements of division ~~(F)~~ 12526

(N) of section 2925.03 of the Revised Code. The agency that 12527
receives the fine shall use the fine as specified in division 12528
~~(F)~~ (N) of section 2925.03 of the Revised Code. 12529

Sec. 2925.37. (A) No person shall knowingly possess any 12530
counterfeit controlled substance. 12531

(B) No person shall knowingly make, sell, offer to sell, 12532
or deliver any substance that the person knows is a counterfeit 12533
controlled substance. 12534

(C) No person shall make, possess, sell, offer to sell, or 12535
deliver any punch, die, plate, stone, or other device knowing or 12536
having reason to know that it will be used to print or reproduce 12537
a trademark, trade name, or other identifying mark upon a 12538
counterfeit controlled substance. 12539

(D) No person shall sell, offer to sell, give, or deliver 12540
any counterfeit controlled substance to a juvenile. 12541

(E) No person shall directly or indirectly represent a 12542
counterfeit controlled substance as a controlled substance by 12543
describing its effects as the physical or psychological effects 12544
associated with use of a controlled substance. 12545

(F) No person shall directly or indirectly falsely 12546
represent or advertise a counterfeit controlled substance as a 12547
controlled substance. As used in this division, "advertise" 12548
means engaging in "advertisement," as defined in section 3715.01 12549
of the Revised Code. 12550

(G) Whoever violates division (A) of this section is 12551
guilty of possession of counterfeit controlled substances, a 12552
misdemeanor of the first degree. 12553

(H) Whoever violates division (B) or (C) of this section 12554

is guilty of trafficking in counterfeit controlled substances. 12555
Except as otherwise provided in this division, trafficking in 12556
counterfeit controlled substances is a felony of the fifth 12557
degree, and division (C) of section 2929.13 of the Revised Code 12558
applies in determining whether to impose a prison term on the 12559
offender. If the offense was committed in the vicinity of a 12560
school or in the vicinity of a juvenile, trafficking in 12561
counterfeit controlled substances is a felony of the fourth 12562
degree, and division (C) of section 2929.13 of the Revised Code 12563
applies in determining whether to impose a prison term on the 12564
offender. 12565

(I) Whoever violates division (D) of this section is 12566
guilty of aggravated trafficking in counterfeit controlled 12567
substances. Except as otherwise provided in this division, 12568
aggravated trafficking in counterfeit controlled substances is a 12569
felony of the fourth degree, and division (C) of section 2929.13 12570
of the Revised Code applies in determining whether to impose a 12571
prison term on the offender. 12572

(J) Whoever violates division (E) of this section is 12573
guilty of promoting and encouraging drug abuse. Except as 12574
otherwise provided in this division, promoting and encouraging 12575
drug abuse is a felony of the fifth degree, and division (C) of 12576
section 2929.13 of the Revised Code applies in determining 12577
whether to impose a prison term on the offender. If the offense 12578
was committed in the vicinity of a school or in the vicinity of 12579
a juvenile, promoting and encouraging drug abuse is a felony of 12580
the fourth degree, and division (C) of section 2929.13 of the 12581
Revised Code applies in determining whether to impose a prison 12582
term on the offender. 12583

(K) Whoever violates division (F) of this section is 12584

guilty of fraudulent drug advertising. Except as otherwise 12585
provided in this division, fraudulent drug advertising is a 12586
felony of the fifth degree, and division (C) of section 2929.13 12587
of the Revised Code applies in determining whether to impose a 12588
prison term on the offender. If the offense was committed in the 12589
vicinity of a school or in the vicinity of a juvenile, 12590
fraudulent drug advertising is a felony of the fourth degree, 12591
and division (C) of section 2929.13 of the Revised Code applies 12592
in determining whether to impose a prison term on the offender. 12593

(L) (1) In addition to any prison term authorized or 12594
required by divisions (H) to (K) of this section and sections 12595
2929.13 and 2929.14 of the Revised Code and in addition to any 12596
other sanction imposed for the offense under this section or 12597
sections 2929.11 to 2929.18 of the Revised Code, the court that 12598
sentences an offender who is convicted of or pleads guilty to a 12599
violation of division (B), (C), (D), (E), or (F) of this section 12600
may suspend for not more than five years the offender's driver's 12601
or commercial driver's license or permit. However, if the 12602
offender pleaded guilty to or was convicted of a violation of 12603
section 4511.19 of the Revised Code or a substantially similar 12604
municipal ordinance or the law of another state or the United 12605
States arising out of the same set of circumstances as the 12606
violation, the court shall suspend the offender's driver's or 12607
commercial driver's license or permit for not more than five 12608
years. 12609

If the offender is a professionally licensed person, in 12610
addition to any other sanction imposed for a violation of this 12611
section, the court immediately shall comply with section 2925.38 12612
of the Revised Code. 12613

(2) Any offender who received a mandatory suspension of 12614

the offender's driver's or commercial driver's license or permit 12615
under this section prior to ~~the effective date of this amendment~~ 12616
September 13, 2016 may file a motion with the sentencing court 12617
requesting the termination of the suspension. However, an 12618
offender who pleaded guilty to or was convicted of a violation 12619
of section 4511.19 of the Revised Code or a substantially 12620
similar municipal ordinance or law of another state or the 12621
United States that arose out of the same set of circumstances as 12622
the violation for which the offender's license or permit was 12623
suspended under this section shall not file such a motion. 12624

Upon the filing of a motion under division (L) (2) of this 12625
section, the sentencing court, in its discretion, may terminate 12626
the suspension. 12627

(M) Notwithstanding any contrary provision of section 12628
3719.21 of the Revised Code, the clerk of the court shall pay a 12629
fine imposed for a violation of this section pursuant to 12630
division (A) of section 2929.18 of the Revised Code in 12631
accordance with and subject to the requirements of division ~~(F)~~ 12632
(N) of section 2925.03 of the Revised Code. The agency that 12633
receives the fine shall use the fine as specified in division 12634
~~(F)~~ (N) of section 2925.03 of the Revised Code. 12635

Sec. 2925.38. If a person who is convicted of or pleads 12636
guilty to a violation of section 2925.02, 2925.03, 2925.031, 12637
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 12638
2925.111, 2925.112, 2925.12, 2925.13, 2925.14, 2925.141, 12639
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 12640
Revised Code is a professionally licensed person, in addition to 12641
any other sanctions imposed for the violation, the court, except 12642
as otherwise provided in this section, immediately shall 12643
transmit a certified copy of the judgment entry of conviction to 12644

the regulatory or licensing board or agency that has the 12645
administrative authority to suspend or revoke the offender's 12646
professional license. If the professionally licensed person who 12647
is convicted of or pleads guilty to a violation of any section 12648
listed in this section is a person who has been admitted to the 12649
bar by order of the supreme court in compliance with its 12650
prescribed and published rules, in addition to any other 12651
sanctions imposed for the violation, the court immediately shall 12652
transmit a certified copy of the judgment entry of conviction to 12653
the secretary of the board of commissioners on grievances and 12654
discipline of the supreme court and to either the disciplinary 12655
counsel or the president, secretary, and chairperson of each 12656
certified grievance committee. 12657

Sec. 2925.42. (A) If a person is convicted of or pleads 12658
guilty to a felony drug abuse offense, or a juvenile is found by 12659
a juvenile court to be a delinquent child for an act that, if 12660
committed by an adult, would be a felony drug abuse offense, and 12661
derives profits or other proceeds from the offense or act, the 12662
court that imposes sentence or an order of disposition upon the 12663
offender or delinquent child, in lieu of any fine that the court 12664
is otherwise authorized or required to impose, may impose upon 12665
the offender or delinquent child a fine of not more than twice 12666
the gross profits or other proceeds so derived. 12667

(B) Notwithstanding any contrary provision of section 12668
3719.21 of the Revised Code, all fines imposed pursuant to this 12669
section shall be paid by the clerk of the court to the county, 12670
municipal corporation, township, park district, as created 12671
pursuant to section 511.18 or 1545.01 of the Revised Code, or 12672
state law enforcement agencies in this state that were primarily 12673
responsible for or involved in making the arrest of, and in 12674
prosecuting, the offender. However, no fine so imposed shall be 12675

paid to a law enforcement agency unless the agency has adopted a 12676
written internal control policy under division ~~(F)~~ (N) (2) of 12677
section 2925.03 of the Revised Code that addresses the use of 12678
the fine moneys that it receives under this division and 12679
division ~~(F)~~ (N) (1) of section 2925.03 of the Revised Code. The 12680
fines imposed and paid pursuant to this division shall be used 12681
by the law enforcement agencies to subsidize their efforts 12682
pertaining to drug offenses, in accordance with the written 12683
internal control policy adopted by the recipient agency under 12684
division ~~(F)~~ (N) (2) of section 2925.03 of the Revised Code. 12685

(C) As used in this section: 12686

(1) "Law enforcement agencies" includes, but is not 12687
limited to, the state board of pharmacy and the office of a 12688
prosecutor. 12689

(2) "Prosecutor" has the same meaning as in section 12690
2935.01 of the Revised Code. 12691

Sec. 2925.51. (A) In any criminal prosecution for a 12692
violation of this chapter or Chapter 3719. of the Revised Code, 12693
a laboratory report from the bureau of criminal identification 12694
and investigation, a laboratory operated by another law 12695
enforcement agency, or a laboratory established by or under the 12696
authority of an institution of higher education that has its 12697
main campus in this state and that is accredited by the 12698
association of American universities or the north central 12699
association of colleges and secondary schools, primarily for the 12700
purpose of providing scientific services to law enforcement 12701
agencies and signed by the person performing the analysis, 12702
stating that the substance that is the basis of the alleged 12703
offense has been weighed and analyzed and stating the findings 12704
as to the content, weight, and identity of the substance and 12705

that it contains any amount of a controlled substance and the 12706
number and description of unit dosages, is prima-facie evidence 12707
of the content, identity, and weight or the existence and number 12708
of unit dosages of the substance. In any criminal prosecution 12709
for a violation of section 2925.041 of the Revised Code or a 12710
violation of this chapter or Chapter 3719. of the Revised Code 12711
that is based on the possession of chemicals sufficient to 12712
produce a compound, mixture, preparation, or substance included 12713
in schedule I, II, III, IV, or V, a laboratory report from the 12714
bureau or from any laboratory that is operated or established as 12715
described in this division that is signed by the person 12716
performing the analysis, stating that the substances that are 12717
the basis of the alleged offense have been weighed and analyzed 12718
and stating the findings as to the content, weight, and identity 12719
of each of the substances, is prima-facie evidence of the 12720
content, identity, and weight of the substances. 12721

Attached to that report shall be a copy of a notarized 12722
statement by the signer of the report giving the name of the 12723
signer and stating that the signer is an employee of the 12724
laboratory issuing the report and that performing the analysis 12725
is a part of the signer's regular duties, and giving an outline 12726
of the signer's education, training, and experience for 12727
performing an analysis of materials included under this section. 12728
The signer shall attest that scientifically accepted tests were 12729
performed with due caution, and that the evidence was handled in 12730
accordance with established and accepted procedures while in the 12731
custody of the laboratory. 12732

(B) The prosecuting attorney shall serve a copy of the 12733
report on the attorney of record for the accused, or on the 12734
accused if the accused has no attorney, prior to any proceeding 12735
in which the report is to be used against the accused other than 12736

at a preliminary hearing or grand jury proceeding where the 12737
report may be used without having been previously served upon 12738
the accused. 12739

(C) The report shall not be prima-facie evidence of the 12740
contents, identity, and weight or the existence and number of 12741
unit dosages of the substance if the accused or the accused's 12742
attorney demands the testimony of the person signing the report, 12743
by serving the demand upon the prosecuting attorney within seven 12744
days from the accused or the accused's attorney's receipt of the 12745
report. The time may be extended by a trial judge in the 12746
interests of justice. 12747

(D) Any report issued for use under this section shall 12748
contain notice of the right of the accused to demand, and the 12749
manner in which the accused shall demand, the testimony of the 12750
person signing the report. 12751

(E) Any person who is accused of a violation of this 12752
chapter or of Chapter 3719. of the Revised Code is entitled, 12753
upon written request made to the prosecuting attorney, to have a 12754
portion of the substance that is, or of each of the substances 12755
that are, the basis of the alleged violation preserved for the 12756
benefit of independent analysis performed by a laboratory 12757
analyst employed by the accused person, or, if the accused is 12758
indigent, by a qualified laboratory analyst appointed by the 12759
court. Such portion shall be a representative sample of the 12760
entire substance that is, or of each of the substances that are, 12761
the basis of the alleged violation and shall be of sufficient 12762
size, in the opinion of the court, to permit the accused's 12763
analyst to make a thorough scientific analysis concerning the 12764
identity of the substance or substances. The prosecuting 12765
attorney shall provide the accused's analyst with the sample 12766

portion at least fourteen days prior to trial, unless the trial 12767
is to be held in a court not of record or unless the accused 12768
person is charged with a minor misdemeanor, in which case the 12769
prosecuting attorney shall provide the accused's analyst with 12770
the sample portion at least three days prior to trial. If the 12771
prosecuting attorney determines that such a sample portion 12772
cannot be preserved and given to the accused's analyst, the 12773
prosecuting attorney shall so inform the accused person or his 12774
attorney. In such a circumstance, the accused person is 12775
entitled, upon written request made to the prosecuting attorney, 12776
to have the accused's privately employed or court appointed 12777
analyst present at an analysis of the substance that is, or the 12778
substances that are, the basis of the alleged violation, and, 12779
upon further written request, to receive copies of all recorded 12780
scientific data that result from the analysis and that can be 12781
used by an analyst in arriving at conclusions, findings, or 12782
opinions concerning the identity of the substance or substances 12783
subject to the analysis. 12784

(F) In addition to the rights provided under division (E) 12785
of this section, any person who is accused of a violation of 12786
this chapter or of Chapter 3719. of the Revised Code that 12787
involves a bulk amount of a controlled substance, or any 12788
multiple thereof, or who is accused of a violation of former 12789
section 2925.11 or section 2925.111 or 2925.112 of the Revised 12790
Code, other than a minor misdemeanor violation, that involves 12791
marihuana, is entitled, upon written request made to the 12792
prosecuting attorney, to have a laboratory analyst of the 12793
accused's choice, or, if the accused is indigent, a qualified 12794
laboratory analyst appointed by the court present at a 12795
measurement or weighing of the substance that is the basis of 12796
the alleged violation. Also, the accused person is entitled, 12797

upon further written request, to receive copies of all recorded 12798
scientific data that result from the measurement or weighing and 12799
that can be used by an analyst in arriving at conclusions, 12800
findings, or opinions concerning the weight, volume, or number 12801
of unit doses of the substance subject to the measurement or 12802
weighing. 12803

Sec. 2927.21. (A) As used in this section: 12804

(1) "Offense subject to forfeiture proceedings" means any 12805
of the following: 12806

(a) A violation of section 2903.01, 2903.02, 2903.03, 12807
2903.04, 2903.041, 2903.05, 2903.06, 2903.08, 2903.09, 2903.11, 12808
2903.12, 2903.13, 2903.14, 2903.15, 2903.16, 2903.21, or 12809
2903.211 of the Revised Code; 12810

(b) A violation of section 2905.01, 2905.02, 2905.03, 12811
2905.05, 2905.11, 2905.32, or 2905.33 of the Revised Code; 12812

(c) A violation of section 2907.02, 2907.03, 2907.04, 12813
2907.05, 2907.06, 2907.07, 2907.19, 2907.21, 2907.22, 2907.321, 12814
2907.322, or 2907.323 of the Revised Code; 12815

(d) A violation of section 2909.02, 2909.03, 2909.22, 12816
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, or 2909.29 of the 12817
Revised Code; 12818

(e) A violation of section 2911.01, 2911.02, 2911.11, 12819
2911.12, or 2911.13 of the Revised Code; 12820

(f) A violation of section 2915.02, 2915.03, 2915.04, or 12821
2915.05 of the Revised Code; 12822

(g) A violation of section 2921.02, 2921.03, 2921.04, 12823
2921.05, 2921.11, 2921.12, or 2921.41 of the Revised Code; 12824

(h) A violation of section 2925.02, 2925.03, 2925.031, 12825
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, ~~or~~ 12826
2925.11, 2925.111, or 2925.112 of the Revised Code; 12827

(i) A conspiracy or attempt to commit, or complicity in 12828
committing, any offense under division (A) (1) (a), (b), (c), (d), 12829
(e), (f), (g), or (h) of this section. 12830

(2) "Proceeds" has the same meaning as in section 2981.01 12831
of the Revised Code. 12832

(3) "Vehicle" has the same meaning as in section 4501.01 12833
of the Revised Code. 12834

(B) No person shall receive, retain, possess, or dispose 12835
of proceeds knowing or having reasonable cause to believe that 12836
the proceeds were derived from the commission of an offense 12837
subject to forfeiture proceedings. 12838

(C) It is not a defense to a charge of receiving proceeds 12839
of an offense subject to forfeiture proceedings in violation of 12840
this section that the proceeds were derived by means other than 12841
the commission of an offense subject to forfeiture proceedings 12842
if the property was explicitly represented to the accused person 12843
as having been derived from the commission of an offense subject 12844
to forfeiture proceedings. 12845

(D) A person shall be considered to have received, 12846
retained, possessed, or disposed of proceeds if the proceeds are 12847
found anywhere in a vehicle and the person was the last person 12848
who operated the vehicle immediately prior to the search of the 12849
vehicle by the law enforcement officer who found the proceeds. 12850

(E) Whoever violates this section is guilty of receiving 12851
proceeds of an offense subject to forfeiture proceedings. If the 12852
value of the proceeds involved is less than one thousand 12853

dollars, receiving proceeds of an offense subject to forfeiture 12854
proceedings is a misdemeanor of the first degree. If the value 12855
of the proceeds involved is one thousand dollars or more and is 12856
less than twenty-five thousand dollars, receiving proceeds of an 12857
offense subject to forfeiture proceedings is a felony of the 12858
fifth degree. If the value of the proceeds involved is twenty- 12859
five thousand dollars or more and is less than one hundred fifty 12860
thousand dollars, receiving proceeds of an offense subject to 12861
forfeiture proceedings is a felony of the fourth degree. If the 12862
value of the proceeds involved is one hundred fifty thousand 12863
dollars or more, receiving proceeds of an offense subject to 12864
forfeiture proceedings is a felony of the third degree. 12865

Sec. 2929.141. (A) Upon the conviction of or plea of 12866
guilty to a felony by a person on post-release control at the 12867
time of the commission of the felony, the court may terminate 12868
the term of post-release control, and the court may do either of 12869
the following regardless of whether the sentencing court or 12870
another court of this state imposed the original prison term for 12871
which the person is on post-release control: 12872

(1) In addition to any prison term for the new felony, 12873
impose a prison term for the post-release control violation. The 12874
maximum prison term for the violation shall be the greater of 12875
twelve months or the period of post-release control for the 12876
earlier felony minus any time the person has spent under post- 12877
release control for the earlier felony. In all cases, any prison 12878
term imposed for the violation shall be reduced by any prison 12879
term that is administratively imposed by the parole board as a 12880
post-release control sanction. A prison term imposed for the 12881
violation shall be served consecutively to any prison term 12882
imposed for the new felony. The imposition of a prison term for 12883
the post-release control violation shall terminate the period of 12884

post-release control for the earlier felony. 12885

(2) Impose a sanction under sections 2929.15 to 2929.18 of 12886
the Revised Code for the violation that shall be served 12887
concurrently or consecutively, as specified by the court, with 12888
any community control sanctions for the new felony. 12889

(B) If a person on post-release control was acting 12890
pursuant to division (B) (2) (b) of section 2925.11 or a related 12891
provision under section 2925.111 or 2925.112 of the Revised Code 12892
and in so doing violated the conditions of a post-release 12893
control sanction based on a minor drug possession offense, as 12894
defined in section ~~2925.11~~ 2925.01 of the Revised Code, the 12895
court may consider the person's conduct in seeking or obtaining 12896
medical assistance for another in good faith or for self or may 12897
consider the person being the subject of another person seeking 12898
or obtaining medical assistance in accordance with that division 12899
as a mitigating factor before imposing any of the penalties 12900
described in division (A) of this section. 12901

(C) Upon the conviction of or plea of guilty to a felony 12902
by a person on transitional control under section 2967.26 of the 12903
Revised Code at the time of the commission of the felony, the 12904
court may, in addition to any prison term for the new felony, 12905
impose a prison term not exceeding twelve months for having 12906
committed the felony while on transitional control. An 12907
additional prison term imposed pursuant to this section shall be 12908
served consecutively to any prison term imposed for the new 12909
felony. The sentencing court may impose the additional prison 12910
term authorized by this section regardless of whether the 12911
sentencing court or another court of this state imposed the 12912
original prison term for which the person is on transitional 12913
control. 12914

Sec. 2929.18. (A) Except as otherwise provided in this 12915
division and in addition to imposing court costs pursuant to 12916
section 2947.23 of the Revised Code, the court imposing a 12917
sentence upon an offender for a felony may sentence the offender 12918
to any financial sanction or combination of financial sanctions 12919
authorized under this section or, in the circumstances specified 12920
in section 2929.32 of the Revised Code, may impose upon the 12921
offender a fine in accordance with that section. Financial 12922
sanctions that may be imposed pursuant to this section include, 12923
but are not limited to, the following: 12924

(1) Restitution by the offender to the victim of the 12925
offender's crime or any survivor of the victim, in an amount 12926
based on the victim's economic loss. If the court imposes 12927
restitution, the court shall order that the restitution be made 12928
to the victim in open court, to the adult probation department 12929
that serves the county on behalf of the victim, to the clerk of 12930
courts, or to another agency designated by the court. If the 12931
court imposes restitution, at sentencing, the court shall 12932
determine the amount of restitution to be made by the offender. 12933
If the court imposes restitution, the court may base the amount 12934
of restitution it orders on an amount recommended by the victim, 12935
the offender, a presentence investigation report, estimates or 12936
receipts indicating the cost of repairing or replacing property, 12937
and other information, provided that the amount the court orders 12938
as restitution shall not exceed the amount of the economic loss 12939
suffered by the victim as a direct and proximate result of the 12940
commission of the offense. If the court decides to impose 12941
restitution, the court shall hold a hearing on restitution if 12942
the offender, victim, or survivor disputes the amount. All 12943
restitution payments shall be credited against any recovery of 12944
economic loss in a civil action brought by the victim or any 12945

survivor of the victim against the offender. 12946

If the court imposes restitution, the court may order that 12947
the offender pay a surcharge of not more than five per cent of 12948
the amount of the restitution otherwise ordered to the entity 12949
responsible for collecting and processing restitution payments. 12950

The victim or survivor may request that the prosecutor in 12951
the case file a motion, or the offender may file a motion, for 12952
modification of the payment terms of any restitution ordered. If 12953
the court grants the motion, it may modify the payment terms as 12954
it determines appropriate. 12955

(2) Except as provided in division (B) (1), (3), or (4) of 12956
this section, a fine payable by the offender to the state, to a 12957
political subdivision, or as described in division (B) (2) of 12958
this section to one or more law enforcement agencies, with the 12959
amount of the fine based on a standard percentage of the 12960
offender's daily income over a period of time determined by the 12961
court and based upon the seriousness of the offense. A fine 12962
ordered under this division shall not exceed the maximum 12963
conventional fine amount authorized for the level of the offense 12964
under division (A) (3) of this section. 12965

(3) Except as provided in division (B) (1), (3), or (4) of 12966
this section, a fine payable by the offender to the state, to a 12967
political subdivision when appropriate for a felony, or as 12968
described in division (B) (2) of this section to one or more law 12969
enforcement agencies, in the following amount: 12970

(a) For a felony of the first degree, not more than twenty 12971
thousand dollars; 12972

(b) For a felony of the second degree, not more than 12973
fifteen thousand dollars; 12974

| | |
|--|-------|
| (c) For a felony of the third degree, not more than ten | 12975 |
| thousand dollars; | 12976 |
| (d) For a felony of the fourth degree, not more than five | 12977 |
| thousand dollars; | 12978 |
| (e) For a felony of the fifth degree, not more than two | 12979 |
| thousand five hundred dollars. | 12980 |
| (4) A state fine or costs as defined in section 2949.111 | 12981 |
| of the Revised Code. | 12982 |
| (5) (a) Reimbursement by the offender of any or all of the | 12983 |
| costs of sanctions incurred by the government, including the | 12984 |
| following: | 12985 |
| (i) All or part of the costs of implementing any community | 12986 |
| control sanction, including a supervision fee under section | 12987 |
| 2951.021 of the Revised Code; | 12988 |
| (ii) All or part of the costs of confinement under a | 12989 |
| sanction imposed pursuant to section 2929.14, 2929.142, or | 12990 |
| 2929.16 of the Revised Code, provided that the amount of | 12991 |
| reimbursement ordered under this division shall not exceed the | 12992 |
| total amount of reimbursement the offender is able to pay as | 12993 |
| determined at a hearing and shall not exceed the actual cost of | 12994 |
| the confinement; | 12995 |
| (iii) All or part of the cost of purchasing and using an | 12996 |
| immobilizing or disabling device, including a certified ignition | 12997 |
| interlock device, or a remote alcohol monitoring device that a | 12998 |
| court orders an offender to use under section 4510.13 of the | 12999 |
| Revised Code. | 13000 |
| (b) If the offender is sentenced to a sanction of | 13001 |
| confinement pursuant to section 2929.14 or 2929.16 of the | 13002 |

Revised Code that is to be served in a facility operated by a 13003
board of county commissioners, a legislative authority of a 13004
municipal corporation, or another local governmental entity, if, 13005
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 13006
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 13007
section 2929.37 of the Revised Code, the board, legislative 13008
authority, or other local governmental entity requires prisoners 13009
to reimburse the county, municipal corporation, or other entity 13010
for its expenses incurred by reason of the prisoner's 13011
confinement, and if the court does not impose a financial 13012
sanction under division (A) (5) (a) (ii) of this section, 13013
confinement costs may be assessed pursuant to section 2929.37 of 13014
the Revised Code. In addition, the offender may be required to 13015
pay the fees specified in section 2929.38 of the Revised Code in 13016
accordance with that section. 13017

(c) Reimbursement by the offender for costs pursuant to 13018
section 2929.71 of the Revised Code. 13019

(B) (1) For a first, second, or third degree felony 13020
violation of any provision of Chapter 2925., 3719., or 4729. of 13021
the Revised Code, the sentencing court shall impose upon the 13022
offender a mandatory fine of at least one-half of, but not more 13023
than, the maximum statutory fine amount authorized for the level 13024
of the offense pursuant to division (A) (3) of this section. If 13025
an offender alleges in an affidavit filed with the court prior 13026
to sentencing that the offender is indigent and unable to pay 13027
the mandatory fine and if the court determines the offender is 13028
an indigent person and is unable to pay the mandatory fine 13029
described in this division, the court shall not impose the 13030
mandatory fine upon the offender. 13031

(2) Any mandatory fine imposed upon an offender under 13032

division (B) (1) of this section and any fine imposed upon an 13033
offender under division (A) (2) or (3) of this section for any 13034
fourth or fifth degree felony violation of any provision of 13035
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 13036
to law enforcement agencies pursuant to division ~~(F)~~ (N) of 13037
section 2925.03 of the Revised Code. 13038

(3) For a fourth degree felony OVI offense and for a third 13039
degree felony OVI offense, the sentencing court shall impose 13040
upon the offender a mandatory fine in the amount specified in 13041
division (G) (1) (d) or (e) of section 4511.19 of the Revised 13042
Code, whichever is applicable. The mandatory fine so imposed 13043
shall be disbursed as provided in the division pursuant to which 13044
it is imposed. 13045

(4) Notwithstanding any fine otherwise authorized or 13046
required to be imposed under division (A) (2) or (3) or (B) (1) of 13047
this section or section 2929.31 of the Revised Code for a 13048
violation of section 2925.03, 2925.031, or 2925.032 of the 13049
Revised Code, in addition to any penalty or sanction imposed for 13050
that offense under section 2925.03, 2925.031, or 2925.032 or 13051
sections 2929.11 to 2929.18 of the Revised Code and in addition 13052
to the forfeiture of property in connection with the offense as 13053
prescribed in Chapter 2981. of the Revised Code, the court that 13054
sentences an offender for a violation of section 2925.03 of the 13055
Revised Code may impose upon the offender a fine in addition to 13056
any fine imposed under division (A) (2) or (3) of this section 13057
and in addition to any mandatory fine imposed under division (B) 13058
(1) of this section. The fine imposed under division (B) (4) of 13059
this section shall be used as provided in division (H) of 13060
section 2925.03 of the Revised Code. A fine imposed under 13061
division (B) (4) of this section shall not exceed whichever of 13062
the following is applicable: 13063

(a) The total value of any personal or real property in 13064
which the offender has an interest and that was used in the 13065
course of, intended for use in the course of, derived from, or 13066
realized through conduct in violation of section 2925.03, 13067
2925.031, or 2925.032 of the Revised Code, including any 13068
property that constitutes proceeds derived from that offense; 13069

(b) If the offender has no interest in any property of the 13070
type described in division (B) (4) (a) of this section or if it is 13071
not possible to ascertain whether the offender has an interest 13072
in any property of that type in which the offender may have an 13073
interest, the amount of the mandatory fine for the offense 13074
imposed under division (B) (1) of this section or, if no 13075
mandatory fine is imposed under division (B) (1) of this section, 13076
the amount of the fine authorized for the level of the offense 13077
imposed under division (A) (3) of this section. 13078

(5) Prior to imposing a fine under division (B) (4) of this 13079
section, the court shall determine whether the offender has an 13080
interest in any property of the type described in division (B) 13081
(4) (a) of this section. Except as provided in division (B) (6) or 13082
(7) of this section, a fine that is authorized and imposed under 13083
division (B) (4) of this section does not limit or affect the 13084
imposition of the penalties and sanctions for a violation of 13085
section 2925.03, 2925.031, or 2925.032 of the Revised Code 13086
prescribed under those sections or sections 2929.11 to 2929.18 13087
of the Revised Code and does not limit or affect a forfeiture of 13088
property in connection with the offense as prescribed in Chapter 13089
2981. of the Revised Code. 13090

(6) If the sum total of a mandatory fine amount imposed 13091
for a first, second, or third degree felony violation of section 13092
2925.03 of the Revised Code under division (B) (1) of this 13093

section plus the amount of any fine imposed under division (B) 13094
(4) of this section does not exceed the maximum statutory fine 13095
amount authorized for the level of the offense under division 13096
(A) (3) of this section or section 2929.31 of the Revised Code, 13097
the court may impose a fine for the offense in addition to the 13098
mandatory fine and the fine imposed under division (B) (4) of 13099
this section. The sum total of the amounts of the mandatory 13100
fine, the fine imposed under division (B) (4) of this section, 13101
and the additional fine imposed under division (B) (6) of this 13102
section shall not exceed the maximum statutory fine amount 13103
authorized for the level of the offense under division (A) (3) of 13104
this section or section 2929.31 of the Revised Code. The clerk 13105
of the court shall pay any fine that is imposed under division 13106
(B) (6) of this section to the county, township, municipal 13107
corporation, park district as created pursuant to section 511.18 13108
or 1545.04 of the Revised Code, or state law enforcement 13109
agencies in this state that primarily were responsible for or 13110
involved in making the arrest of, and in prosecuting, the 13111
offender pursuant to division ~~(F)~~ (N) of section 2925.03 of the 13112
Revised Code. 13113

(7) If the sum total of the amount of a mandatory fine 13114
imposed for a first, second, or third degree felony violation of 13115
section 2925.03, 2925.031, or 2925.032 of the Revised Code plus 13116
the amount of any fine imposed under division (B) (4) of this 13117
section exceeds the maximum statutory fine amount authorized for 13118
the level of the offense under division (A) (3) of this section 13119
or section 2929.31 of the Revised Code, the court shall not 13120
impose a fine under division (B) (6) of this section. 13121

(8) (a) If an offender who is convicted of or pleads guilty 13122
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 13123
2923.32, division (A) (1) or (2) of section 2907.323 involving a 13124

minor, or division (B) (1), (2), (3), (4), or (5) of section 13125
2919.22 of the Revised Code also is convicted of or pleads 13126
guilty to a specification of the type described in section 13127
2941.1422 of the Revised Code that charges that the offender 13128
knowingly committed the offense in furtherance of human 13129
trafficking, the sentencing court shall sentence the offender to 13130
a financial sanction of restitution by the offender to the 13131
victim or any survivor of the victim, with the restitution 13132
including the costs of housing, counseling, and medical and 13133
legal assistance incurred by the victim as a direct result of 13134
the offense and the greater of the following: 13135

(i) The gross income or value to the offender of the 13136
victim's labor or services; 13137

(ii) The value of the victim's labor as guaranteed under 13138
the minimum wage and overtime provisions of the "Federal Fair 13139
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 13140
state labor laws. 13141

(b) If a court imposing sentence upon an offender for a 13142
felony is required to impose upon the offender a financial 13143
sanction of restitution under division (B) (8) (a) of this 13144
section, in addition to that financial sanction of restitution, 13145
the court may sentence the offender to any other financial 13146
sanction or combination of financial sanctions authorized under 13147
this section, including a restitution sanction under division 13148
(A) (1) of this section. 13149

(9) In addition to any other fine that is or may be 13150
imposed under this section, the court imposing sentence upon an 13151
offender for a felony that is a sexually oriented offense or a 13152
child-victim oriented offense, as those terms are defined in 13153
section 2950.01 of the Revised Code, may impose a fine of not 13154

less than fifty nor more than five hundred dollars. 13155

(10) For a felony violation of division (A) of section 13156
2921.321 of the Revised Code that results in the death of the 13157
police dog or horse that is the subject of the violation, the 13158
sentencing court shall impose upon the offender a mandatory fine 13159
from the range of fines provided under division (A) (3) of this 13160
section for a felony of the third degree. A mandatory fine 13161
imposed upon an offender under division (B) (10) of this section 13162
shall be paid to the law enforcement agency that was served by 13163
the police dog or horse that was killed in the felony violation 13164
of division (A) of section 2921.321 of the Revised Code to be 13165
used as provided in division (E) (1) (b) of that section. 13166

(11) In addition to any other fine that is or may be 13167
imposed under this section, the court imposing sentence upon an 13168
offender for any of the following offenses that is a felony may 13169
impose a fine of not less than seventy nor more than five 13170
hundred dollars, which shall be transmitted to the treasurer of 13171
state to be credited to the address confidentiality program fund 13172
created by section 111.48 of the Revised Code: 13173

(a) Domestic violence; 13174

(b) Menacing by stalking; 13175

(c) Rape; 13176

(d) Sexual battery; 13177

(e) Trafficking in persons; 13178

(f) A violation of section 2905.01, 2905.02, 2907.21, 13179
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 13180
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 13181
section 2919.22 of the Revised Code, if the offender also is 13182

convicted of a specification of the type described in section 13183
2941.1422 of the Revised Code that charges that the offender 13184
knowingly committed the offense in furtherance of human 13185
trafficking. 13186

(C) (1) Except as provided in section 2951.021 of the 13187
Revised Code, the offender shall pay reimbursements imposed upon 13188
the offender pursuant to division (A) (5) (a) of this section to 13189
pay the costs incurred by a county pursuant to any sanction 13190
imposed under this section or section 2929.16 or 2929.17 of the 13191
Revised Code or in operating a facility used to confine 13192
offenders pursuant to a sanction imposed under section 2929.16 13193
of the Revised Code to the county treasurer. The county 13194
treasurer shall deposit the reimbursements in the sanction cost 13195
reimbursement fund that each board of county commissioners shall 13196
create in its county treasury. The county shall use the amounts 13197
deposited in the fund to pay the costs incurred by the county 13198
pursuant to any sanction imposed under this section or section 13199
2929.16 or 2929.17 of the Revised Code or in operating a 13200
facility used to confine offenders pursuant to a sanction 13201
imposed under section 2929.16 of the Revised Code. 13202

(2) Except as provided in section 2951.021 of the Revised 13203
Code, the offender shall pay reimbursements imposed upon the 13204
offender pursuant to division (A) (5) (a) of this section to pay 13205
the costs incurred by a municipal corporation pursuant to any 13206
sanction imposed under this section or section 2929.16 or 13207
2929.17 of the Revised Code or in operating a facility used to 13208
confine offenders pursuant to a sanction imposed under section 13209
2929.16 of the Revised Code to the treasurer of the municipal 13210
corporation. The treasurer shall deposit the reimbursements in a 13211
special fund that shall be established in the treasury of each 13212
municipal corporation. The municipal corporation shall use the 13213

amounts deposited in the fund to pay the costs incurred by the 13214
municipal corporation pursuant to any sanction imposed under 13215
this section or section 2929.16 or 2929.17 of the Revised Code 13216
or in operating a facility used to confine offenders pursuant to 13217
a sanction imposed under section 2929.16 of the Revised Code. 13218

(3) Except as provided in section 2951.021 of the Revised 13219
Code, the offender shall pay reimbursements imposed pursuant to 13220
division (A) (5) (a) of this section for the costs incurred by a 13221
private provider pursuant to a sanction imposed under this 13222
section or section 2929.16 or 2929.17 of the Revised Code to the 13223
provider. 13224

(D) Except as otherwise provided in this division, a 13225
financial sanction imposed pursuant to division (A) or (B) of 13226
this section is a judgment in favor of the state or a political 13227
subdivision in which the court that imposed the financial 13228
sanction is located, and the offender subject to the financial 13229
sanction is the judgment debtor. A financial sanction of 13230
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 13231
section upon an offender who is incarcerated in a state facility 13232
or a municipal jail is a judgment in favor of the state or the 13233
municipal corporation, and the offender subject to the financial 13234
sanction is the judgment debtor. A financial sanction of 13235
reimbursement imposed upon an offender pursuant to this section 13236
for costs incurred by a private provider of sanctions is a 13237
judgment in favor of the private provider, and the offender 13238
subject to the financial sanction is the judgment debtor. A 13239
financial sanction of a mandatory fine imposed under division 13240
(B) (10) of this section that is required under that division to 13241
be paid to a law enforcement agency is a judgment in favor of 13242
the specified law enforcement agency, and the offender subject 13243
to the financial sanction is the judgment debtor. A financial 13244

sanction of restitution imposed pursuant to division (A) (1) or 13245
(B) (8) of this section is an order in favor of the victim of the 13246
offender's criminal act that can be collected through a 13247
certificate of judgment as described in division (D) (1) of this 13248
section, through execution as described in division (D) (2) of 13249
this section, or through an order as described in division (D) 13250
(3) of this section, and the offender shall be considered for 13251
purposes of the collection as the judgment debtor. Imposition of 13252
a financial sanction and execution on the judgment does not 13253
preclude any other power of the court to impose or enforce 13254
sanctions on the offender. Once the financial sanction is 13255
imposed as a judgment or order under this division, the victim, 13256
private provider, state, or political subdivision may do any of 13257
the following: 13258

(1) Obtain from the clerk of the court in which the 13259
judgment was entered a certificate of judgment that shall be in 13260
the same manner and form as a certificate of judgment issued in 13261
a civil action; 13262

(2) Obtain execution of the judgment or order through any 13263
available procedure, including: 13264

(a) An execution against the property of the judgment 13265
debtor under Chapter 2329. of the Revised Code; 13266

(b) An execution against the person of the judgment debtor 13267
under Chapter 2331. of the Revised Code; 13268

(c) A proceeding in aid of execution under Chapter 2333. 13269
of the Revised Code, including: 13270

(i) A proceeding for the examination of the judgment 13271
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 13272
2333.27 of the Revised Code; 13273

| | |
|--|-------|
| (ii) A proceeding for attachment of the person of the | 13274 |
| judgment debtor under section 2333.28 of the Revised Code; | 13275 |
| (iii) A creditor's suit under section 2333.01 of the | 13276 |
| Revised Code. | 13277 |
| (d) The attachment of the property of the judgment debtor | 13278 |
| under Chapter 2715. of the Revised Code; | 13279 |
| (e) The garnishment of the property of the judgment debtor | 13280 |
| under Chapter 2716. of the Revised Code. | 13281 |
| (3) Obtain an order for the assignment of wages of the | 13282 |
| judgment debtor under section 1321.33 of the Revised Code. | 13283 |
| (E) A court that imposes a financial sanction upon an | 13284 |
| offender may hold a hearing if necessary to determine whether | 13285 |
| the offender is able to pay the sanction or is likely in the | 13286 |
| future to be able to pay it. | 13287 |
| (F) Each court imposing a financial sanction upon an | 13288 |
| offender under this section or under section 2929.32 of the | 13289 |
| Revised Code may designate the clerk of the court or another | 13290 |
| person to collect the financial sanction. The clerk or other | 13291 |
| person authorized by law or the court to collect the financial | 13292 |
| sanction may enter into contracts with one or more public | 13293 |
| agencies or private vendors for the collection of, amounts due | 13294 |
| under the financial sanction imposed pursuant to this section or | 13295 |
| section 2929.32 of the Revised Code. Before entering into a | 13296 |
| contract for the collection of amounts due from an offender | 13297 |
| pursuant to any financial sanction imposed pursuant to this | 13298 |
| section or section 2929.32 of the Revised Code, a court shall | 13299 |
| comply with sections 307.86 to 307.92 of the Revised Code. | 13300 |
| (G) If a court that imposes a financial sanction under | 13301 |
| division (A) or (B) of this section finds that an offender | 13302 |

satisfactorily has completed all other sanctions imposed upon 13303
the offender and that all restitution that has been ordered has 13304
been paid as ordered, the court may suspend any financial 13305
sanctions imposed pursuant to this section or section 2929.32 of 13306
the Revised Code that have not been paid. 13307

(H) No financial sanction imposed under this section or 13308
section 2929.32 of the Revised Code shall preclude a victim from 13309
bringing a civil action against the offender. 13310

Sec. 2933.51. As used in sections 2933.51 to 2933.66 of 13311
the Revised Code: 13312

(A) "Wire communication" means an aural transfer that is 13313
made in whole or in part through the use of facilities for the 13314
transmission of communications by the aid of wires or similar 13315
methods of connecting the point of origin of the communication 13316
and the point of reception of the communication, including the 13317
use of a method of connecting the point of origin and the point 13318
of reception of the communication in a switching station, if the 13319
facilities are furnished or operated by a person engaged in 13320
providing or operating the facilities for the transmission of 13321
communications. "Wire communication" includes an electronic 13322
storage of a wire communication. 13323

(B) "Oral communication" means an oral communication 13324
uttered by a person exhibiting an expectation that the 13325
communication is not subject to interception under circumstances 13326
justifying that expectation. "Oral communication" does not 13327
include an electronic communication. 13328

(C) "Intercept" means the aural or other acquisition of 13329
the contents of any wire, oral, or electronic communication 13330
through the use of an interception device. 13331

(D) "Interception device" means an electronic, mechanical, 13332
or other device or apparatus that can be used to intercept a 13333
wire, oral, or electronic communication. "Interception device" 13334
does not mean any of the following: 13335

(1) A telephone or telegraph instrument, equipment, or 13336
facility, or any of its components, if the instrument, 13337
equipment, facility, or component is any of the following: 13338

(a) Furnished to the subscriber or user by a provider of 13339
wire or electronic communication service in the ordinary course 13340
of its business and being used by the subscriber or user in the 13341
ordinary course of its business; 13342

(b) Furnished by a subscriber or user for connection to 13343
the facilities of a provider of wire or electronic communication 13344
service and used in the ordinary course of that subscriber's or 13345
user's business; 13346

(c) Being used by a provider of wire or electronic 13347
communication service in the ordinary course of its business or 13348
by an investigative or law enforcement officer in the ordinary 13349
course of the officer's duties that do not involve the 13350
interception of wire, oral, or electronic communications. 13351

(2) A hearing aid or similar device being used to correct 13352
subnormal hearing to not better than normal. 13353

(E) "Investigative officer" means any of the following: 13354

(1) An officer of this state or a political subdivision of 13355
this state, who is empowered by law to conduct investigations or 13356
to make arrests for a designated offense; 13357

(2) A person described in divisions (A) (11) (a) and (b) of 13358
section 2901.01 of the Revised Code; 13359

- (3) An attorney authorized by law to prosecute or participate in the prosecution of a designated offense; 13360
13361
- (4) A secret service officer appointed pursuant to section 309.07 of the Revised Code; 13362
13363
- (5) An officer of the United States, a state, or a political subdivision of a state who is authorized to conduct investigations pursuant to the "Electronic Communications Privacy Act of 1986," 100 Stat. 1848-1857, 18 U.S.C. 2510-2521 (1986), as amended. 13364
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- (F) "Interception warrant" means a court order that authorizes the interception of wire, oral, or electronic communications and that is issued pursuant to sections 2933.53 to 2933.56 of the Revised Code. 13369
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- (G) "Contents," when used with respect to a wire, oral, or electronic communication, includes any information concerning the substance, purport, or meaning of the communication. 13373
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- (H) "Communications common carrier" means a person who is engaged as a common carrier for hire in intrastate, interstate, or foreign communications by wire, radio, or radio transmission of energy. "Communications common carrier" does not include, to the extent that the person is engaged in radio broadcasting, a person engaged in radio broadcasting. 13376
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- (I) "Designated offense" means any of the following: 13382
- (1) A felony violation of section 1315.53, 1315.55, 2903.01, 2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 2905.32, 2907.02, 2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.04, 2913.42, 2913.51, 2915.02, 2915.03, 2917.01, 2917.02, 2921.02, 2921.03, 13383
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2921.04, 2921.32, 2921.34, 2923.20, 2923.32, 2925.03, 2925.031,
2925.032, 2925.04, 2925.05, or 2925.06 or of division (B) of
section 2915.05 or of division (E) or (G) of section 3772.99 of
the Revised Code;

(2) A violation of section 2919.23 of the Revised Code
that, had it occurred prior to July 1, 1996, would have been a
violation of section 2905.04 of the Revised Code as it existed
prior to that date;

(3) A felony violation of section 2925.11, 2925.111, or
2925.112 of the Revised Code that is not a minor drug possession
offense, as defined in section 2925.01 of the Revised Code;

(4) Complicity in the commission of a felony violation of
a section listed in division (I) (1), (2), or (3) of this
section;

(5) An attempt to commit, or conspiracy in the commission
of, a felony violation of a section listed in division (I) (1),
(2), or (3) of this section, if the attempt or conspiracy is
punishable by a term of imprisonment of more than one year.

(J) "Aggrieved person" means a person who was a party to
an intercepted wire, oral, or electronic communication or a
person against whom the interception of the communication was
directed.

(K) "Person" means a person, as defined in section 1.59 of
the Revised Code, or a governmental officer, employee, or
entity.

(L) "Special need" means a showing that a licensed
physician, licensed practicing psychologist, attorney,
practicing cleric, journalist, or either spouse is personally
engaging in continuing criminal activity, was engaged in

continuing criminal activity over a period of time, or is 13418
committing, has committed, or is about to commit, a designated 13419
offense, or a showing that specified public facilities are being 13420
regularly used by someone who is personally engaging in 13421
continuing criminal activity, was engaged in continuing criminal 13422
activity over a period of time, or is committing, has committed, 13423
or is about to commit, a designated offense. 13424

(M) "Journalist" means a person engaged in, connected 13425
with, or employed by, any news media, including a newspaper, 13426
magazine, press association, news agency, or wire service, a 13427
radio or television station, or a similar media, for the purpose 13428
of gathering, processing, transmitting, compiling, editing, or 13429
disseminating news for the general public. 13430

(N) "Electronic communication" means a transfer of a sign, 13431
signal, writing, image, sound, datum, or intelligence of any 13432
nature that is transmitted in whole or in part by a wire, radio, 13433
electromagnetic, photoelectronic, or photo-optical system. 13434
"Electronic communication" does not mean any of the following: 13435

(1) A wire or oral communication; 13436

(2) A communication made through a tone-only paging 13437
device; 13438

(3) A communication from an electronic or mechanical 13439
tracking device that permits the tracking of the movement of a 13440
person or object. 13441

(O) "User" means a person or entity that uses an 13442
electronic communication service and is duly authorized by the 13443
provider of the service to engage in the use of the electronic 13444
communication service. 13445

(P) "Electronic communications system" means a wire, 13446

radio, electromagnetic, photoelectronic, or photo-optical 13447
facility for the transmission of electronic communications, and 13448
a computer facility or related electronic equipment for the 13449
electronic storage of electronic communications. 13450

(Q) "Electronic communication service" means a service 13451
that provides to users of the service the ability to send or 13452
receive wire or electronic communications. 13453

(R) "Readily accessible to the general public" means, with 13454
respect to a radio communication, that the communication is none 13455
of the following: 13456

(1) Scrambled or encrypted; 13457

(2) Transmitted using a modulation technique, the 13458
essential parameters of which have been withheld from the public 13459
with the intention of preserving the privacy of the 13460
communication; 13461

(3) Carried on a subcarrier or other signal subsidiary to 13462
a radio transmission; 13463

(4) Transmitted over a communications system provided by a 13464
communications common carrier, unless the communication is a 13465
tone-only paging system communication; 13466

(5) Transmitted on a frequency allocated under part 25, 13467
subpart D, E, or F of part 74, or part 94 of the Rules of the 13468
Federal Communications Commission, as those provisions existed 13469
on July 1, 1996, unless, in the case of a communication 13470
transmitted on a frequency allocated under part 74 that is not 13471
exclusively allocated to broadcast auxiliary services, the 13472
communication is a two-way voice communication by radio. 13473

(S) "Electronic storage" means a temporary, intermediate 13474

storage of a wire or electronic communication that is incidental 13475
to the electronic transmission of the communication, and a 13476
storage of a wire or electronic communication by an electronic 13477
communication service for the purpose of backup protection of 13478
the communication. 13479

(T) "Aural transfer" means a transfer containing the human 13480
voice at a point between and including the point of origin and 13481
the point of reception. 13482

(U) "Pen register" means a device that records or decodes 13483
electronic impulses that identify the numbers dialed, pulsed, or 13484
otherwise transmitted on telephone lines to which the device is 13485
attached. 13486

(V) "Trap and trace device" means a device that captures 13487
the incoming electronic or other impulses that identify the 13488
originating number of an instrument or device from which a wire 13489
communication or electronic communication was transmitted but 13490
that does not intercept the contents of the wire communication 13491
or electronic communication. 13492

(W) "Judge of a court of common pleas" means a judge of 13493
that court who is elected or appointed as a judge of general 13494
jurisdiction or as a judge who exercises both general 13495
jurisdiction and probate, domestic relations, or juvenile 13496
jurisdiction. "Judge of a court of common pleas" does not mean a 13497
judge of that court who is elected or appointed specifically as 13498
a probate, domestic relations, or juvenile judge. 13499

Sec. 2935.36. (A) The prosecuting attorney may establish 13500
pre-trial diversion programs for adults who are accused of 13501
committing criminal offenses and whom the prosecuting attorney 13502
believes probably will not offend again. The prosecuting 13503

attorney may require, as a condition of an accused's 13504
participation in the program, the accused to pay a reasonable 13505
fee for supervision services that include, but are not limited 13506
to, monitoring and drug testing. The programs shall be operated 13507
pursuant to written standards approved by journal entry by the 13508
presiding judge or, in courts with only one judge, the judge of 13509
the court of common pleas and shall not be applicable to any of 13510
the following: 13511

(1) Repeat offenders or dangerous offenders; 13512

(2) Persons accused of an offense of violence, of a 13513
violation of section 2903.06, 2907.04, 2907.05, 2907.21, 13514
2907.22, 2907.31, 2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 13515
2919.22, 2921.02, 2921.11, 2921.12, 2921.32, or 2923.20 of the 13516
Revised Code, or of a violation of section 2905.01, 2905.02, or 13517
2919.23 of the Revised Code that, had it occurred prior to July 13518
1, 1996, would have been a violation of section 2905.04 of the 13519
Revised Code as it existed prior to that date, with the 13520
exception that the prosecuting attorney may permit persons 13521
accused of any such offense to enter a pre-trial diversion 13522
program, if the prosecuting attorney finds any of the following: 13523

(a) The accused did not cause, threaten, or intend serious 13524
physical harm to any person; 13525

(b) The offense was the result of circumstances not likely 13526
to recur; 13527

(c) The accused has no history of prior delinquency or 13528
criminal activity; 13529

(d) The accused has led a law-abiding life for a 13530
substantial time before commission of the alleged offense; 13531

(e) Substantial grounds tending to excuse or justify the 13532

alleged offense. 13533

(3) Persons accused of a violation of Chapter 2925. or 13534
3719. of the Revised Code, with the exception that the 13535
prosecuting attorney may permit persons accused of any of the 13536
following to enter a pre-trial diversion program: 13537

(a) A misdemeanor, fifth degree felony, or fourth degree 13538
felony violation of section 2925.11, 2925.111, or 2925.112 of 13539
the Revised Code; 13540

(b) A misdemeanor violation of section 2925.12, 2925.13, 13541
or division (C) (1) of section 2925.14 of the Revised Code. 13542

(4) Persons accused of a violation of section 4511.19 of 13543
the Revised Code or a violation of any substantially similar 13544
municipal ordinance; 13545

(5) (a) Persons who are accused of an offense while 13546
operating a commercial motor vehicle or persons who hold a 13547
commercial driver's license and are accused of any offense, if 13548
conviction of the offense would disqualify the person from 13549
operating a commercial motor vehicle under Chapter 4506. of the 13550
Revised Code or would subject the person to any other sanction 13551
under that chapter; 13552

(b) As used in division (A) (5) of this section, 13553
"commercial driver's license" and "commercial motor vehicle" 13554
have the same meanings as in section 4506.01 of the Revised 13555
Code. 13556

(B) An accused who enters a diversion program shall do all 13557
of the following: 13558

(1) Waive, in writing and contingent upon the accused's 13559
successful completion of the program, the accused's right to a 13560

speedy trial, the preliminary hearing, the time period within 13561
which the grand jury may consider an indictment against the 13562
accused, and arraignment, unless the hearing, indictment, or 13563
arraignment has already occurred; 13564

(2) Agree, in writing, to the tolling while in the program 13565
of all periods of limitation established by statutes or rules of 13566
court, that are applicable to the offense with which the accused 13567
is charged and to the conditions of the diversion program 13568
established by the prosecuting attorney; 13569

(3) Agree, in writing, to pay any reasonable fee for 13570
supervision services established by the prosecuting attorney. 13571

(C) The trial court, upon the application of the 13572
prosecuting attorney, shall order the release from confinement 13573
of any accused who has agreed to enter a pre-trial diversion 13574
program and shall discharge and release any existing bail and 13575
release any sureties on recognizances and shall release the 13576
accused on a recognizance bond conditioned upon the accused's 13577
compliance with the terms of the diversion program. The 13578
prosecuting attorney shall notify every victim of the crime and 13579
the arresting officers of the prosecuting attorney's intent to 13580
permit the accused to enter a pre-trial diversion program. The 13581
victim of the crime and the arresting officers shall have the 13582
opportunity to file written objections with the prosecuting 13583
attorney prior to the commencement of the pre-trial diversion 13584
program. 13585

(D) If the accused satisfactorily completes the diversion 13586
program, the prosecuting attorney shall recommend to the trial 13587
court that the charges against the accused be dismissed, and the 13588
court, upon the recommendation of the prosecuting attorney, 13589
shall dismiss the charges. If the accused chooses not to enter 13590

the prosecuting attorney's diversion program, or if the accused
violates the conditions of the agreement pursuant to which the
accused has been released, the accused may be brought to trial
upon the charges in the manner provided by law, and the waiver
executed pursuant to division (B)(1) of this section shall be
void on the date the accused is removed from the program for the
violation.

(E) As used in this section:

(1) "Repeat offender" means a person who has a history of
persistent criminal activity and whose character and condition
reveal a substantial risk that the person will commit another
offense. It is prima-facie evidence that a person is a repeat
offender if any of the following applies:

(a) Having been convicted of one or more offenses of
violence and having been imprisoned pursuant to sentence for any
such offense, the person commits a subsequent offense of
violence;

(b) Having been convicted of one or more sexually oriented
offenses or child-victim oriented offenses, both as defined in
section 2950.01 of the Revised Code, and having been imprisoned
pursuant to sentence for one or more of those offenses, the
person commits a subsequent sexually oriented offense or child-
victim oriented offense;

(c) Having been convicted of one or more theft offenses as
defined in section 2913.01 of the Revised Code and having been
imprisoned pursuant to sentence for one or more of those theft
offenses, the person commits a subsequent theft offense;

(d) Having been convicted of one or more felony drug abuse
offenses as defined in section 2925.01 of the Revised Code and

having been imprisoned pursuant to sentence for one or more of 13620
those felony drug abuse offenses, the person commits a 13621
subsequent felony drug abuse offense; 13622

(e) Having been convicted of two or more felonies and 13623
having been imprisoned pursuant to sentence for one or more 13624
felonies, the person commits a subsequent offense; 13625

(f) Having been convicted of three or more offenses of any 13626
type or degree other than traffic offenses, alcoholic 13627
intoxication offenses, or minor misdemeanors and having been 13628
imprisoned pursuant to sentence for any such offense, the person 13629
commits a subsequent offense. 13630

(2) "Dangerous offender" means a person who has committed 13631
an offense, whose history, character, and condition reveal a 13632
substantial risk that the person will be a danger to others, and 13633
whose conduct has been characterized by a pattern of repetitive, 13634
compulsive, or aggressive behavior with heedless indifference to 13635
the consequences. 13636

Sec. 2951.041. (A) (1) If an offender is charged with a 13637
criminal offense, including but not limited to a violation of 13638
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 13639
of the Revised Code, and the court has reason to believe that 13640
drug or alcohol usage by the offender was a factor leading to 13641
the criminal offense with which the offender is charged or that, 13642
at the time of committing that offense, the offender had a 13643
mental illness, was a person with an intellectual disability, or 13644
was a victim of a violation of section 2905.32 or 2907.21 of the 13645
Revised Code and that the mental illness, status as a person 13646
with an intellectual disability, or fact that the offender was a 13647
victim of a violation of section 2905.32 or 2907.21 of the 13648
Revised Code was a factor leading to the offender's criminal 13649

behavior, the court may accept, prior to the entry of a guilty 13650
plea, the offender's request for intervention in lieu of 13651
conviction. The request shall include a statement from the 13652
offender as to whether the offender is alleging that drug or 13653
alcohol usage by the offender was a factor leading to the 13654
criminal offense with which the offender is charged or is 13655
alleging that, at the time of committing that offense, the 13656
offender had a mental illness, was a person with an intellectual 13657
disability, or was a victim of a violation of section 2905.32 or 13658
2907.21 of the Revised Code and that the mental illness, status 13659
as a person with an intellectual disability, or fact that the 13660
offender was a victim of a violation of section 2905.32 or 13661
2907.21 of the Revised Code was a factor leading to the criminal 13662
offense with which the offender is charged. The request also 13663
shall include a waiver of the defendant's right to a speedy 13664
trial, the preliminary hearing, the time period within which the 13665
grand jury may consider an indictment against the offender, and 13666
arraignment, unless the hearing, indictment, or arraignment has 13667
already occurred. The court may reject an offender's request 13668
without a hearing. If the court elects to consider an offender's 13669
request, the court shall conduct a hearing to determine whether 13670
the offender is eligible under this section for intervention in 13671
lieu of conviction and shall stay all criminal proceedings 13672
pending the outcome of the hearing. If the court schedules a 13673
hearing, the court shall order an assessment of the offender for 13674
the purpose of determining the offender's program eligibility 13675
for intervention in lieu of conviction and recommending an 13676
appropriate intervention plan. 13677

If the offender alleges that drug or alcohol usage by the 13678
offender was a factor leading to the criminal offense with which 13679
the offender is charged, the court may order that the offender 13680

be assessed by a community addiction services provider or a 13681
properly credentialed professional for the purpose of 13682
determining the offender's program eligibility for intervention 13683
in lieu of conviction and recommending an appropriate 13684
intervention plan. The community addiction services provider or 13685
the properly credentialed professional shall provide a written 13686
assessment of the offender to the court. 13687

(2) The victim notification provisions of division (C) of 13688
section 2930.06 of the Revised Code apply in relation to any 13689
hearing held under division (A) (1) of this section. 13690

(B) An offender is eligible for intervention in lieu of 13691
conviction if the court finds all of the following: 13692

(1) The offender previously has not been convicted of or 13693
pleaded guilty to any felony offense of violence. 13694

(2) The offense is not a felony of the first, second, or 13695
third degree, is not an offense of violence, is not a violation 13696
of division (A) (1) or (2) of section 2903.06 of the Revised 13697
Code, is not a violation of division (A) (1) of section 2903.08 13698
of the Revised Code, is not a violation of division (A) of 13699
section 4511.19 of the Revised Code or a municipal ordinance 13700
that is substantially similar to that division, and is not an 13701
offense for which a sentencing court is required to impose a 13702
mandatory prison term. 13703

(3) The offender is not charged with a violation of 13704
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 13705
charged with a violation of section 2925.03, 2925.031, or 13706
2925.032 of the Revised Code that is a felony of the first, 13707
second, third, or fourth degree, and is not charged with a 13708
violation of section 2925.11, 2925.111, or 2925.112 of the 13709

Revised Code that is a felony of the first or second degree. 13710

(4) If an offender alleges that drug or alcohol usage by 13711
the offender was a factor leading to the criminal offense with 13712
which the offender is charged, the court has ordered that the 13713
offender be assessed by a community addiction services provider 13714
or a properly credentialed professional for the purpose of 13715
determining the offender's program eligibility for intervention 13716
in lieu of conviction and recommending an appropriate 13717
intervention plan, the offender has been assessed by a community 13718
addiction services provider of that nature or a properly 13719
credentialed professional in accordance with the court's order, 13720
and the community addiction services provider or properly 13721
credentialed professional has filed the written assessment of 13722
the offender with the court. 13723

(5) If an offender alleges that, at the time of committing 13724
the criminal offense with which the offender is charged, the 13725
offender had a mental illness, was a person with an intellectual 13726
disability, or was a victim of a violation of section 2905.32 or 13727
2907.21 of the Revised Code and that the mental illness, status 13728
as a person with an intellectual disability, or fact that the 13729
offender was a victim of a violation of section 2905.32 or 13730
2907.21 of the Revised Code was a factor leading to that 13731
offense, the offender has been assessed by a psychiatrist, 13732
psychologist, independent social worker, licensed professional 13733
clinical counselor, or independent marriage and family therapist 13734
for the purpose of determining the offender's program 13735
eligibility for intervention in lieu of conviction and 13736
recommending an appropriate intervention plan. 13737

(6) The offender's drug usage, alcohol usage, mental 13738
illness, or intellectual disability, or the fact that the 13739

offender was a victim of a violation of section 2905.32 or 13740
2907.21 of the Revised Code, whichever is applicable, was a 13741
factor leading to the criminal offense with which the offender 13742
is charged, intervention in lieu of conviction would not demean 13743
the seriousness of the offense, and intervention would 13744
substantially reduce the likelihood of any future criminal 13745
activity. 13746

(7) The alleged victim of the offense was not sixty-five 13747
years of age or older, permanently and totally disabled, under 13748
thirteen years of age, or a peace officer engaged in the 13749
officer's official duties at the time of the alleged offense. 13750

(8) If the offender is charged with a violation of section 13751
2925.24 of the Revised Code, the alleged violation did not 13752
result in physical harm to any person. 13753

(9) The offender is willing to comply with all terms and 13754
conditions imposed by the court pursuant to division (D) of this 13755
section. 13756

(10) The offender is not charged with an offense that 13757
would result in the offender being disqualified under Chapter 13758
4506. of the Revised Code from operating a commercial motor 13759
vehicle or would subject the offender to any other sanction 13760
under that chapter. 13761

(C) At the conclusion of a hearing held pursuant to 13762
division (A) of this section, the court shall enter its 13763
determination as to whether the offender will be granted 13764
intervention in lieu of conviction. If the court finds under 13765
this division and division (B) of this section that the offender 13766
is eligible for intervention in lieu of conviction and grants 13767
the offender's request, the court shall accept the offender's 13768

plea of guilty and waiver of the defendant's right to a speedy 13769
trial, the preliminary hearing, the time period within which the 13770
grand jury may consider an indictment against the offender, and 13771
arraignment, unless the hearing, indictment, or arraignment has 13772
already occurred. In addition, the court then may stay all 13773
criminal proceedings and order the offender to comply with all 13774
terms and conditions imposed by the court pursuant to division 13775
(D) of this section. If the court finds that the offender is not 13776
eligible or does not grant the offender's request, the criminal 13777
proceedings against the offender shall proceed as if the 13778
offender's request for intervention in lieu of conviction had 13779
not been made. 13780

(D) If the court grants an offender's request for 13781
intervention in lieu of conviction, the court shall place the 13782
offender under the general control and supervision of the county 13783
probation department, the adult parole authority, or another 13784
appropriate local probation or court services agency, if one 13785
exists, as if the offender was subject to a community control 13786
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 13787
the Revised Code. The court shall establish an intervention plan 13788
for the offender. The terms and conditions of the intervention 13789
plan shall require the offender, for at least one year from the 13790
date on which the court grants the order of intervention in lieu 13791
of conviction, to abstain from the use of illegal drugs and 13792
alcohol, to participate in treatment and recovery support 13793
services, and to submit to regular random testing for drug and 13794
alcohol use and may include any other treatment terms and 13795
conditions, or terms and conditions similar to community control 13796
sanctions, which may include community service or restitution, 13797
that are ordered by the court. 13798

(E) If the court grants an offender's request for 13799

intervention in lieu of conviction and the court finds that the 13800
offender has successfully completed the intervention plan for 13801
the offender, including the requirement that the offender 13802
abstain from using illegal drugs and alcohol for a period of at 13803
least one year from the date on which the court granted the 13804
order of intervention in lieu of conviction, the requirement 13805
that the offender participate in treatment and recovery support 13806
services, and all other terms and conditions ordered by the 13807
court, the court shall dismiss the proceedings against the 13808
offender. Successful completion of the intervention plan and 13809
period of abstinence under this section shall be without 13810
adjudication of guilt and is not a criminal conviction for 13811
purposes of any disqualification or disability imposed by law 13812
and upon conviction of a crime, and the court may order the 13813
sealing of records related to the offense in question in the 13814
manner provided in sections 2953.31 to 2953.36 of the Revised 13815
Code. 13816

(F) If the court grants an offender's request for 13817
intervention in lieu of conviction and the offender fails to 13818
comply with any term or condition imposed as part of the 13819
intervention plan for the offender, the supervising authority 13820
for the offender promptly shall advise the court of this 13821
failure, and the court shall hold a hearing to determine whether 13822
the offender failed to comply with any term or condition imposed 13823
as part of the plan. If the court determines that the offender 13824
has failed to comply with any of those terms and conditions, it 13825
may continue the offender on intervention in lieu of conviction, 13826
continue the offender on intervention in lieu of conviction with 13827
additional terms, conditions, and sanctions, or enter a finding 13828
of guilty and impose an appropriate sanction under Chapter 2929. 13829
of the Revised Code. If the court sentences the offender to a 13830

prison term, the court, after consulting with the department of 13831
rehabilitation and correction regarding the availability of 13832
services, may order continued court-supervised activity and 13833
treatment of the offender during the prison term and, upon 13834
consideration of reports received from the department concerning 13835
the offender's progress in the program of activity and 13836
treatment, may consider judicial release under section 2929.20 13837
of the Revised Code. 13838

(G) As used in this section: 13839

(1) "Community addiction services provider" has the same 13840
meaning as in section 5119.01 of the Revised Code. 13841

(2) "Community control sanction" has the same meaning as 13842
in section 2929.01 of the Revised Code. 13843

(3) "Intervention in lieu of conviction" means any court- 13844
supervised activity that complies with this section. 13845

(4) "Intellectual disability" has the same meaning as in 13846
section 5123.01 of the Revised Code. 13847

(5) "Peace officer" has the same meaning as in section 13848
2935.01 of the Revised Code. 13849

(6) "Mental illness" and "psychiatrist" have the same 13850
meanings as in section 5122.01 of the Revised Code. 13851

(7) "Psychologist" has the same meaning as in section 13852
4732.01 of the Revised Code. 13853

Sec. 2967.18. (A) Whenever the director of rehabilitation 13854
and correction determines that the total population of the state 13855
correctional institutions for males and females, the total 13856
population of the state correctional institutions for males, or 13857
the total population of the state correctional institutions for 13858

females exceeds the capacity of those institutions and that an 13859
overcrowding emergency exists, the director shall notify the 13860
correctional institution inspection committee of the emergency 13861
and provide the committee with information in support of the 13862
director's determination. The director shall not notify the 13863
committee that an overcrowding emergency exists unless the 13864
director determines that no other reasonable method is available 13865
to resolve the overcrowding emergency. 13866

(B) On receipt of the notice given pursuant to division 13867
(A) of this section, the correctional institution inspection 13868
committee promptly shall review the determination of the 13869
director of rehabilitation and correction. Notwithstanding any 13870
other provision of the Revised Code or the Administrative Code 13871
that governs the lengths of criminal sentences, sets forth the 13872
time within which a prisoner is eligible for parole or within 13873
which a prisoner may apply for release, or regulates the 13874
procedure for granting parole or release to prisoners confined 13875
in state correctional institutions, the committee may recommend 13876
to the governor that the prison terms of eligible male, female, 13877
or all prisoners, as determined under division (E) of this 13878
section, be reduced by thirty, sixty, or ninety days, in the 13879
manner prescribed in that division. 13880

(C) If the correctional institution inspection committee 13881
disagrees with the determination of the director of 13882
rehabilitation and correction that an overcrowding emergency 13883
exists, if the committee finds that an overcrowding emergency 13884
exists but does not make a recommendation pursuant to division 13885
(B) of this section, or if the committee does not make a finding 13886
or a recommendation pursuant to that division within thirty days 13887
of receipt of the notice given pursuant to division (A) of this 13888
section, the director may recommend to the governor that the 13889

action set forth in division (B) of this section be taken. 13890

(D) Upon receipt of a recommendation from the correctional 13891
institution inspection committee or the director of 13892
rehabilitation and correction made pursuant to this section, the 13893
governor may declare in writing that an overcrowding emergency 13894
exists in all of the institutions within the control of the 13895
department in which men are confined, in which women are 13896
confined, or both. The declaration shall state that the adult 13897
parole authority shall take the action set forth in division (B) 13898
of this section. After the governor makes the declaration, the 13899
director shall file a copy of it with the secretary of state, 13900
and the copy is a public record. 13901

The department may begin to implement the declaration of 13902
the governor made pursuant to this section on the date that it 13903
is filed with the secretary of state. The department shall begin 13904
to implement the declaration within thirty days after the date 13905
of filing. The declaration shall be implemented in accordance 13906
with division (E) of this section. 13907

(E) (1) No reduction of sentence pursuant to division (B) 13908
of this section shall be granted to any of the following: 13909

(a) A person who is serving a term of imprisonment for 13910
aggravated murder, murder, voluntary manslaughter, involuntary 13911
manslaughter, felonious assault, kidnapping, rape, aggravated 13912
arson, aggravated robbery, or any other offense punishable by 13913
life imprisonment or by an indefinite term of a specified number 13914
of years to life, or for conspiracy in, complicity in, or 13915
attempt to commit any of those offenses; 13916

(b) A person who is serving a term of imprisonment for any 13917
felony other than carrying a concealed weapon that was committed 13918

while the person had a firearm, as defined in section 2923.11 of 13919
the Revised Code, on or about the offender's person or under the 13920
offender's control; 13921

(c) A person who is serving a term of imprisonment for a 13922
violation of section 2925.03, 2925.031, or 2925.032 of the 13923
Revised Code; 13924

(d) A person who is serving a term of imprisonment for 13925
engaging in a pattern of corrupt activity; 13926

(e) A person who is serving a prison term or term of life 13927
imprisonment without parole imposed pursuant to section 2971.03 13928
of the Revised Code; 13929

(f) A person who was denied parole or release pursuant to 13930
section 2929.20 of the Revised Code during the term of 13931
imprisonment the person currently is serving. 13932

(2) A declaration of the governor that requires the adult 13933
parole authority to take the action set forth in division (B) of 13934
this section shall be implemented only by reducing the prison 13935
terms of prisoners who are not in any of the categories set 13936
forth in division (E)(1) of this section, and only by granting 13937
reductions of prison terms in the following order: 13938

(a) Under any such declaration, prison terms initially 13939
shall be reduced only for persons who are not in any of the 13940
categories set forth in division (E)(1) of this section and who 13941
are not serving a term of imprisonment for any of the following 13942
offenses: 13943

(i) An offense of violence that is a felony of the first, 13944
second, or third degree or that, under the law in existence 13945
~~prior to the effective date of this amendment~~ July 1, 1996, was 13946
an aggravated felony of the first, second, or third degree or a 13947

felony of the first or second degree; 13948

(ii) An offense set forth in Chapter 2925. of the Revised 13949
Code that is a felony of the first or second degree. 13950

(b) If every person serving a term of imprisonment at the 13951
time of the implementation of any such declaration who is in the 13952
class of persons eligible for the initial reduction of prison 13953
terms, as described in division (E) (2) (a) of this section, has 13954
received a total of ninety days of term reduction for each three 13955
years of imprisonment actually served, then prison terms may be 13956
reduced for all other persons serving a term of imprisonment at 13957
that time who are not in any of the categories set forth in 13958
division (E) (1) of this section. 13959

(F) An offender who is released from a state correctional 13960
institution pursuant to this section is subject to post-release 13961
control sanctions imposed by the adult parole authority as if 13962
the offender was a prisoner described in division (B) of section 13963
2967.28 of the Revised Code who was being released from 13964
imprisonment. 13965

(G) If more than one overcrowding emergency is declared 13966
while a prisoner is serving a prison term, the total term 13967
reduction for that prisoner as the result of multiple 13968
declarations shall not exceed ninety days for each three years 13969
of imprisonment actually served. 13970

Sec. 2967.19. (A) As used in this section: 13971

(1) "Deadly weapon" and "dangerous ordnance" have the same 13972
meanings as in section 2923.11 of the Revised Code. 13973

(2) "Disqualifying prison term" means any of the 13974
following: 13975

| | |
|---|-------|
| (a) A prison term imposed for aggravated murder, murder, | 13976 |
| voluntary manslaughter, involuntary manslaughter, felonious | 13977 |
| assault, kidnapping, rape, aggravated arson, aggravated | 13978 |
| burglary, or aggravated robbery; | 13979 |
| (b) A prison term imposed for complicity in, an attempt to | 13980 |
| commit, or conspiracy to commit any offense listed in division | 13981 |
| (A) (2) (a) of this section; | 13982 |
| (c) A prison term of life imprisonment, including any term | 13983 |
| of life imprisonment that has parole eligibility; | 13984 |
| (d) A prison term imposed for any felony other than | 13985 |
| carrying a concealed weapon an essential element of which is any | 13986 |
| conduct or failure to act expressly involving any deadly weapon | 13987 |
| or dangerous ordnance; | 13988 |
| (e) A prison term imposed for any violation of section | 13989 |
| 2925.03, <u>2925.031</u> , or <u>2925.032</u> of the Revised Code that is a | 13990 |
| felony of the first or second degree; | 13991 |
| (f) A prison term imposed for engaging in a pattern of | 13992 |
| corrupt activity in violation of section 2923.32 of the Revised | 13993 |
| Code; | 13994 |
| (g) A prison term imposed pursuant to section 2971.03 of | 13995 |
| the Revised Code; | 13996 |
| (h) A prison term imposed for any sexually oriented | 13997 |
| offense. | 13998 |
| (3) "Eligible prison term" means any prison term that is | 13999 |
| not a disqualifying prison term and is not a restricting prison | 14000 |
| term. | 14001 |
| (4) "Restricting prison term" means any of the following: | 14002 |

(a) A mandatory prison term imposed under division (B) (1) 14003
(a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of 14004
section 2929.14 of the Revised Code for a specification of the 14005
type described in that division; 14006

(b) In the case of an offender who has been sentenced to a 14007
mandatory prison term for a specification of the type described 14008
in division (A) (4) (a) of this section, the prison term imposed 14009
for the felony offense for which the specification was stated at 14010
the end of the body of the indictment, count in the indictment, 14011
or information charging the offense; 14012

(c) A prison term imposed for trafficking in persons; 14013

(d) A prison term imposed for any offense that is 14014
described in division (A) (4) (d) (i) of this section if division 14015
(A) (4) (d) (ii) of this section applies to the offender: 14016

(i) The offense is a felony of the first or second degree 14017
that is an offense of violence and that is not described in 14018
division (A) (2) (a) or (b) of this section, an attempt to commit 14019
a felony of the first or second degree that is an offense of 14020
violence and that is not described in division (A) (2) (a) or (b) 14021
of this section if the attempt is a felony of the first or 14022
second degree, or an offense under an existing or former law of 14023
this state, another state, or the United States that is or was 14024
substantially equivalent to any other offense described in this 14025
division. 14026

(ii) The offender previously was convicted of or pleaded 14027
guilty to any offense listed in division (A) (2) or (A) (4) (d) (i) 14028
of this section. 14029

(5) "Sexually oriented offense" has the same meaning as in 14030
section 2950.01 of the Revised Code. 14031

(6) "Stated prison term of one year or more" means a 14032
definite prison term of one year or more imposed as a stated 14033
prison term, or a minimum prison term of one year or more 14034
imposed as part of a stated prison term that is a non-life 14035
felony indefinite prison term. 14036

(B) The director of the department of rehabilitation and 14037
correction may recommend in writing to the sentencing court that 14038
the court consider releasing from prison any offender who, on or 14039
after September 30, 2011, is confined in a state correctional 14040
institution, who is serving a stated prison term of one year or 14041
more, and who is eligible under division (C) of this section for 14042
a release under this section. If the director wishes to 14043
recommend that the sentencing court consider releasing an 14044
offender under this section, the director shall notify the 14045
sentencing court in writing of the offender's eligibility not 14046
earlier than ninety days prior to the date on which the offender 14047
becomes eligible as described in division (C) of this section. 14048
The director's submission of the written notice constitutes a 14049
recommendation by the director that the court strongly consider 14050
release of the offender consistent with the purposes and 14051
principles of sentencing set forth in sections 2929.11 and 14052
2929.13 of the Revised Code. Only an offender recommended by the 14053
director under division (B) of this section may be considered 14054
for early release under this section. 14055

(C) (1) An offender serving a stated prison term of one 14056
year or more and who has commenced service of that stated prison 14057
term becomes eligible for release from prison under this section 14058
only as described in this division. An offender serving a stated 14059
prison term that includes a disqualifying prison term is not 14060
eligible for release from prison under this section. An offender 14061
serving a stated prison term that consists solely of one or more 14062

restricting prison terms is not eligible for release under this 14063
section. An offender serving a stated prison term of one year or 14064
more that includes one or more restricting prison terms and one 14065
or more eligible prison terms becomes eligible for release under 14066
this section after having fully served all restricting prison 14067
terms and having served eighty per cent of that stated prison 14068
term that remains to be served after all restricting prison 14069
terms have been fully served. An offender serving a stated 14070
prison term of one year or more that consists solely of one or 14071
more eligible prison terms becomes eligible for release under 14072
this section after having served eighty per cent of that stated 14073
prison term. For purposes of determining an offender's 14074
eligibility for release under this section, if the offender's 14075
stated prison term includes consecutive prison terms, any 14076
restricting prison terms shall be deemed served prior to any 14077
eligible prison terms that run consecutively to the restricting 14078
prison terms, and the eligible prison terms are deemed to 14079
commence after all of the restricting prison terms have been 14080
fully served. 14081

An offender serving a stated prison term of one year or 14082
more that includes a mandatory prison term that is not a 14083
disqualifying prison term and is not a restricting prison term 14084
is not automatically ineligible as a result of the offender's 14085
service of that mandatory term for release from prison under 14086
this section, and the offender's eligibility for release from 14087
prison under this section is determined in accordance with this 14088
division. 14089

(2) If an offender confined in a state correctional 14090
institution under a stated prison term is eligible for release 14091
under this section as described in division (C) (1) of this 14092
section, the director of the department of rehabilitation and 14093

correction may recommend in writing that the sentencing court 14094
consider releasing the offender from prison under this section 14095
by submitting to the sentencing court the written notice 14096
described in division (B) of this section. 14097

(D) The director shall include with any notice submitted 14098
to the sentencing court under division (B) of this section an 14099
institutional summary report that covers the offender's 14100
participation while confined in a state correctional institution 14101
in school, training, work, treatment, and other rehabilitative 14102
activities and any disciplinary action taken against the 14103
offender while so confined. The director shall include with the 14104
notice any other documentation requested by the court, if 14105
available. 14106

(E) (1) When the director submits a written notice to a 14107
sentencing court that an offender is eligible to be considered 14108
for early release under this section, the department promptly 14109
shall provide to the prosecuting attorney of the county in which 14110
the offender was indicted a copy of the written notice, a copy 14111
of the institutional summary report, and any other information 14112
provided to the court and shall provide a copy of the 14113
institutional summary report to any law enforcement agency that 14114
requests the report. The department also promptly shall do 14115
whichever of the following is applicable: 14116

(a) Subject to division (E) (1) (b) of this section, give 14117
written notice of the submission to any victim of the offender 14118
or victim's representative of any victim of the offender who is 14119
registered with the office of victim's services. 14120

(b) If the offense was aggravated murder, murder, an 14121
offense of violence that is a felony of the first, second, or 14122
third degree, or an offense punished by a sentence of life 14123

imprisonment, except as otherwise provided in this division, 14124
notify the victim or the victim's representative of the filing 14125
of the petition regardless of whether the victim or victim's 14126
representative has registered with the office of victim's 14127
services. The notice of the filing of the petition shall not be 14128
given under this division to a victim or victim's representative 14129
if the victim or victim's representative has requested pursuant 14130
to division (B) (2) of section 2930.03 of the Revised Code that 14131
the victim or the victim's representative not be provided the 14132
notice. If notice is to be provided to a victim or victim's 14133
representative under this division, the department may give the 14134
notice by any reasonable means, including regular mail, 14135
telephone, and electronic mail, in accordance with division (D) 14136
(1) of section 2930.16 of the Revised Code. If the notice is 14137
based on an offense committed prior to March 22, 2013, the 14138
notice also shall include the opt-out information described in 14139
division (D) (1) of section 2930.16 of the Revised Code. The 14140
department, in accordance with division (D) (2) of section 14141
2930.16 of the Revised Code, shall keep a record of all attempts 14142
to provide the notice, and of all notices provided, under this 14143
division. 14144

Division (E) (1) (b) of this section, and the notice-related 14145
provisions of divisions (E) (2) and (K) of section 2929.20, 14146
division (D) (1) of section 2930.16, division (H) of section 14147
2967.12, division (A) (3) (b) of section 2967.26, division (D) (1) 14148
of section 2967.28, and division (A) (2) of section 5149.101 of 14149
the Revised Code enacted in the act in which division (E) (2) of 14150
this section was enacted, shall be known as "Roberta's Law." 14151

(2) When the director submits a petition under this 14152
section, the department also promptly shall post a copy of the 14153
written notice on the database it maintains under section 14154

5120.66 of the Revised Code and include information on where a 14155
person may send comments regarding the recommendation of early 14156
release. 14157

The information provided to the court, the prosecutor, and 14158
the victim or victim's representative under divisions (D) and 14159
(E) of this section shall include the name and contact 14160
information of a specific department of rehabilitation and 14161
correction employee who is available to answer questions about 14162
the offender who is the subject of the written notice submitted 14163
by the director, including, but not limited to, the offender's 14164
institutional conduct and rehabilitative activities while 14165
incarcerated. 14166

(F) Upon receipt of a written notice submitted by the 14167
director under division (B) of this section, the court either 14168
shall, on its own motion, schedule a hearing to consider 14169
releasing the offender who is the subject of the notice or shall 14170
inform the department that it will not be conducting a hearing 14171
relative to the offender. The court shall not grant an early 14172
release to an offender without holding a hearing. If a court 14173
declines to hold a hearing relative to an offender with respect 14174
to a written notice submitted by the director, the court may 14175
later consider release of that offender under this section on 14176
its own motion by scheduling a hearing for that purpose. Within 14177
thirty days after the written notice is submitted, the court 14178
shall inform the department whether or not the court is 14179
scheduling a hearing on the offender who is the subject of the 14180
notice. 14181

(G) If the court schedules a hearing upon receiving a 14182
written notice submitted under division (B) of this section or 14183
upon its own motion under division (F) of this section, the 14184

court shall notify the head of the state correctional 14185
institution in which the offender is confined of the hearing 14186
prior to the hearing. If the court makes a journal entry 14187
ordering the offender to be conveyed to the hearing, except as 14188
otherwise provided in this division, the head of the 14189
correctional institution shall deliver the offender to the 14190
sheriff of the county in which the hearing is to be held, and 14191
the sheriff shall convey the offender to and from the hearing. 14192
Upon the court's own motion or the motion of the offender or the 14193
prosecuting attorney of the county in which the offender was 14194
indicted, the court may permit the offender to appear at the 14195
hearing by video conferencing equipment if equipment of that 14196
nature is available and compatible. 14197

Upon receipt of notice from a court of a hearing on the 14198
release of an offender under this division, the head of the 14199
state correctional institution in which the offender is confined 14200
immediately shall notify the appropriate person at the 14201
department of rehabilitation and correction of the hearing, and 14202
the department within twenty-four hours after receipt of the 14203
notice shall post on the database it maintains pursuant to 14204
section 5120.66 of the Revised Code the offender's name and all 14205
of the information specified in division (A)(1)(c)(i) of that 14206
section. If the court schedules a hearing under this section, 14207
the court promptly shall give notice of the hearing to the 14208
prosecuting attorney of the county in which the offender was 14209
indicted. Upon receipt of the notice from the court, the 14210
prosecuting attorney shall notify pursuant to section 2930.16 of 14211
the Revised Code any victim of the offender or the victim's 14212
representative of the hearing. 14213

(H) If the court schedules a hearing under this section, 14214
at the hearing, the court shall afford the offender and the 14215

offender's attorney an opportunity to present written 14216
information and, if present, oral information relevant to the 14217
offender's early release. The court shall afford a similar 14218
opportunity to the prosecuting attorney, victim or victim's 14219
representative, as defined in section 2930.01 of the Revised 14220
Code, and any other person the court determines is likely to 14221
present additional relevant information. If the court pursuant 14222
to division (G) of this section permits the offender to appear 14223
at the hearing by video conferencing equipment, the offender's 14224
opportunity to present oral information shall be as a part of 14225
the video conferencing. The court shall consider any statement 14226
of a victim made under section 2930.14 or 2930.17 of the Revised 14227
Code, any victim impact statement prepared under section 14228
2947.051 of the Revised Code, and any report and other 14229
documentation submitted by the director under division (D) of 14230
this section. After ruling on whether to grant the offender 14231
early release, the court shall notify the victim in accordance 14232
with sections 2930.03 and 2930.16 of the Revised Code. 14233

(I) If the court grants an offender early release under 14234
this section, it shall order the release of the offender, shall 14235
place the offender under one or more appropriate community 14236
control sanctions, under appropriate conditions, and under the 14237
supervision of the department of probation that serves the 14238
court, and shall reserve the right to reimpose the sentence that 14239
it reduced and from which the offender was released if the 14240
offender violates the sanction. The court shall not make a 14241
release under this section effective prior to the date on which 14242
the offender becomes eligible as described in division (C) of 14243
this section. If the sentence under which the offender is 14244
confined in a state correctional institution and from which the 14245
offender is being released was imposed for a felony of the first 14246

or second degree, the court shall consider ordering that the offender be monitored by means of a global positioning device. If the court reimposes the sentence that it reduced and from which the offender was released and if the violation of the sanction is a new offense, the court may order that the reimposed sentence be served either concurrently with, or consecutive to, any new sentence imposed upon the offender as a result of the violation that is a new offense. The period of all community control sanctions imposed under this division shall not exceed five years. The court, in its discretion, may reduce the period of community control sanctions by the amount of time the offender spent in jail or prison for the offense.

If the court grants an offender early release under this section, it shall notify the appropriate person at the department of rehabilitation and correction of the release, and the department shall post notice of the release on the database it maintains pursuant to section 5120.66 of the Revised Code.

(J) The department shall adopt under Chapter 119. of the Revised Code any rules necessary to implement this section.

Sec. 3301.32. (A) (1) The chief administrator of any head start agency shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the head start agency for employment as a person responsible for the care, custody, or control of a child. If the applicant does not present proof that the applicant has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the applicant

from the federal bureau of investigation in a criminal records 14277
check, the chief administrator shall request that the 14278
superintendent obtain information from the federal bureau of 14279
investigation as a part of the criminal records check for the 14280
applicant. If the applicant presents proof that the applicant 14281
has been a resident of this state for that five-year period, the 14282
chief administrator may request that the superintendent include 14283
information from the federal bureau of investigation in the 14284
criminal records check. 14285

(2) Any person required by division (A)(1) of this section 14286
to request a criminal records check shall provide to each 14287
applicant a copy of the form prescribed pursuant to division (C) 14288
(1) of section 109.572 of the Revised Code, provide to each 14289
applicant a standard impression sheet to obtain fingerprint 14290
impressions prescribed pursuant to division (C)(2) of section 14291
109.572 of the Revised Code, obtain the completed form and 14292
impression sheet from each applicant, and forward the completed 14293
form and impression sheet to the superintendent of the bureau of 14294
criminal identification and investigation at the time the chief 14295
administrator requests a criminal records check pursuant to 14296
division (A)(1) of this section. 14297

(3) Any applicant who receives pursuant to division (A)(2) 14298
of this section a copy of the form prescribed pursuant to 14299
division (C)(1) of section 109.572 of the Revised Code and a 14300
copy of an impression sheet prescribed pursuant to division (C) 14301
(2) of that section and who is requested to complete the form 14302
and provide a set of fingerprint impressions shall complete the 14303
form or provide all the information necessary to complete the 14304
form and shall provide the impression sheets with the 14305
impressions of the applicant's fingerprints. If an applicant, 14306
upon request, fails to provide the information necessary to 14307

complete the form or fails to provide impressions of the 14308
applicant's fingerprints, the head start agency shall not employ 14309
that applicant for any position for which a criminal records 14310
check is required by division (A) (1) of this section. 14311

(B) (1) Except as provided in rules adopted by the director 14312
of job and family services in accordance with division (E) of 14313
this section, no head start agency shall employ a person as a 14314
person responsible for the care, custody, or control of a child 14315
if the person previously has been convicted of or pleaded guilty 14316
to any of the following: 14317

(a) A violation of section 2903.01, 2903.02, 2903.03, 14318
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 14319
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 14320
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 14321
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 14322
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 14323
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 14324
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 14325
Code, a violation of section 2905.04 of the Revised Code as it 14326
existed prior to July 1, 1996, a violation of section 2919.23 of 14327
the Revised Code that would have been a violation of section 14328
2905.04 of the Revised Code as it existed prior to July 1, 1996, 14329
had the violation occurred prior to that date, a violation of 14330
section 2925.11, 2925.111, or 2925.112 of the Revised Code that 14331
is not a minor drug possession offense, or felonious sexual 14332
penetration in violation of former section 2907.12 of the 14333
Revised Code; 14334

(b) A violation of an existing or former law of this 14335
state, any other state, or the United States that is 14336
substantially equivalent to any of the offenses or violations 14337

described in division (B) (1) (a) of this section. 14338

(2) A head start agency may employ an applicant 14339
conditionally until the criminal records check required by this 14340
section is completed and the agency receives the results of the 14341
criminal records check. If the results of the criminal records 14342
check indicate that, pursuant to division (B) (1) of this 14343
section, the applicant does not qualify for employment, the 14344
agency shall release the applicant from employment. 14345

(C) (1) Each head start agency shall pay to the bureau of 14346
criminal identification and investigation the fee prescribed 14347
pursuant to division (C) (3) of section 109.572 of the Revised 14348
Code for each criminal records check conducted in accordance 14349
with that section upon the request pursuant to division (A) (1) 14350
of this section of the chief administrator of the head start 14351
agency. 14352

(2) A head start agency may charge an applicant a fee for 14353
the costs it incurs in obtaining a criminal records check under 14354
this section. A fee charged under this division shall not exceed 14355
the amount of fees the agency pays under division (C) (1) of this 14356
section. If a fee is charged under this division, the agency 14357
shall notify the applicant at the time of the applicant's 14358
initial application for employment of the amount of the fee and 14359
that, unless the fee is paid, the head start agency will not 14360
consider the applicant for employment. 14361

(D) The report of any criminal records check conducted by 14362
the bureau of criminal identification and investigation in 14363
accordance with section 109.572 of the Revised Code and pursuant 14364
to a request made under division (A) (1) of this section is not a 14365
public record for the purposes of section 149.43 of the Revised 14366
Code and shall not be made available to any person other than 14367

the applicant who is the subject of the criminal records check 14368
or the applicant's representative, the head start agency 14369
requesting the criminal records check or its representative, and 14370
any court, hearing officer, or other necessary individual 14371
involved in a case dealing with the denial of employment to the 14372
applicant. 14373

(E) The director of job and family services shall adopt 14374
rules pursuant to Chapter 119. of the Revised Code to implement 14375
this section, including rules specifying circumstances under 14376
which a head start agency may hire a person who has been 14377
convicted of an offense listed in division (B)(1) of this 14378
section but who meets standards in regard to rehabilitation set 14379
by the director. 14380

(F) Any person required by division (A)(1) of this section 14381
to request a criminal records check shall inform each person, at 14382
the time of the person's initial application for employment, 14383
that the person is required to provide a set of impressions of 14384
the person's fingerprints and that a criminal records check is 14385
required to be conducted and satisfactorily completed in 14386
accordance with section 109.572 of the Revised Code if the 14387
person comes under final consideration for appointment or 14388
employment as a precondition to employment for that position. 14389

(G) As used in this section: 14390

(1) "Applicant" means a person who is under final 14391
consideration for appointment or employment in a position with a 14392
head start agency as a person responsible for the care, custody, 14393
or control of a child. 14394

(2) "Head start agency" means an entity in this state that 14395
has been approved to be an agency for purposes of the "Head 14396

Start Act," 95 State 489 (1981), 42 U.S.C. 9831, as amended. 14397

(3) "Criminal records check" has the same meaning as in 14398
section 109.572 of the Revised Code. 14399

(4) "Minor drug possession offense" has the same meaning 14400
as in section 2925.01 of the Revised Code. 14401

Sec. 3301.541. (A) (1) The director, head teacher, 14402
elementary principal, or site administrator of a preschool 14403
program shall request the superintendent of the bureau of 14404
criminal identification and investigation to conduct a criminal 14405
records check with respect to any applicant who has applied to 14406
the preschool program for employment as a person responsible for 14407
the care, custody, or control of a child. If the applicant does 14408
not present proof that the applicant has been a resident of this 14409
state for the five-year period immediately prior to the date 14410
upon which the criminal records check is requested or does not 14411
provide evidence that within that five-year period the 14412
superintendent has requested information about the applicant 14413
from the federal bureau of investigation in a criminal records 14414
check, the director, head teacher, or elementary principal shall 14415
request that the superintendent obtain information from the 14416
federal bureau of investigation as a part of the criminal 14417
records check for the applicant. If the applicant presents proof 14418
that the applicant has been a resident of this state for that 14419
five-year period, the director, head teacher, or elementary 14420
principal may request that the superintendent include 14421
information from the federal bureau of investigation in the 14422
criminal records check. 14423

(2) Any director, head teacher, elementary principal, or 14424
site administrator required by division (A) (1) of this section 14425
to request a criminal records check shall provide to each 14426

applicant a copy of the form prescribed pursuant to division (C) 14427
(1) of section 109.572 of the Revised Code, provide to each 14428
applicant a standard impression sheet to obtain fingerprint 14429
impressions prescribed pursuant to division (C) (2) of section 14430
109.572 of the Revised Code, obtain the completed form and 14431
impression sheet from each applicant, and forward the completed 14432
form and impression sheet to the superintendent of the bureau of 14433
criminal identification and investigation at the time the person 14434
requests a criminal records check pursuant to division (A) (1) of 14435
this section. 14436

(3) Any applicant who receives pursuant to division (A) (2) 14437
of this section a copy of the form prescribed pursuant to 14438
division (C) (1) of section 109.572 of the Revised Code and a 14439
copy of an impression sheet prescribed pursuant to division (C) 14440
(2) of that section and who is requested to complete the form 14441
and provide a set of fingerprint impressions shall complete the 14442
form or provide all the information necessary to complete the 14443
form and provide the impression sheet with the impressions of 14444
the applicant's fingerprints. If an applicant, upon request, 14445
fails to provide the information necessary to complete the form 14446
or fails to provide impressions of the applicant's fingerprints, 14447
the preschool program shall not employ that applicant for any 14448
position for which a criminal records check is required by 14449
division (A) (1) of this section. 14450

(B) (1) Except as provided in rules adopted by the 14451
department of education in accordance with division (E) of this 14452
section, no preschool program shall employ a person as a person 14453
responsible for the care, custody, or control of a child if the 14454
person previously has been convicted of or pleaded guilty to any 14455
of the following: 14456

(a) A violation of section 2903.01, 2903.02, 2903.03, 14457
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 14458
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 14459
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 14460
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 14461
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 14462
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 14463
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 14464
Code, a violation of section 2905.04 of the Revised Code as it 14465
existed prior to July 1, 1996, a violation of section 2919.23 of 14466
the Revised Code that would have been a violation of section 14467
2905.04 of the Revised Code as it existed prior to July 1, 1996, 14468
had the violation occurred prior to that date, a violation of 14469
section 2925.11, 2925.111, or 2925.112 of the Revised Code that 14470
is not a minor drug possession offense, or felonious sexual 14471
penetration in violation of former section 2907.12 of the 14472
Revised Code; 14473

(b) A violation of an existing or former law of this 14474
state, any other state, or the United States that is 14475
substantially equivalent to any of the offenses or violations 14476
described in division (B)(1)(a) of this section. 14477

(2) A preschool program may employ an applicant 14478
conditionally until the criminal records check required by this 14479
section is completed and the preschool program receives the 14480
results of the criminal records check. If the results of the 14481
criminal records check indicate that, pursuant to division (B) 14482
(1) of this section, the applicant does not qualify for 14483
employment, the preschool program shall release the applicant 14484
from employment. 14485

(C) (1) Each preschool program shall pay to the bureau of 14486

criminal identification and investigation the fee prescribed 14487
pursuant to division (C) (3) of section 109.572 of the Revised 14488
Code for each criminal records check conducted in accordance 14489
with that section upon the request pursuant to division (A) (1) 14490
of this section of the director, head teacher, elementary 14491
principal, or site administrator of the preschool program. 14492

(2) A preschool program may charge an applicant a fee for 14493
the costs it incurs in obtaining a criminal records check under 14494
this section. A fee charged under this division shall not exceed 14495
the amount of fees the preschool program pays under division (C) 14496
(1) of this section. If a fee is charged under this division, 14497
the preschool program shall notify the applicant at the time of 14498
the applicant's initial application for employment of the amount 14499
of the fee and that, unless the fee is paid, the applicant will 14500
not be considered for employment. 14501

(D) The report of any criminal records check conducted by 14502
the bureau of criminal identification and investigation in 14503
accordance with section 109.572 of the Revised Code and pursuant 14504
to a request under division (A) (1) of this section is not a 14505
public record for the purposes of section 149.43 of the Revised 14506
Code and shall not be made available to any person other than 14507
the applicant who is the subject of the criminal records check 14508
or the applicant's representative, the preschool program 14509
requesting the criminal records check or its representative, and 14510
any court, hearing officer, or other necessary individual in a 14511
case dealing with the denial of employment to the applicant. 14512

(E) The department of education shall adopt rules pursuant 14513
to Chapter 119. of the Revised Code to implement this section, 14514
including rules specifying circumstances under which a preschool 14515
program may hire a person who has been convicted of an offense 14516

listed in division (B)(1) of this section but who meets 14517
standards in regard to rehabilitation set by the department. 14518

(F) Any person required by division (A)(1) of this section 14519
to request a criminal records check shall inform each person, at 14520
the time of the person's initial application for employment, 14521
that the person is required to provide a set of impressions of 14522
the person's fingerprints and that a criminal records check is 14523
required to be conducted and satisfactorily completed in 14524
accordance with section 109.572 of the Revised Code if the 14525
person comes under final consideration for appointment or 14526
employment as a precondition to employment for that position. 14527

(G) As used in this section: 14528

(1) "Applicant" means a person who is under final 14529
consideration for appointment or employment in a position with a 14530
preschool program as a person responsible for the care, custody, 14531
or control of a child, except that "applicant" does not include 14532
a person already employed by a board of education, community 14533
school, or chartered nonpublic school in a position of care, 14534
custody, or control of a child who is under consideration for a 14535
different position with such board or school. 14536

(2) "Criminal records check" has the same meaning as in 14537
section 109.572 of the Revised Code. 14538

(3) "Minor drug possession offense" has the same meaning 14539
as in section 2925.01 of the Revised Code. 14540

(H) If the board of education of a local school district 14541
adopts a resolution requesting the assistance of the educational 14542
service center in which the local district has territory in 14543
conducting criminal records checks of substitute teachers under 14544
this section, the appointing or hiring officer of such 14545

educational service center governing board shall serve for 14546
purposes of this section as the appointing or hiring officer of 14547
the local board in the case of hiring substitute teachers for 14548
employment in the local district. 14549

Sec. 3313.662. (A) The superintendent of public 14550
instruction, pursuant to this section and the adjudication 14551
procedures of section 3301.121 of the Revised Code, may issue an 14552
adjudication order that permanently excludes a pupil from 14553
attending any of the public schools of this state if the pupil 14554
is convicted of, or adjudicated a delinquent child for, 14555
committing, when the pupil was sixteen years of age or older, an 14556
act that would be a criminal offense if committed by an adult 14557
and if the act is any of the following: 14558

(1) A violation of section 2923.122 of the Revised Code; 14559

(2) A violation of section 2923.12 of the Revised Code, of 14560
a substantially similar municipal ordinance, or of section 14561
2925.03, 2925.031, or 2925.032 of the Revised Code that was 14562
committed on property owned or controlled by, or at an activity 14563
held under the auspices of, a board of education of a city, 14564
local, exempted village, or joint vocational school district; 14565

(3) A violation of section 2925.11, 2925.111, or 2925.112 14566
of the Revised Code, other than a violation of that section that 14567
would be a minor drug possession offense, that was committed on 14568
property owned or controlled by, or at an activity held under 14569
the auspices of, the board of education of a city, local, 14570
exempted village, or joint vocational school district; 14571

(4) A violation of section 2903.01, 2903.02, 2903.03, 14572
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former 14573
section 2907.12 of the Revised Code that was committed on 14574

property owned or controlled by, or at an activity held under 14575
the auspices of, a board of education of a city, local, exempted 14576
village, or joint vocational school district, if the victim at 14577
the time of the commission of the act was an employee of that 14578
board of education; 14579

(5) Complicity in any violation described in division (A) 14580
(1), (2), (3), or (4) of this section that was alleged to have 14581
been committed in the manner described in division (A) (1), (2), 14582
(3), or (4) of this section, regardless of whether the act of 14583
complicity was committed on property owned or controlled by, or 14584
at an activity held under the auspices of, a board of education 14585
of a city, local, exempted village, or joint vocational school 14586
district. 14587

(B) A pupil may be suspended or expelled in accordance 14588
with section 3313.66 of the Revised Code prior to being 14589
permanently excluded from public school attendance under this 14590
section and section 3301.121 of the Revised Code. 14591

(C) (1) If the superintendent of a city, local, exempted 14592
village, or joint vocational school district in which a pupil 14593
attends school obtains or receives proof that the pupil has been 14594
convicted of committing when the pupil was sixteen years of age 14595
or older a violation listed in division (A) of this section or 14596
adjudicated a delinquent child for the commission when the pupil 14597
was sixteen years of age or older of a violation listed in 14598
division (A) of this section, the superintendent may issue to 14599
the board of education of the school district a request that the 14600
pupil be permanently excluded from public school attendance, if 14601
both of the following apply: 14602

(a) After obtaining or receiving proof of the conviction 14603
or adjudication, the superintendent or the superintendent's 14604

designee determines that the pupil's continued attendance in 14605
school may endanger the health and safety of other pupils or 14606
school employees and gives the pupil and the pupil's parent, 14607
guardian, or custodian written notice that the superintendent 14608
intends to recommend to the board of education that the board 14609
adopt a resolution requesting the superintendent of public 14610
instruction to permanently exclude the pupil from public school 14611
attendance. 14612

(b) The superintendent or the superintendent's designee 14613
forwards to the board of education the superintendent's written 14614
recommendation that includes the determinations the 14615
superintendent or designee made pursuant to division (C) (1) (a) 14616
of this section and a copy of the proof the superintendent 14617
received showing that the pupil has been convicted of or 14618
adjudicated a delinquent child for a violation listed in 14619
division (A) of this section that was committed when the pupil 14620
was sixteen years of age or older. 14621

(2) Within fourteen days after receipt of a recommendation 14622
from the superintendent pursuant to division (C) (1) (b) of this 14623
section that a pupil be permanently excluded from public school 14624
attendance, the board of education of a city, local, exempted 14625
village, or joint vocational school district, after review and 14626
consideration of all of the following available information, may 14627
adopt a resolution requesting the superintendent of public 14628
instruction to permanently exclude the pupil who is the subject 14629
of the recommendation from public school attendance: 14630

(a) The academic record of the pupil and a record of any 14631
extracurricular activities in which the pupil previously was 14632
involved; 14633

(b) The disciplinary record of the pupil and any available 14634

records of the pupil's prior behavioral problems other than the 14635
behavioral problems contained in the disciplinary record; 14636

(c) The social history of the pupil; 14637

(d) The pupil's response to the imposition of prior 14638
discipline and sanctions imposed for behavioral problems; 14639

(e) Evidence regarding the seriousness of and any 14640
aggravating factors related to the offense that is the basis of 14641
the resolution seeking permanent exclusion; 14642

(f) Any mitigating circumstances surrounding the offense 14643
that gave rise to the request for permanent exclusion; 14644

(g) Evidence regarding the probable danger posed to the 14645
health and safety of other pupils or of school employees by the 14646
continued presence of the pupil in a public school setting; 14647

(h) Evidence regarding the probable disruption of the 14648
teaching of any school district's graded course of study by the 14649
continued presence of the pupil in a public school setting; 14650

(i) Evidence regarding the availability of alternative 14651
sanctions of a less serious nature than permanent exclusion that 14652
would enable the pupil to remain in a public school setting 14653
without posing a significant danger to the health and safety of 14654
other pupils or of school employees and without posing a threat 14655
of the disruption of the teaching of any district's graded 14656
course of study. 14657

(3) If the board does not adopt a resolution requesting 14658
the superintendent of public instruction to permanently exclude 14659
the pupil, it immediately shall send written notice of that fact 14660
to the superintendent who sought the resolution, to the pupil 14661
who was the subject of the proposed resolution, and to that 14662

pupil's parent, guardian, or custodian. 14663

(D) (1) Upon adoption of a resolution under division (C) of 14664
this section, the board of education immediately shall forward 14665
to the superintendent of public instruction the written 14666
resolution, proof of the conviction or adjudication that is the 14667
basis of the resolution, a copy of the pupil's entire school 14668
record, and any other relevant information and shall forward a 14669
copy of the resolution to the pupil who is the subject of the 14670
recommendation and to that pupil's parent, guardian, or 14671
custodian. 14672

(2) The board of education that adopted and forwarded the 14673
resolution requesting the permanent exclusion of the pupil to 14674
the superintendent of public instruction promptly shall 14675
designate a representative of the school district to present the 14676
case for permanent exclusion to the superintendent or the 14677
referee appointed by the superintendent. The representative of 14678
the school district may be an attorney admitted to the practice 14679
of law in this state. At the adjudication hearing held pursuant 14680
to section 3301.121 of the Revised Code, the representative of 14681
the school district shall present evidence in support of the 14682
requested permanent exclusion. 14683

(3) Upon receipt of a board of education's resolution 14684
requesting the permanent exclusion of a pupil from public school 14685
attendance, the superintendent of public instruction, in 14686
accordance with the adjudication procedures of section 3301.121 14687
of the Revised Code, promptly shall issue an adjudication order 14688
that either permanently excludes the pupil from attending any of 14689
the public schools of this state or that rejects the resolution 14690
of the board of education. 14691

(E) Notwithstanding any provision of section 3313.64 of 14692

the Revised Code or an order of any court of this state that 14693
otherwise requires the admission of the pupil to a school, no 14694
school official in a city, local, exempted village, or joint 14695
vocational school district knowingly shall admit to any school 14696
in the school district a pupil who has been permanently excluded 14697
from public school attendance by the superintendent of public 14698
instruction. 14699

(F) (1) (a) Upon determining that the school attendance of a 14700
pupil who has been permanently excluded from public school 14701
attendance no longer will endanger the health and safety of 14702
other students or school employees, the superintendent of any 14703
city, local, exempted village, or joint vocational school 14704
district in which the pupil desires to attend school may issue 14705
to the board of education of the school district a 14706
recommendation, including the reasons for the recommendation, 14707
that the permanent exclusion of a pupil be revoked and the pupil 14708
be allowed to return to the public schools of the state. 14709

If any violation which in whole or in part gave rise to 14710
the permanent exclusion of any pupil involved the pupil's 14711
bringing a firearm to a school operated by the board of 14712
education of a school district or onto any other property owned 14713
or operated by such a board, no superintendent shall recommend 14714
under this division an effective date for the revocation of the 14715
pupil's permanent exclusion that is less than one year after the 14716
date on which the last such firearm incident occurred. However, 14717
on a case-by-case basis, a superintendent may recommend an 14718
earlier effective date for such a revocation for any of the 14719
reasons for which the superintendent may reduce the one-year 14720
expulsion requirement in division (B) (2) of section 3313.66 of 14721
the Revised Code. 14722

(b) Upon receipt of the recommendation of the 14723
superintendent that a permanent exclusion of a pupil be revoked, 14724
the board of education of a city, local, exempted village, or 14725
joint vocational school district may adopt a resolution by a 14726
majority vote of its members requesting the superintendent of 14727
public instruction to revoke the permanent exclusion of the 14728
pupil. Upon adoption of the resolution, the board of education 14729
shall forward a copy of the resolution, the reasons for the 14730
resolution, and any other relevant information to the 14731
superintendent of public instruction. 14732

(c) Upon receipt of a resolution of a board of education 14733
requesting the revocation of a permanent exclusion of a pupil, 14734
the superintendent of public instruction, in accordance with the 14735
adjudication procedures of Chapter 119. of the Revised Code, 14736
shall issue an adjudication order that revokes the permanent 14737
exclusion of the pupil from public school attendance or that 14738
rejects the resolution of the board of education. 14739

(2) (a) A pupil who has been permanently excluded pursuant 14740
to this section and section 3301.121 of the Revised Code may 14741
request the superintendent of any city, local, exempted village, 14742
or joint vocational school district in which the pupil desires 14743
to attend school to admit the pupil on a probationary basis for 14744
a period not to exceed ninety school days. Upon receiving the 14745
request, the superintendent may enter into discussions with the 14746
pupil and with the pupil's parent, guardian, or custodian or a 14747
person designated by the pupil's parent, guardian, or custodian 14748
to develop a probationary admission plan designed to assist the 14749
pupil's probationary admission to the school. The plan may 14750
include a treatment program, a behavioral modification program, 14751
or any other program reasonably designed to meet the educational 14752
needs of the child and the disciplinary requirements of the 14753

school. 14754

If any violation which in whole or in part gave rise to 14755
the permanent exclusion of the pupil involved the pupil's 14756
bringing a firearm to a school operated by the board of 14757
education of any school district or onto any other property 14758
owned or operated by such a board, no plan developed under this 14759
division for the pupil shall include an effective date for the 14760
probationary admission of the pupil that is less than one year 14761
after the date on which the last such firearm incident occurred 14762
except that on a case-by-case basis, a plan may include an 14763
earlier effective date for such an admission for any of the 14764
reasons for which the superintendent of the district may reduce 14765
the one-year expulsion requirement in division (B) (2) of section 14766
3313.66 of the Revised Code. 14767

(b) If the superintendent of a school district, a pupil, 14768
and the pupil's parent, guardian, or custodian or a person 14769
designated by the pupil's parent, guardian, or custodian agree 14770
upon a probationary admission plan prepared pursuant to division 14771
(F) (2) (a) of this section, the superintendent of the school 14772
district shall issue to the board of education of the school 14773
district a recommendation that the pupil be allowed to attend 14774
school within the school district under probationary admission, 14775
the reasons for the recommendation, and a copy of the agreed 14776
upon probationary admission plan. Within fourteen days after the 14777
board of education receives the recommendation, reasons, and 14778
plan, the board may adopt the recommendation by a majority vote 14779
of its members. If the board adopts the recommendation, the 14780
pupil may attend school under probationary admission within that 14781
school district for a period not to exceed ninety days or any 14782
additional probationary period permitted under divisions (F) (2) 14783
(d) and (e) of this section in accordance with the probationary 14784

admission plan prepared pursuant to division (F) (2) (a) of this 14785
section. 14786

(c) If a pupil who is permitted to attend school under 14787
probationary admission pursuant to division (F) (2) (b) of this 14788
section fails to comply with the probationary admission plan 14789
prepared pursuant to division (F) (2) (a) of this section, the 14790
superintendent of the school district immediately may remove the 14791
pupil from the school and issue to the board of education of the 14792
school district a recommendation that the probationary admission 14793
be revoked. Within five days after the board of education 14794
receives the recommendation, the board may adopt the 14795
recommendation to revoke the pupil's probationary admission by a 14796
majority vote of its members. If a majority of the board does 14797
not adopt the recommendation to revoke the pupil's probationary 14798
admission, the pupil shall continue to attend school in 14799
compliance with the pupil's probationary admission plan. 14800

(d) If a pupil who is permitted to attend school under 14801
probationary admission pursuant to division (F) (2) (b) of this 14802
section complies with the probationary admission plan prepared 14803
pursuant to division (F) (2) (a) of this section, the pupil or the 14804
pupil's parent, guardian, or custodian, at any time before the 14805
expiration of the ninety-day probationary admission period, may 14806
request the superintendent of the school district to extend the 14807
terms and period of the pupil's probationary admission for a 14808
period not to exceed ninety days or to issue a recommendation 14809
pursuant to division (F) (1) of this section that the pupil's 14810
permanent exclusion be revoked and the pupil be allowed to 14811
return to the public schools of this state. 14812

(e) If a pupil is granted an extension of the pupil's 14813
probationary admission pursuant to division (F) (2) (d) of this 14814

section, the pupil or the pupil's parent, guardian, or 14815
custodian, in the manner described in that division, may 14816
request, and the superintendent and board, in the manner 14817
described in that division, may recommend and grant, subsequent 14818
probationary admission periods not to exceed ninety days each. 14819
If a pupil who is permitted to attend school under an extension 14820
of a probationary admission plan complies with the probationary 14821
admission plan prepared pursuant to the extension, the pupil or 14822
the pupil's parent, guardian, or custodian may request a 14823
revocation of the pupil's permanent exclusion in the manner 14824
described in division (F) (2) (d) of this section. 14825

(f) Any extension of a probationary admission requested by 14826
a pupil or a pupil's parent, guardian, or custodian pursuant to 14827
divisions (F) (2) (d) or (e) of this section shall be subject to 14828
the adoption and approval of a probationary admission plan in 14829
the manner described in divisions (F) (2) (a) and (b) of this 14830
section and may be terminated as provided in division (F) (2) (c) 14831
of this section. 14832

(g) If the pupil has complied with any probationary 14833
admission plan and the superintendent issues a recommendation 14834
that seeks revocation of the pupil's permanent exclusion 14835
pursuant to division (F) (1) of this section, the pupil's 14836
compliance with any probationary admission plan may be 14837
considered along with other relevant factors in any 14838
determination or adjudication conducted pursuant to division (F) 14839
(1) of this section. 14840

(G) (1) Except as provided in division (G) (2) of this 14841
section, any information regarding the permanent exclusion of a 14842
pupil shall be included in the pupil's official records and 14843
shall be included in any records sent to any school district 14844

that requests the pupil's records. 14845

(2) When a pupil who has been permanently excluded from 14846
public school attendance reaches the age of twenty-two or when 14847
the permanent exclusion of a pupil has been revoked, all school 14848
districts that maintain records regarding the pupil's permanent 14849
exclusion shall remove all references to the exclusion from the 14850
pupil's file and shall destroy them. 14851

A pupil who has reached the age of twenty-two or whose 14852
permanent exclusion has been revoked may send a written notice 14853
to the superintendent of any school district maintaining records 14854
of the pupil's permanent exclusion requesting the superintendent 14855
to ensure that the records are removed from the pupil's file and 14856
destroyed. Upon receipt of the request and a determination that 14857
the pupil is twenty-two years of age or older or that the 14858
pupil's permanent exclusion has been revoked, the superintendent 14859
shall ensure that the records are removed from the pupil's file 14860
and destroyed. 14861

(H) (1) This section does not apply to any of the 14862
following: 14863

(a) An institution that is a residential facility, that 14864
receives and cares for children, that is maintained by the 14865
department of youth services, and that operates a school 14866
chartered by the state board of education under section 3301.16 14867
of the Revised Code; 14868

(b) Any on-premises school operated by an out-of-home care 14869
entity, other than a school district, that is chartered by the 14870
state board of education under section 3301.16 of the Revised 14871
Code; 14872

(c) Any school operated in connection with an out-of-home 14873

care entity or a nonresidential youth treatment program that 14874
enters into a contract or agreement with a school district for 14875
the provision of educational services in a setting other than a 14876
setting that is a building or structure owned or controlled by 14877
the board of education of the school district during normal 14878
school hours. 14879

(2) This section does not prohibit any person who has been 14880
permanently excluded pursuant to this section and section 14881
3301.121 of the Revised Code from seeking a certificate of high 14882
school equivalence. A person who has been permanently excluded 14883
may be permitted to participate in a course of study in 14884
preparation for a high school equivalency test approved by the 14885
department of education pursuant to division (B) of section 14886
3301.80 of the Revised Code, except that the person shall not 14887
participate during normal school hours in that course of study 14888
in any building or structure owned or controlled by the board of 14889
education of a school district. 14890

(3) This section does not relieve any school district from 14891
any requirement under section 2151.362 or 3313.64 of the Revised 14892
Code to pay for the cost of educating any child who has been 14893
permanently excluded pursuant to this section and section 14894
3301.121 of the Revised Code. 14895

(I) As used in this section: 14896

(1) "Permanently exclude" means to forever prohibit an 14897
individual from attending any public school in this state that 14898
is operated by a city, local, exempted village, or joint 14899
vocational school district. 14900

(2) "Permanent exclusion" means the prohibition of a pupil 14901
forever from attending any public school in this state that is 14902

operated by a city, local, exempted village, or joint vocational 14903
school district. 14904

(3) "Out-of-home care" has the same meaning as in section 14905
2151.011 of the Revised Code. 14906

(4) "Certificate of high school equivalence" has the same 14907
meaning as in section 4109.06 of the Revised Code. 14908

(5) "Nonresidential youth treatment program" means a 14909
program designed to provide services to persons under the age of 14910
eighteen in a setting that does not regularly provide long-term 14911
overnight care, including settlement houses, diversion and 14912
prevention programs, run-away centers, and alternative education 14913
programs. 14914

(6) "Firearm" has the same meaning as provided pursuant to 14915
the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 14916
8001(a) (2) . 14917

(7) "Minor drug possession offense" has the same meaning 14918
as in section 2925.01 of the Revised Code. 14919

Sec. 3319.31. (A) As used in this section and sections 14920
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 14921
means a certificate, license, or permit described in this 14922
chapter or in division (B) of section 3301.071 or in section 14923
3301.074 of the Revised Code. 14924

(B) For any of the following reasons, the state board of 14925
education, in accordance with Chapter 119. and section 3319.311 14926
of the Revised Code, may refuse to issue a license to an 14927
applicant; may limit a license it issues to an applicant; may 14928
suspend, revoke, or limit a license that has been issued to any 14929
person; or may revoke a license that has been issued to any 14930
person and has expired: 14931

| | |
|--|-------|
| (1) Engaging in an immoral act, incompetence, negligence, | 14932 |
| or conduct that is unbecoming to the applicant's or person's | 14933 |
| position; | 14934 |
| (2) A plea of guilty to, a finding of guilt by a jury or | 14935 |
| court of, or a conviction of any of the following: | 14936 |
| (a) A felony other than a felony listed in division (C) of | 14937 |
| this section; | 14938 |
| (b) An offense of violence other than an offense of | 14939 |
| violence listed in division (C) of this section; | 14940 |
| (c) A theft offense, as defined in section 2913.01 of the | 14941 |
| Revised Code, other than a theft offense listed in division (C) | 14942 |
| of this section; | 14943 |
| (d) A drug abuse offense, as defined in section 2925.01 of | 14944 |
| the Revised Code, that is not a minor misdemeanor, other than a | 14945 |
| drug abuse offense listed in division (C) of this section; | 14946 |
| (e) A violation of an ordinance of a municipal corporation | 14947 |
| that is substantively comparable to an offense listed in | 14948 |
| divisions (B) (2) (a) to (d) of this section. | 14949 |
| (3) A judicial finding of eligibility for intervention in | 14950 |
| lieu of conviction under section 2951.041 of the Revised Code, | 14951 |
| or agreeing to participate in a pre-trial diversion program | 14952 |
| under section 2935.36 of the Revised Code, or a similar | 14953 |
| diversion program under rules of a court, for any offense listed | 14954 |
| in division (B) (2) or (C) of this section; | 14955 |
| (4) Failure to comply with section 3313.536, 3314.40, | 14956 |
| 3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code. | 14957 |
| (C) Upon learning of a plea of guilty to, a finding of | 14958 |
| guilt by a jury or court of, or a conviction of any of the | 14959 |

offenses listed in this division by a person who holds a current 14960
or expired license or is an applicant for a license or renewal 14961
of a license, the state board or the superintendent of public 14962
instruction, if the state board has delegated the duty pursuant 14963
to division (D) of this section, shall by a written order revoke 14964
the person's license or deny issuance or renewal of the license 14965
to the person. The state board or the superintendent shall 14966
revoke a license that has been issued to a person to whom this 14967
division applies and has expired in the same manner as a license 14968
that has not expired. 14969

Revocation of a license or denial of issuance or renewal 14970
of a license under this division is effective immediately at the 14971
time and date that the board or superintendent issues the 14972
written order and is not subject to appeal in accordance with 14973
Chapter 119. of the Revised Code. Revocation of a license or 14974
denial of issuance or renewal of license under this division 14975
remains in force during the pendency of an appeal by the person 14976
of the plea of guilty, finding of guilt, or conviction that is 14977
the basis of the action taken under this division. 14978

The state board or superintendent shall take the action 14979
required by this division for a violation of division (B) (1), 14980
(2), (3), or (4) of section 2919.22 of the Revised Code; a 14981
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 14982
2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 14983
2905.11, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 14984
2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 14985
2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 14986
2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 14987
2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 14988
2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 2921.04, 14989
2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 14990

2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.031, 14991
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 14992
2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 2927.24, or 3716.11 14993
of the Revised Code; a violation of section 2905.04 of the 14994
Revised Code as it existed prior to July 1, 1996; a violation of 14995
section 2919.23 of the Revised Code that would have been a 14996
violation of section 2905.04 of the Revised Code as it existed 14997
prior to July 1, 1996, had the violation been committed prior to 14998
that date; felonious sexual penetration in violation of former 14999
section 2907.12 of the Revised Code; or a violation of an 15000
ordinance of a municipal corporation that is substantively 15001
comparable to an offense listed in this paragraph. 15002

(D) The state board may delegate to the superintendent of 15003
public instruction the authority to revoke a person's license or 15004
to deny issuance or renewal of a license to a person under 15005
division (C) or (F) of this section. 15006

(E) (1) If the plea of guilty, finding of guilt, or 15007
conviction that is the basis of the action taken under division 15008
(B) (2) or (C) of this section, or under the version of division 15009
(F) of section 3319.311 of the Revised Code in effect prior to 15010
September 12, 2008, is overturned on appeal, upon exhaustion of 15011
the criminal appeal, the clerk of the court that overturned the 15012
plea, finding, or conviction or, if applicable, the clerk of the 15013
court that accepted an appeal from the court that overturned the 15014
plea, finding, or conviction, shall notify the state board that 15015
the plea, finding, or conviction has been overturned. Within 15016
thirty days after receiving the notification, the state board 15017
shall initiate proceedings to reconsider the revocation or 15018
denial of the person's license in accordance with division (E) 15019
(2) of this section. In addition, the person whose license was 15020
revoked or denied may file with the state board a petition for 15021

reconsideration of the revocation or denial along with 15022
appropriate court documents. 15023

(2) Upon receipt of a court notification or a petition and 15024
supporting court documents under division (E) (1) of this 15025
section, the state board, after offering the person an 15026
opportunity for an adjudication hearing under Chapter 119. of 15027
the Revised Code, shall determine whether the person committed 15028
the act in question in the prior criminal action against the 15029
person that is the basis of the revocation or denial and may 15030
continue the revocation or denial, may reinstate the person's 15031
license, with or without limits, or may grant the person a new 15032
license, with or without limits. The decision of the board shall 15033
be based on grounds for revoking, denying, suspending, or 15034
limiting a license adopted by rule under division (G) of this 15035
section and in accordance with the evidentiary standards the 15036
board employs for all other licensure hearings. The decision of 15037
the board under this division is subject to appeal under Chapter 15038
119. of the Revised Code. 15039

(3) A person whose license is revoked or denied under 15040
division (C) of this section shall not apply for any license if 15041
the plea of guilty, finding of guilt, or conviction that is the 15042
basis of the revocation or denial, upon completion of the 15043
criminal appeal, either is upheld or is overturned but the state 15044
board continues the revocation or denial under division (E) (2) 15045
of this section and that continuation is upheld on final appeal. 15046

(F) The state board may take action under division (B) of 15047
this section, and the state board or the superintendent shall 15048
take the action required under division (C) of this section, on 15049
the basis of substantially comparable conduct occurring in a 15050
jurisdiction outside this state or occurring before a person 15051

applies for or receives any license. 15052

(G) The state board may adopt rules in accordance with 15053
Chapter 119. of the Revised Code to carry out this section and 15054
section 3319.311 of the Revised Code. 15055

Sec. 3319.39. (A) (1) Except as provided in division (F) (2) 15056
(b) of section 109.57 of the Revised Code, the appointing or 15057
hiring officer of the board of education of a school district, 15058
the governing board of an educational service center, or of a 15059
chartered nonpublic school shall request the superintendent of 15060
the bureau of criminal identification and investigation to 15061
conduct a criminal records check with respect to any applicant 15062
who has applied to the school district, educational service 15063
center, or school for employment in any position. The appointing 15064
or hiring officer shall request that the superintendent include 15065
information from the federal bureau of investigation in the 15066
criminal records check, unless all of the following apply to the 15067
applicant: 15068

(a) The applicant is applying to be an instructor of adult 15069
education. 15070

(b) The duties of the position for which the applicant is 15071
applying do not involve routine interaction with a child or 15072
regular responsibility for the care, custody, or control of a 15073
child or, if the duties do involve such interaction or 15074
responsibility, during any period of time in which the 15075
applicant, if hired, has such interaction or responsibility, 15076
another employee of the school district, educational service 15077
center, or chartered nonpublic school will be present in the 15078
same room with the child or, if outdoors, will be within a 15079
thirty-yard radius of the child or have visual contact with the 15080
child. 15081

(c) The applicant presents proof that the applicant has 15082
been a resident of this state for the five-year period 15083
immediately prior to the date upon which the criminal records 15084
check is requested or provides evidence that within that five- 15085
year period the superintendent has requested information about 15086
the applicant from the federal bureau of investigation in a 15087
criminal records check. 15088

(2) A person required by division (A) (1) of this section 15089
to request a criminal records check shall provide to each 15090
applicant a copy of the form prescribed pursuant to division (C) 15091
(1) of section 109.572 of the Revised Code, provide to each 15092
applicant a standard impression sheet to obtain fingerprint 15093
impressions prescribed pursuant to division (C) (2) of section 15094
109.572 of the Revised Code, obtain the completed form and 15095
impression sheet from each applicant, and forward the completed 15096
form and impression sheet to the superintendent of the bureau of 15097
criminal identification and investigation at the time the person 15098
requests a criminal records check pursuant to division (A) (1) of 15099
this section. 15100

(3) An applicant who receives pursuant to division (A) (2) 15101
of this section a copy of the form prescribed pursuant to 15102
division (C) (1) of section 109.572 of the Revised Code and a 15103
copy of an impression sheet prescribed pursuant to division (C) 15104
(2) of that section and who is requested to complete the form 15105
and provide a set of fingerprint impressions shall complete the 15106
form or provide all the information necessary to complete the 15107
form and shall provide the impression sheet with the impressions 15108
of the applicant's fingerprints. If an applicant, upon request, 15109
fails to provide the information necessary to complete the form 15110
or fails to provide impressions of the applicant's fingerprints, 15111
the board of education of a school district, governing board of 15112

an educational service center, or governing authority of a 15113
chartered nonpublic school shall not employ that applicant for 15114
any position. 15115

(4) Notwithstanding any provision of this section to the 15116
contrary, an applicant who meets the conditions prescribed in 15117
divisions (A) (1) (a) and (b) of this section and who, within the 15118
two-year period prior to the date of application, was the 15119
subject of a criminal records check under this section prior to 15120
being hired for short-term employment with the school district, 15121
educational service center, or chartered nonpublic school to 15122
which application is being made shall not be required to undergo 15123
a criminal records check prior to the applicant's rehiring by 15124
that district, service center, or school. 15125

(B) (1) Except as provided in rules adopted by the 15126
department of education in accordance with division (E) of this 15127
section and as provided in division (B) (3) of this section, no 15128
board of education of a school district, no governing board of 15129
an educational service center, and no governing authority of a 15130
chartered nonpublic school shall employ a person if the person 15131
previously has been convicted of or pleaded guilty to any of the 15132
following: 15133

(a) A violation of section 2903.01, 2903.02, 2903.03, 15134
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 15135
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 15136
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 15137
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 15138
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 15139
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 15140
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 15141
Code, a violation of section 2905.04 of the Revised Code as it 15142

existed prior to July 1, 1996, a violation of section 2919.23 of 15143
the Revised Code that would have been a violation of section 15144
2905.04 of the Revised Code as it existed prior to July 1, 1996, 15145
had the violation been committed prior to that date, a violation 15146
of section 2925.11, 2925.111, or 2925.112 of the Revised Code 15147
that is not a minor drug possession offense, or felonious sexual 15148
penetration in violation of former section 2907.12 of the 15149
Revised Code; 15150

(b) A violation of an existing or former law of this 15151
state, another state, or the United States that is substantially 15152
equivalent to any of the offenses or violations described in 15153
division (B)(1)(a) of this section. 15154

(2) A board, governing board of an educational service 15155
center, or a governing authority of a chartered nonpublic school 15156
may employ an applicant conditionally until the criminal records 15157
check required by this section is completed and the board or 15158
governing authority receives the results of the criminal records 15159
check. If the results of the criminal records check indicate 15160
that, pursuant to division (B)(1) of this section, the applicant 15161
does not qualify for employment, the board or governing 15162
authority shall release the applicant from employment. 15163

(3) No board and no governing authority of a chartered 15164
nonpublic school shall employ a teacher who previously has been 15165
convicted of or pleaded guilty to any of the offenses listed in 15166
section 3319.31 of the Revised Code. 15167

(C)(1) Each board and each governing authority of a 15168
chartered nonpublic school shall pay to the bureau of criminal 15169
identification and investigation the fee prescribed pursuant to 15170
division (C)(3) of section 109.572 of the Revised Code for each 15171
criminal records check conducted in accordance with that section 15172

upon the request pursuant to division (A)(1) of this section of 15173
the appointing or hiring officer of the board or governing 15174
authority. 15175

(2) A board and the governing authority of a chartered 15176
nonpublic school may charge an applicant a fee for the costs it 15177
incurs in obtaining a criminal records check under this section. 15178
A fee charged under this division shall not exceed the amount of 15179
fees the board or governing authority pays under division (C)(1) 15180
of this section. If a fee is charged under this division, the 15181
board or governing authority shall notify the applicant at the 15182
time of the applicant's initial application for employment of 15183
the amount of the fee and that, unless the fee is paid, the 15184
board or governing authority will not consider the applicant for 15185
employment. 15186

(D) The report of any criminal records check conducted by 15187
the bureau of criminal identification and investigation in 15188
accordance with section 109.572 of the Revised Code and pursuant 15189
to a request under division (A)(1) of this section is not a 15190
public record for the purposes of section 149.43 of the Revised 15191
Code and shall not be made available to any person other than 15192
the applicant who is the subject of the criminal records check 15193
or the applicant's representative, the board or governing 15194
authority requesting the criminal records check or its 15195
representative, and any court, hearing officer, or other 15196
necessary individual involved in a case dealing with the denial 15197
of employment to the applicant. 15198

(E) The department of education shall adopt rules pursuant 15199
to Chapter 119. of the Revised Code to implement this section, 15200
including rules specifying circumstances under which the board 15201
or governing authority may hire a person who has been convicted 15202

of an offense listed in division (B)(1) or (3) of this section 15203
but who meets standards in regard to rehabilitation set by the 15204
department. 15205

The department shall amend rule 3301-83-23 of the Ohio 15206
Administrative Code that took effect August 27, 2009, and that 15207
specifies the offenses that disqualify a person for employment 15208
as a school bus or school van driver and establishes 15209
rehabilitation standards for school bus and school van drivers. 15210

(F) Any person required by division (A)(1) of this section 15211
to request a criminal records check shall inform each person, at 15212
the time of the person's initial application for employment, of 15213
the requirement to provide a set of fingerprint impressions and 15214
that a criminal records check is required to be conducted and 15215
satisfactorily completed in accordance with section 109.572 of 15216
the Revised Code if the person comes under final consideration 15217
for appointment or employment as a precondition to employment 15218
for the school district, educational service center, or school 15219
for that position. 15220

(G) As used in this section: 15221

(1) "Applicant" means a person who is under final 15222
consideration for appointment or employment in a position with a 15223
board of education, governing board of an educational service 15224
center, or a chartered nonpublic school, except that "applicant" 15225
does not include a person already employed by a board or 15226
chartered nonpublic school who is under consideration for a 15227
different position with such board or school. 15228

(2) "Teacher" means a person holding an educator license 15229
or permit issued under section 3319.22 or 3319.301 of the 15230
Revised Code and teachers in a chartered nonpublic school. 15231

(3) "Criminal records check" has the same meaning as in 15232
section 109.572 of the Revised Code. 15233

(4) "Minor drug possession offense" has the same meaning 15234
as in section 2925.01 of the Revised Code. 15235

(H) If the board of education of a local school district 15236
adopts a resolution requesting the assistance of the educational 15237
service center in which the local district has territory in 15238
conducting criminal records checks of substitute teachers and 15239
substitutes for other district employees under this section, the 15240
appointing or hiring officer of such educational service center 15241
shall serve for purposes of this section as the appointing or 15242
hiring officer of the local board in the case of hiring 15243
substitute teachers and other substitute employees for the local 15244
district. 15245

Sec. 3712.09. (A) As used in this section: 15246

(1) "Applicant" means a person who is under final 15247
consideration for employment with a hospice care program or 15248
pediatric respite care program in a full-time, part-time, or 15249
temporary position that involves providing direct care to an 15250
older adult or pediatric respite care patient. "Applicant" does 15251
not include a person who provides direct care as a volunteer 15252
without receiving or expecting to receive any form of 15253
remuneration other than reimbursement for actual expenses. 15254

(2) "Criminal records check" has the same meaning as in 15255
section 109.572 of the Revised Code. 15256

(3) "Older adult" means a person age sixty or older. 15257

(B) (1) Except as provided in division (I) of this section, 15258
the chief administrator of a hospice care program or pediatric 15259
respite care program shall request that the superintendent of 15260

the bureau of criminal identification and investigation conduct 15261
a criminal records check of each applicant. If an applicant for 15262
whom a criminal records check request is required under this 15263
division does not present proof of having been a resident of 15264
this state for the five-year period immediately prior to the 15265
date the criminal records check is requested or provide evidence 15266
that within that five-year period the superintendent has 15267
requested information about the applicant from the federal 15268
bureau of investigation in a criminal records check, the chief 15269
administrator shall request that the superintendent obtain 15270
information from the federal bureau of investigation as part of 15271
the criminal records check of the applicant. Even if an 15272
applicant for whom a criminal records check request is required 15273
under this division presents proof of having been a resident of 15274
this state for the five-year period, the chief administrator may 15275
request that the superintendent include information from the 15276
federal bureau of investigation in the criminal records check. 15277

(2) A person required by division (B)(1) of this section 15278
to request a criminal records check shall do both of the 15279
following: 15280

(a) Provide to each applicant for whom a criminal records 15281
check request is required under that division a copy of the form 15282
prescribed pursuant to division (C)(1) of section 109.572 of the 15283
Revised Code and a standard fingerprint impression sheet 15284
prescribed pursuant to division (C)(2) of that section, and 15285
obtain the completed form and impression sheet from the 15286
applicant; 15287

(b) Forward the completed form and impression sheet to the 15288
superintendent of the bureau of criminal identification and 15289
investigation. 15290

(3) An applicant provided the form and fingerprint
impression sheet under division (B) (2) (a) of this section who
fails to complete the form or provide fingerprint impressions
shall not be employed in any position for which a criminal
records check is required by this section.

(C) (1) Except as provided in rules adopted by the director
of health in accordance with division (F) of this section and
subject to division (C) (2) of this section, no hospice care
program or pediatric respite care program shall employ a person
in a position that involves providing direct care to an older
adult or pediatric respite care patient if the person has been
convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05,
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02,
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11,
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25,
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031,
2925.032, 2925.11, 2925.111, 2925.112, 2925.13, 2925.22,
2925.23, or 3716.11 of the Revised Code.

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

(2) (a) A hospice care program or pediatric respite care
program may employ conditionally an applicant for whom a
criminal records check request is required under division (B) of
this section prior to obtaining the results of a criminal

records check regarding the individual, provided that the 15321
program shall request a criminal records check regarding the 15322
individual in accordance with division (B) (1) of this section 15323
not later than five business days after the individual begins 15324
conditional employment. In the circumstances described in 15325
division (I) (2) of this section, a hospice care program or 15326
pediatric respite care program may employ conditionally an 15327
applicant who has been referred to the hospice care program or 15328
pediatric respite care program by an employment service that 15329
supplies full-time, part-time, or temporary staff for positions 15330
involving the direct care of older adults or pediatric respite 15331
care patients and for whom, pursuant to that division, a 15332
criminal records check is not required under division (B) of 15333
this section. 15334

(b) A hospice care program or pediatric respite care 15335
program that employs an individual conditionally under authority 15336
of division (C) (2) (a) of this section shall terminate the 15337
individual's employment if the results of the criminal records 15338
check requested under division (B) of this section or described 15339
in division (I) (2) of this section, other than the results of 15340
any request for information from the federal bureau of 15341
investigation, are not obtained within the period ending thirty 15342
days after the date the request is made. Regardless of when the 15343
results of the criminal records check are obtained, if the 15344
results indicate that the individual has been convicted of or 15345
pleaded guilty to any of the offenses listed or described in 15346
division (C) (1) of this section, the program shall terminate the 15347
individual's employment unless the program chooses to employ the 15348
individual pursuant to division (F) of this section. Termination 15349
of employment under this division shall be considered just cause 15350
for discharge for purposes of division (D) (2) of section 4141.29 15351

of the Revised Code if the individual makes any attempt to 15352
deceive the program about the individual's criminal record. 15353

(D) (1) Each hospice care program or pediatric respite care 15354
program shall pay to the bureau of criminal identification and 15355
investigation the fee prescribed pursuant to division (C) (3) of 15356
section 109.572 of the Revised Code for each criminal records 15357
check conducted pursuant to a request made under division (B) of 15358
this section. 15359

(2) A hospice care program or pediatric respite care 15360
program may charge an applicant a fee not exceeding the amount 15361
the program pays under division (D) (1) of this section. A 15362
program may collect a fee only if both of the following apply: 15363

(a) The program notifies the person at the time of initial 15364
application for employment of the amount of the fee and that, 15365
unless the fee is paid, the person will not be considered for 15366
employment; 15367

(b) The medicaid program does not reimburse the program 15368
the fee it pays under division (D) (1) of this section. 15369

(E) The report of a criminal records check conducted 15370
pursuant to a request made under this section is not a public 15371
record for the purposes of section 149.43 of the Revised Code 15372
and shall not be made available to any person other than the 15373
following: 15374

(1) The individual who is the subject of the criminal 15375
records check or the individual's representative; 15376

(2) The chief administrator of the program requesting the 15377
criminal records check or the administrator's representative; 15378

(3) The administrator of any other facility, agency, or 15379

program that provides direct care to older adults or pediatric 15380
respite care patients that is owned or operated by the same 15381
entity that owns or operates the hospice care program or 15382
pediatric respite care program; 15383

(4) A court, hearing officer, or other necessary 15384
individual involved in a case dealing with a denial of 15385
employment of the applicant or dealing with employment or 15386
unemployment benefits of the applicant; 15387

(5) Any person to whom the report is provided pursuant to, 15388
and in accordance with, division (I)(1) or (2) of this section. 15389

(F) The director of health shall adopt rules in accordance 15390
with Chapter 119. of the Revised Code to implement this section. 15391
The rules shall specify circumstances under which a hospice care 15392
program or pediatric respite care program may employ a person 15393
who has been convicted of or pleaded guilty to an offense listed 15394
or described in division (C)(1) of this section but meets 15395
personal character standards set by the director. 15396

(G) The chief administrator of a hospice care program or 15397
pediatric respite care program shall inform each individual, at 15398
the time of initial application for a position that involves 15399
providing direct care to an older adult or pediatric respite 15400
care patient, that the individual is required to provide a set 15401
of fingerprint impressions and that a criminal records check is 15402
required to be conducted if the individual comes under final 15403
consideration for employment. 15404

(H) In a tort or other civil action for damages that is 15405
brought as the result of an injury, death, or loss to person or 15406
property caused by an individual who a hospice care program or 15407
pediatric respite care program employs in a position that 15408

involves providing direct care to older adults or pediatric 15409
respite care patients, all of the following shall apply: 15410

(1) If the program employed the individual in good faith 15411
and reasonable reliance on the report of a criminal records 15412
check requested under this section, the program shall not be 15413
found negligent solely because of its reliance on the report, 15414
even if the information in the report is determined later to 15415
have been incomplete or inaccurate; 15416

(2) If the program employed the individual in good faith 15417
on a conditional basis pursuant to division (C)(2) of this 15418
section, the program shall not be found negligent solely because 15419
it employed the individual prior to receiving the report of a 15420
criminal records check requested under this section; 15421

(3) If the program in good faith employed the individual 15422
according to the personal character standards established in 15423
rules adopted under division (F) of this section, the program 15424
shall not be found negligent solely because the individual prior 15425
to being employed had been convicted of or pleaded guilty to an 15426
offense listed or described in division (C)(1) of this section. 15427

(I)(1) The chief administrator of a hospice care program 15428
or pediatric respite care program is not required to request 15429
that the superintendent of the bureau of criminal identification 15430
and investigation conduct a criminal records check of an 15431
applicant if the applicant has been referred to the program by 15432
an employment service that supplies full-time, part-time, or 15433
temporary staff for positions involving the direct care of older 15434
adults or pediatric respite care patients and both of the 15435
following apply: 15436

(a) The chief administrator receives from the employment 15437

service or the applicant a report of the results of a criminal 15438
records check regarding the applicant that has been conducted by 15439
the superintendent within the one-year period immediately 15440
preceding the applicant's referral; 15441

(b) The report of the criminal records check demonstrates 15442
that the person has not been convicted of or pleaded guilty to 15443
an offense listed or described in division (C)(1) of this 15444
section, or the report demonstrates that the person has been 15445
convicted of or pleaded guilty to one or more of those offenses, 15446
but the hospice care program or pediatric respite care program 15447
chooses to employ the individual pursuant to division (F) of 15448
this section. 15449

(2) The chief administrator of a hospice care program or 15450
pediatric respite care program is not required to request that 15451
the superintendent of the bureau of criminal identification and 15452
investigation conduct a criminal records check of an applicant 15453
and may employ the applicant conditionally as described in this 15454
division, if the applicant has been referred to the program by 15455
an employment service that supplies full-time, part-time, or 15456
temporary staff for positions involving the direct care of older 15457
adults or pediatric respite care patients and if the chief 15458
administrator receives from the employment service or the 15459
applicant a letter from the employment service that is on the 15460
letterhead of the employment service, dated, and signed by a 15461
supervisor or another designated official of the employment 15462
service and that states that the employment service has 15463
requested the superintendent to conduct a criminal records check 15464
regarding the applicant, that the requested criminal records 15465
check will include a determination of whether the applicant has 15466
been convicted of or pleaded guilty to any offense listed or 15467
described in division (C)(1) of this section, that, as of the 15468

date set forth on the letter, the employment service had not 15469
received the results of the criminal records check, and that, 15470
when the employment service receives the results of the criminal 15471
records check, it promptly will send a copy of the results to 15472
the hospice care program or pediatric respite care program. If a 15473
hospice care program or pediatric respite care program employs 15474
an applicant conditionally in accordance with this division, the 15475
employment service, upon its receipt of the results of the 15476
criminal records check, promptly shall send a copy of the 15477
results to the hospice care program or pediatric respite care 15478
program, and division (C) (2) (b) of this section applies 15479
regarding the conditional employment. 15480

Sec. 3719.013. Except as otherwise provided in section 15481
~~2925.03 or, 2925.031, 2925.032, 2925.11, 2925.111, or 2925.112~~ 15482
of the Revised Code, a controlled substance analog, to the 15483
extent intended for human consumption, shall be treated for 15484
purposes of any provision of the Revised Code as a controlled 15485
substance in schedule I. 15486

Sec. 3719.21. Except as provided in division (C) of 15487
section 2923.42, division (B) of section 2923.44, divisions ~~(D)~~ 15488
(C) (1), ~~(F)~~ (N), and ~~(H)~~ (P) of section 2925.03, division (D) (1) 15489
of section 2925.02, 2925.04, or 2925.05, division (E) (1) of 15490
section 2925.11 or related provisions of section 2925.111 or 15491
2925.112, division (E) of section 2925.13, division (F) of 15492
section 2925.36, division (D) of section 2925.22, division (H) 15493
of section 2925.23, division (M) of section 2925.37, division 15494
(B) of section 2925.42, division (B) of section 2929.18, 15495
division (D) of section 3719.99, division (B) (1) of section 15496
4729.65, division (E) (3) of section 4729.99, and division (I) (3) 15497
of section 4729.99 of the Revised Code, the clerk of the court 15498
shall pay all fines or forfeited bail assessed and collected 15499

under prosecutions or prosecutions commenced for violations of 15500
this chapter, section 2923.42 of the Revised Code, or Chapter 15501
2925. of the Revised Code, within thirty days, to the executive 15502
director of the state board of pharmacy, and the executive 15503
director shall deposit the fines into the state treasury to the 15504
credit of the occupational licensing and regulatory fund. 15505

Sec. 3719.99. (A) Whoever violates section 3719.16 or 15506
3719.161 of the Revised Code is guilty of a felony of the fifth 15507
degree. If the offender previously has been convicted of a 15508
violation of section 3719.16 or 3719.161 of the Revised Code or 15509
a drug abuse offense, a violation of section 3719.16 or 3719.161 15510
of the Revised Code is a felony of the fourth degree. If the 15511
violation involves the sale, offer to sell, or possession of a 15512
schedule I or II controlled substance, with the exception of 15513
marihuana, and if the offender, as a result of the violation, is 15514
a major drug offender, division (D) of this section applies. 15515

(B) Whoever violates division (C) or (D) of section 15516
3719.172 of the Revised Code is guilty of a felony of the fifth 15517
degree. If the offender previously has been convicted of a 15518
violation of division (C) or (D) of section 3719.172 of the 15519
Revised Code or a drug abuse offense, a violation of division 15520
(C) or (D) of section 3719.172 of the Revised Code is a felony 15521
of the fourth degree. If the violation involves the sale, offer 15522
to sell, or possession of a schedule I or II controlled 15523
substance, with the exception of marihuana, and if the offender, 15524
as a result of the violation, is a major drug offender, division 15525
(D) of this section applies. 15526

(C) Whoever violates section 3719.07 or 3719.08 of the 15527
Revised Code is guilty of a misdemeanor of the first degree. If 15528
the offender previously has been convicted of a violation of 15529

section 3719.07 or 3719.08 of the Revised Code or a drug abuse 15530
offense, a violation of section 3719.07 or 3719.08 of the 15531
Revised Code is a felony of the fifth degree. If the violation 15532
involves the sale, offer to sell, or possession of a schedule I 15533
or II controlled substance, with the exception of marihuana, and 15534
if the offender, as a result of the violation, is a major drug 15535
offender, division (D) of this section applies. 15536

(D) (1) If an offender is convicted of or pleads guilty to 15537
a felony violation of section 3719.07, 3719.08, 3719.16, or 15538
3719.161 or of division (C) or (D) of section 3719.172 of the 15539
Revised Code, if the violation involves the sale, offer to sell, 15540
or possession of a schedule I or II controlled substance, with 15541
the exception of marihuana, and if the court imposing sentence 15542
upon the offender finds that the offender as a result of the 15543
violation is a major drug offender and is guilty of a 15544
specification of the type described in division (A) of section 15545
2941.1410 of the Revised Code, the court, in lieu of the prison 15546
term authorized or required by division (A), (B), or (C) of this 15547
section and sections 2929.13 and 2929.14 of the Revised Code and 15548
in addition to any other sanction imposed for the offense under 15549
sections 2929.11 to 2929.18 of the Revised Code, shall impose 15550
upon the offender, in accordance with division (B) (3) of section 15551
2929.14 of the Revised Code, the mandatory prison term specified 15552
in that division. 15553

(2) Notwithstanding any contrary provision of section 15554
3719.21 of the Revised Code, the clerk of the court shall pay 15555
any fine imposed for a felony violation of section 3719.07, 15556
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 15557
section 3719.172 of the Revised Code pursuant to division (A) of 15558
section 2929.18 of the Revised Code in accordance with and 15559
subject to the requirements of division ~~(F)~~ (N) of section 15560

2925.03 of the Revised Code. The agency that receives the fine 15561
shall use the fine as specified in division ~~(F)~~ (N) of section 15562
2925.03 of the Revised Code. 15563

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 15564
3719.31 or division (B) of section 3719.172 of the Revised Code 15565
is guilty of a misdemeanor of the third degree. If the offender 15566
previously has been convicted of a violation of section 3719.05, 15567
3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 15568
of the Revised Code or a drug abuse offense, a violation of 15569
section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of 15570
section 3719.172 of the Revised Code is a misdemeanor of the 15571
first degree. 15572

(F) Whoever violates section 3719.30 of the Revised Code 15573
is guilty of a misdemeanor of the fourth degree. If the offender 15574
previously has been convicted of a violation of section 3719.30 15575
of the Revised Code or a drug abuse offense, a violation of 15576
section 3719.30 of the Revised Code is a misdemeanor of the 15577
third degree. 15578

(G) Whoever violates section 3719.32 or 3719.33 of the 15579
Revised Code is guilty of a minor misdemeanor. 15580

(H) Whoever violates division (K) (2) (b) of section 3719.44 15581
of the Revised Code is guilty of a felony of the fifth degree. 15582

(I) Whoever violates division (K) (2) (c) of section 3719.44 15583
of the Revised Code is guilty of a misdemeanor of the second 15584
degree. 15585

(J) As used in this section, "major drug offender" has the 15586
same meaning as in section 2929.01 of the Revised Code. 15587

Sec. 3721.121. (A) As used in this section: 15588

(1) "Adult day-care program" means a program operated 15589
pursuant to rules adopted by the director of health under 15590
section 3721.04 of the Revised Code and provided by and on the 15591
same site as homes licensed under this chapter. 15592

(2) "Applicant" means a person who is under final 15593
consideration for employment with a home or adult day-care 15594
program in a full-time, part-time, or temporary position that 15595
involves providing direct care to an older adult. "Applicant" 15596
does not include a person who provides direct care as a 15597
volunteer without receiving or expecting to receive any form of 15598
remuneration other than reimbursement for actual expenses. 15599

(3) "Community-based long-term care services provider" 15600
means a provider as defined in section 173.39 of the Revised 15601
Code. 15602

(4) "Criminal records check" has the same meaning as in 15603
section 109.572 of the Revised Code. 15604

(5) "Home" means a home as defined in section 3721.10 of 15605
the Revised Code. 15606

(6) "Older adult" means a person age sixty or older. 15607

(B) (1) Except as provided in division (I) of this section, 15608
the chief administrator of a home or adult day-care program 15609
shall request that the superintendent of the bureau of criminal 15610
identification and investigation conduct a criminal records 15611
check of each applicant. If an applicant for whom a criminal 15612
records check request is required under this division does not 15613
present proof of having been a resident of this state for the 15614
five-year period immediately prior to the date the criminal 15615
records check is requested or provide evidence that within that 15616
five-year period the superintendent has requested information 15617

about the applicant from the federal bureau of investigation in 15618
a criminal records check, the chief administrator shall request 15619
that the superintendent obtain information from the federal 15620
bureau of investigation as part of the criminal records check of 15621
the applicant. Even if an applicant for whom a criminal records 15622
check request is required under this division presents proof of 15623
having been a resident of this state for the five-year period, 15624
the chief administrator may request that the superintendent 15625
include information from the federal bureau of investigation in 15626
the criminal records check. 15627

(2) A person required by division (B)(1) of this section 15628
to request a criminal records check shall do both of the 15629
following: 15630

(a) Provide to each applicant for whom a criminal records 15631
check request is required under that division a copy of the form 15632
prescribed pursuant to division (C)(1) of section 109.572 of the 15633
Revised Code and a standard fingerprint impression sheet 15634
prescribed pursuant to division (C)(2) of that section, and 15635
obtain the completed form and impression sheet from the 15636
applicant; 15637

(b) Forward the completed form and impression sheet to the 15638
superintendent of the bureau of criminal identification and 15639
investigation. 15640

(3) An applicant provided the form and fingerprint 15641
impression sheet under division (B)(2)(a) of this section who 15642
fails to complete the form or provide fingerprint impressions 15643
shall not be employed in any position for which a criminal 15644
records check is required by this section. 15645

(C)(1) Except as provided in rules adopted by the director 15646

of health in accordance with division (F) of this section and 15647
subject to division (C) (2) of this section, no home or adult 15648
day-care program shall employ a person in a position that 15649
involves providing direct care to an older adult if the person 15650
has been convicted of or pleaded guilty to any of the following: 15651

(a) A violation of section 2903.01, 2903.02, 2903.03, 15652
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 15653
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 15654
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 15655
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 15656
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 15657
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 15658
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 15659
2925.032, 2925.11, 2925.111, 2925.112, 2925.13, 2925.22, 15660
2925.23, or 3716.11 of the Revised Code. 15661

(b) A violation of an existing or former law of this 15662
state, any other state, or the United States that is 15663
substantially equivalent to any of the offenses listed in 15664
division (C) (1) (a) of this section. 15665

(2) (a) A home or an adult day-care program may employ 15666
conditionally an applicant for whom a criminal records check 15667
request is required under division (B) of this section prior to 15668
obtaining the results of a criminal records check regarding the 15669
individual, provided that the home or program shall request a 15670
criminal records check regarding the individual in accordance 15671
with division (B) (1) of this section not later than five 15672
business days after the individual begins conditional 15673
employment. In the circumstances described in division (I) (2) of 15674
this section, a home or adult day-care program may employ 15675
conditionally an applicant who has been referred to the home or 15676

adult day-care program by an employment service that supplies 15677
full-time, part-time, or temporary staff for positions involving 15678
the direct care of older adults and for whom, pursuant to that 15679
division, a criminal records check is not required under 15680
division (B) of this section. 15681

(b) A home or adult day-care program that employs an 15682
individual conditionally under authority of division (C) (2) (a) 15683
of this section shall terminate the individual's employment if 15684
the results of the criminal records check requested under 15685
division (B) of this section or described in division (I) (2) of 15686
this section, other than the results of any request for 15687
information from the federal bureau of investigation, are not 15688
obtained within the period ending thirty days after the date the 15689
request is made. Regardless of when the results of the criminal 15690
records check are obtained, if the results indicate that the 15691
individual has been convicted of or pleaded guilty to any of the 15692
offenses listed or described in division (C) (1) of this section, 15693
the home or program shall terminate the individual's employment 15694
unless the home or program chooses to employ the individual 15695
pursuant to division (F) of this section. Termination of 15696
employment under this division shall be considered just cause 15697
for discharge for purposes of division (D) (2) of section 4141.29 15698
of the Revised Code if the individual makes any attempt to 15699
deceive the home or program about the individual's criminal 15700
record. 15701

(D) (1) Each home or adult day-care program shall pay to 15702
the bureau of criminal identification and investigation the fee 15703
prescribed pursuant to division (C) (3) of section 109.572 of the 15704
Revised Code for each criminal records check conducted pursuant 15705
to a request made under division (B) of this section. 15706

(2) A home or adult day-care program may charge an 15707
applicant a fee not exceeding the amount the home or program 15708
pays under division (D) (1) of this section. A home or program 15709
may collect a fee only if both of the following apply: 15710

(a) The home or program notifies the person at the time of 15711
initial application for employment of the amount of the fee and 15712
that, unless the fee is paid, the person will not be considered 15713
for employment; 15714

(b) The medicaid program does not reimburse the home or 15715
program the fee it pays under division (D) (1) of this section. 15716

(E) The report of any criminal records check conducted 15717
pursuant to a request made under this section is not a public 15718
record for the purposes of section 149.43 of the Revised Code 15719
and shall not be made available to any person other than the 15720
following: 15721

(1) The individual who is the subject of the criminal 15722
records check or the individual's representative; 15723

(2) The chief administrator of the home or program 15724
requesting the criminal records check or the administrator's 15725
representative; 15726

(3) The administrator of any other facility, agency, or 15727
program that provides direct care to older adults that is owned 15728
or operated by the same entity that owns or operates the home or 15729
program; 15730

(4) A court, hearing officer, or other necessary 15731
individual involved in a case dealing with a denial of 15732
employment of the applicant or dealing with employment or 15733
unemployment benefits of the applicant; 15734

(5) Any person to whom the report is provided pursuant to, 15735
and in accordance with, division (I) (1) or (2) of this section; 15736

(6) The board of nursing for purposes of accepting and 15737
processing an application for a medication aide certificate 15738
issued under Chapter 4723. of the Revised Code; 15739

(7) The director of aging or the director's designee if 15740
the criminal records check is requested by the chief 15741
administrator of a home that is also a community-based long-term 15742
care services provider. 15743

(F) In accordance with section 3721.11 of the Revised 15744
Code, the director of health shall adopt rules to implement this 15745
section. The rules shall specify circumstances under which a 15746
home or adult day-care program may employ a person who has been 15747
convicted of or pleaded guilty to an offense listed or described 15748
in division (C) (1) of this section but meets personal character 15749
standards set by the director. 15750

(G) The chief administrator of a home or adult day-care 15751
program shall inform each individual, at the time of initial 15752
application for a position that involves providing direct care 15753
to an older adult, that the individual is required to provide a 15754
set of fingerprint impressions and that a criminal records check 15755
is required to be conducted if the individual comes under final 15756
consideration for employment. 15757

(H) In a tort or other civil action for damages that is 15758
brought as the result of an injury, death, or loss to person or 15759
property caused by an individual who a home or adult day-care 15760
program employs in a position that involves providing direct 15761
care to older adults, all of the following shall apply: 15762

(1) If the home or program employed the individual in good 15763

faith and reasonable reliance on the report of a criminal 15764
records check requested under this section, the home or program 15765
shall not be found negligent solely because of its reliance on 15766
the report, even if the information in the report is determined 15767
later to have been incomplete or inaccurate; 15768

(2) If the home or program employed the individual in good 15769
faith on a conditional basis pursuant to division (C) (2) of this 15770
section, the home or program shall not be found negligent solely 15771
because it employed the individual prior to receiving the report 15772
of a criminal records check requested under this section; 15773

(3) If the home or program in good faith employed the 15774
individual according to the personal character standards 15775
established in rules adopted under division (F) of this section, 15776
the home or program shall not be found negligent solely because 15777
the individual prior to being employed had been convicted of or 15778
pleaded guilty to an offense listed or described in division (C) 15779
(1) of this section. 15780

(I) (1) The chief administrator of a home or adult day-care 15781
program is not required to request that the superintendent of 15782
the bureau of criminal identification and investigation conduct 15783
a criminal records check of an applicant if the applicant has 15784
been referred to the home or program by an employment service 15785
that supplies full-time, part-time, or temporary staff for 15786
positions involving the direct care of older adults and both of 15787
the following apply: 15788

(a) The chief administrator receives from the employment 15789
service or the applicant a report of the results of a criminal 15790
records check regarding the applicant that has been conducted by 15791
the superintendent within the one-year period immediately 15792
preceding the applicant's referral; 15793

(b) The report of the criminal records check demonstrates 15794
that the person has not been convicted of or pleaded guilty to 15795
an offense listed or described in division (C) (1) of this 15796
section, or the report demonstrates that the person has been 15797
convicted of or pleaded guilty to one or more of those offenses, 15798
but the home or adult day-care program chooses to employ the 15799
individual pursuant to division (F) of this section. 15800

(2) The chief administrator of a home or adult day-care 15801
program is not required to request that the superintendent of 15802
the bureau of criminal identification and investigation conduct 15803
a criminal records check of an applicant and may employ the 15804
applicant conditionally as described in this division, if the 15805
applicant has been referred to the home or program by an 15806
employment service that supplies full-time, part-time, or 15807
temporary staff for positions involving the direct care of older 15808
adults and if the chief administrator receives from the 15809
employment service or the applicant a letter from the employment 15810
service that is on the letterhead of the employment service, 15811
dated, and signed by a supervisor or another designated official 15812
of the employment service and that states that the employment 15813
service has requested the superintendent to conduct a criminal 15814
records check regarding the applicant, that the requested 15815
criminal records check will include a determination of whether 15816
the applicant has been convicted of or pleaded guilty to any 15817
offense listed or described in division (C) (1) of this section, 15818
that, as of the date set forth on the letter, the employment 15819
service had not received the results of the criminal records 15820
check, and that, when the employment service receives the 15821
results of the criminal records check, it promptly will send a 15822
copy of the results to the home or adult day-care program. If a 15823
home or adult day-care program employs an applicant 15824

conditionally in accordance with this division, the employment 15825
service, upon its receipt of the results of the criminal records 15826
check, promptly shall send a copy of the results to the home or 15827
adult day-care program, and division (C) (2) (b) of this section 15828
applies regarding the conditional employment. 15829

Sec. 3734.44. Notwithstanding the provisions of any law to 15830
the contrary, no permit or license shall be issued or renewed by 15831
the director of environmental protection or a board of health: 15832

(A) Unless the director or the board of health finds that 15833
the applicant, in any prior performance record in the 15834
transportation, transfer, treatment, storage, or disposal of 15835
solid wastes, infectious wastes, or hazardous waste, has 15836
exhibited sufficient reliability, expertise, and competency to 15837
operate the solid waste, infectious waste, or hazardous waste 15838
facility, given the potential for harm to human health and the 15839
environment that could result from the irresponsible operation 15840
of the facility, or, if no prior record exists, that the 15841
applicant is likely to exhibit that reliability, expertise, and 15842
competence; 15843

(B) If any individual or business concern required to be 15844
listed in the disclosure statement or shown to have a beneficial 15845
interest in the business of the applicant or the permittee, 15846
other than an equity interest or debt liability, by the 15847
investigation thereof, has been convicted of any of the 15848
following crimes under the laws of this state or equivalent laws 15849
of any other jurisdiction: 15850

(1) Murder; 15851

(2) Kidnapping; 15852

(3) Gambling; 15853

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|--|--|
| (4) Robbery; | 15854 |
| (5) Bribery; | 15855 |
| (6) Extortion; | 15856 |
| (7) Criminal usury; | 15857 |
| (8) Arson; | 15858 |
| (9) Burglary; | 15859 |
| (10) Theft and related crimes; | 15860 |
| (11) Forgery and fraudulent practices; | 15861 |
| (12) Fraud in the offering, sale, or purchase of securities; | 15862
15863 |
| (13) Alteration of motor vehicle identification numbers; | 15864 |
| (14) Unlawful manufacture, purchase, use, or transfer of firearms; | 15865
15866 |
| (15) Unlawful possession or use of destructive devices or explosives; | 15867
15868 |
| (16) A violation of section 2925.03, <u>2925.031, 2925.032,</u> 2925.04, 2925.05, 2925.06, 2925.11, <u>2925.111, 2925.112,</u> 2925.32, or 2925.37 or Chapter 3719. of the Revised Code, unless the violation is for possession of less than one hundred grams of marihuana, less than five grams of marihuana resin or extraction or preparation of marihuana resin, or less than one gram of marihuana resin in a liquid concentrate, liquid extract, or liquid distillate form; | 15869
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15876 |
| (17) Engaging in a pattern of corrupt activity under section 2923.32 of the Revised Code; | 15877
15878 |
| (18) A violation of the criminal provisions of Chapter | 15879 |

1331. of the Revised Code; 15880

(19) Any violation of the criminal provisions of any 15881
federal or state environmental protection laws, rules, or 15882
regulations that is committed knowingly or recklessly, as 15883
defined in section 2901.22 of the Revised Code; 15884

(20) A violation of any provision of Chapter 2909. of the 15885
Revised Code; 15886

(21) Any offense specified in Chapter 2921. of the Revised 15887
Code. 15888

(C) Notwithstanding division (B) of this section, no 15889
applicant shall be denied the issuance or renewal of a permit or 15890
license on the basis of a conviction of any individual or 15891
business concern required to be listed in the disclosure 15892
statement or shown to have a beneficial interest in the business 15893
of the applicant or the permittee, other than an equity interest 15894
or debt liability, by the investigation thereof for any of the 15895
offenses enumerated in that division as disqualification 15896
criteria if that applicant has affirmatively demonstrated 15897
rehabilitation of the individual or business concern by a 15898
preponderance of the evidence. If any such individual was 15899
convicted of any of the offenses so enumerated that are 15900
felonies, a permit shall be denied unless five years have 15901
elapsed since the individual was fully discharged from 15902
imprisonment and parole for the offense, from a community 15903
control sanction imposed under section 2929.15 of the Revised 15904
Code, from a post-release control sanction imposed under section 15905
2967.28 of the Revised Code for the offense, or imprisonment, 15906
probation, and parole for an offense that was committed prior to 15907
July 1, 1996. In determining whether an applicant has 15908
affirmatively demonstrated rehabilitation, the director or the 15909

board of health shall request a recommendation on the matter 15910
from the attorney general and shall consider and base the 15911
determination on the following factors: 15912

(1) The nature and responsibilities of the position a 15913
convicted individual would hold; 15914

(2) The nature and seriousness of the offense; 15915

(3) The circumstances under which the offense occurred; 15916

(4) The date of the offense; 15917

(5) The age of the individual when the offense was 15918
committed; 15919

(6) Whether the offense was an isolated or repeated 15920
incident; 15921

(7) Any social conditions that may have contributed to the 15922
offense; 15923

(8) Any evidence of rehabilitation, including good conduct 15924
in prison or in the community, counseling or psychiatric 15925
treatment received, acquisition of additional academic or 15926
vocational schooling, successful participation in correctional 15927
work release programs, or the recommendation of persons who have 15928
or have had the applicant under their supervision; 15929

(9) In the instance of an applicant that is a business 15930
concern, rehabilitation shall be established if the applicant 15931
has implemented formal management controls to minimize and 15932
prevent the occurrence of violations and activities that will or 15933
may result in permit or license denial or revocation or if the 15934
applicant has formalized those controls as a result of a 15935
revocation or denial of a permit or license. Those controls may 15936
include, but are not limited to, instituting environmental 15937

auditing programs to help ensure the adequacy of internal 15938
systems to achieve, maintain, and monitor compliance with 15939
applicable environmental laws and standards or instituting an 15940
antitrust compliance auditing program to help ensure full 15941
compliance with applicable antitrust laws. The business concern 15942
shall prove by a preponderance of the evidence that the 15943
management controls are effective in preventing the violations 15944
that are the subject of concern. 15945

(D) Unless the director or the board of health finds that 15946
the applicant has a history of compliance with environmental 15947
laws in this state and other jurisdictions and is presently in 15948
substantial compliance with, or on a legally enforceable 15949
schedule that will result in compliance with, environmental laws 15950
in this state and other jurisdictions; 15951

(E) With respect to the approval of a permit, if the 15952
director determines that current prosecutions or pending charges 15953
in any jurisdiction for any of the offenses enumerated in 15954
division (B) of this section against any individual or business 15955
concern required to be listed in the disclosure statement or 15956
shown by the investigation to have a beneficial interest in the 15957
business of the applicant other than an equity interest or debt 15958
liability are of such magnitude that they prevent making the 15959
finding required under division (A) of this section, provided 15960
that at the request of the applicant or the individual or 15961
business concern charged, the director shall defer decision upon 15962
the application during the pendency of the charge. 15963

Sec. 3767.01. As used in all sections of the Revised Code 15964
relating to nuisances: 15965

(A) "Place" includes any building, erection, or place or 15966
any separate part or portion thereof or the ground itself; 15967

(B) "Person" includes any individual, corporation, 15968
association, partnership, trustee, lessee, agent, or assignee; 15969

(C) "Nuisance" means any of the following: 15970

(1) That which is defined and declared by statutes to be a 15971
nuisance; 15972

(2) Any place in or upon which lewdness, assignation, or 15973
prostitution is conducted, permitted, continued, or exists, or 15974
any place, in or upon which lewd, indecent, lascivious, or 15975
obscene films or plate negatives, film or plate positives, films 15976
designed to be projected on a screen for exhibition films, or 15977
glass slides either in negative or positive form designed for 15978
exhibition by projection on a screen, are photographed, 15979
manufactured, developed, screened, exhibited, or otherwise 15980
prepared or shown, and the personal property and contents used 15981
in conducting and maintaining any such place for any such 15982
purpose. This chapter shall not affect any newspaper, magazine, 15983
or other publication entered as second class matter by the post- 15984
office department. 15985

(3) Any room, house, building, boat, vehicle, structure, 15986
or place where beer or intoxicating liquor is manufactured, 15987
sold, bartered, possessed, or kept in violation of law and all 15988
property kept and used in maintaining the same, and all property 15989
designed for the unlawful manufacture of beer or intoxicating 15990
liquor and beer or intoxicating liquor contained in the room, 15991
house, building, boat, structure, or place, or the operation of 15992
such a room, house, building, boat, structure, or place as 15993
described in division (C) (3) of this section where the operation 15994
of that place substantially interferes with public decency, 15995
sobriety, peace, and good order. "Violation of law" includes, 15996
but is not limited to, sales to any person under the legal 15997

drinking age as prohibited in division (A) of section 4301.22 or 15998
division (A) of section 4301.69 of the Revised Code and any 15999
violation of section 2913.46~~or~~, 2925.03, 2925.031, or 2925.032 16000
of the Revised Code. 16001

Sec. 4112.02. It shall be an unlawful discriminatory 16002
practice: 16003

(A) For any employer, because of the race, color, 16004
religion, sex, military status, national origin, disability, 16005
age, or ancestry of any person, to discharge without just cause, 16006
to refuse to hire, or otherwise to discriminate against that 16007
person with respect to hire, tenure, terms, conditions, or 16008
privileges of employment, or any matter directly or indirectly 16009
related to employment. 16010

(B) For an employment agency or personnel placement 16011
service, because of race, color, religion, sex, military status, 16012
national origin, disability, age, or ancestry, to do any of the 16013
following: 16014

(1) Refuse or fail to accept, register, classify properly, 16015
or refer for employment, or otherwise discriminate against any 16016
person; 16017

(2) Comply with a request from an employer for referral of 16018
applicants for employment if the request directly or indirectly 16019
indicates that the employer fails to comply with the provisions 16020
of sections 4112.01 to 4112.07 of the Revised Code. 16021

(C) For any labor organization to do any of the following: 16022

(1) Limit or classify its membership on the basis of race, 16023
color, religion, sex, military status, national origin, 16024
disability, age, or ancestry; 16025

(2) Discriminate against, limit the employment 16026
opportunities of, or otherwise adversely affect the employment 16027
status, wages, hours, or employment conditions of any person as 16028
an employee because of race, color, religion, sex, military 16029
status, national origin, disability, age, or ancestry. 16030

(D) For any employer, labor organization, or joint labor- 16031
management committee controlling apprentice training programs to 16032
discriminate against any person because of race, color, 16033
religion, sex, military status, national origin, disability, or 16034
ancestry in admission to, or employment in, any program 16035
established to provide apprentice training. 16036

(E) Except where based on a bona fide occupational 16037
qualification certified in advance by the commission, for any 16038
employer, employment agency, personnel placement service, or 16039
labor organization, prior to employment or admission to 16040
membership, to do any of the following: 16041

(1) Elicit or attempt to elicit any information concerning 16042
the race, color, religion, sex, military status, national 16043
origin, disability, age, or ancestry of an applicant for 16044
employment or membership; 16045

(2) Make or keep a record of the race, color, religion, 16046
sex, military status, national origin, disability, age, or 16047
ancestry of any applicant for employment or membership; 16048

(3) Use any form of application for employment, or 16049
personnel or membership blank, seeking to elicit information 16050
regarding race, color, religion, sex, military status, national 16051
origin, disability, age, or ancestry; but an employer holding a 16052
contract containing a nondiscrimination clause with the 16053
government of the United States, or any department or agency of 16054

that government, may require an employee or applicant for 16055
employment to furnish documentary proof of United States 16056
citizenship and may retain that proof in the employer's 16057
personnel records and may use photographic or fingerprint 16058
identification for security purposes; 16059

(4) Print or publish or cause to be printed or published 16060
any notice or advertisement relating to employment or membership 16061
indicating any preference, limitation, specification, or 16062
discrimination, based upon race, color, religion, sex, military 16063
status, national origin, disability, age, or ancestry; 16064

(5) Announce or follow a policy of denying or limiting, 16065
through a quota system or otherwise, employment or membership 16066
opportunities of any group because of the race, color, religion, 16067
sex, military status, national origin, disability, age, or 16068
ancestry of that group; 16069

(6) Utilize in the recruitment or hiring of persons any 16070
employment agency, personnel placement service, training school 16071
or center, labor organization, or any other employee-referring 16072
source known to discriminate against persons because of their 16073
race, color, religion, sex, military status, national origin, 16074
disability, age, or ancestry. 16075

(F) For any person seeking employment to publish or cause 16076
to be published any advertisement that specifies or in any 16077
manner indicates that person's race, color, religion, sex, 16078
military status, national origin, disability, age, or ancestry, 16079
or expresses a limitation or preference as to the race, color, 16080
religion, sex, military status, national origin, disability, 16081
age, or ancestry of any prospective employer. 16082

(G) For any proprietor or any employee, keeper, or manager 16083

of a place of public accommodation to deny to any person, except 16084
for reasons applicable alike to all persons regardless of race, 16085
color, religion, sex, military status, national origin, 16086
disability, age, or ancestry, the full enjoyment of the 16087
accommodations, advantages, facilities, or privileges of the 16088
place of public accommodation. 16089

(H) Subject to section 4112.024 of the Revised Code, for 16090
any person to do any of the following: 16091

(1) Refuse to sell, transfer, assign, rent, lease, 16092
sublease, or finance housing accommodations, refuse to negotiate 16093
for the sale or rental of housing accommodations, or otherwise 16094
deny or make unavailable housing accommodations because of race, 16095
color, religion, sex, military status, familial status, 16096
ancestry, disability, or national origin; 16097

(2) Represent to any person that housing accommodations 16098
are not available for inspection, sale, or rental, when in fact 16099
they are available, because of race, color, religion, sex, 16100
military status, familial status, ancestry, disability, or 16101
national origin; 16102

(3) Discriminate against any person in the making or 16103
purchasing of loans or the provision of other financial 16104
assistance for the acquisition, construction, rehabilitation, 16105
repair, or maintenance of housing accommodations, or any person 16106
in the making or purchasing of loans or the provision of other 16107
financial assistance that is secured by residential real estate, 16108
because of race, color, religion, sex, military status, familial 16109
status, ancestry, disability, or national origin or because of 16110
the racial composition of the neighborhood in which the housing 16111
accommodations are located, provided that the person, whether an 16112
individual, corporation, or association of any type, lends money 16113

as one of the principal aspects or incident to the person's 16114
principal business and not only as a part of the purchase price 16115
of an owner-occupied residence the person is selling nor merely 16116
casually or occasionally to a relative or friend; 16117

(4) Discriminate against any person in the terms or 16118
conditions of selling, transferring, assigning, renting, 16119
leasing, or subleasing any housing accommodations or in 16120
furnishing facilities, services, or privileges in connection 16121
with the ownership, occupancy, or use of any housing 16122
accommodations, including the sale of fire, extended coverage, 16123
or homeowners insurance, because of race, color, religion, sex, 16124
military status, familial status, ancestry, disability, or 16125
national origin or because of the racial composition of the 16126
neighborhood in which the housing accommodations are located; 16127

(5) Discriminate against any person in the terms or 16128
conditions of any loan of money, whether or not secured by 16129
mortgage or otherwise, for the acquisition, construction, 16130
rehabilitation, repair, or maintenance of housing accommodations 16131
because of race, color, religion, sex, military status, familial 16132
status, ancestry, disability, or national origin or because of 16133
the racial composition of the neighborhood in which the housing 16134
accommodations are located; 16135

(6) Refuse to consider without prejudice the combined 16136
income of both husband and wife for the purpose of extending 16137
mortgage credit to a married couple or either member of a 16138
married couple; 16139

(7) Print, publish, or circulate any statement or 16140
advertisement, or make or cause to be made any statement or 16141
advertisement, relating to the sale, transfer, assignment, 16142
rental, lease, sublease, or acquisition of any housing 16143

accommodations, or relating to the loan of money, whether or not 16144
secured by mortgage or otherwise, for the acquisition, 16145
construction, rehabilitation, repair, or maintenance of housing 16146
accommodations, that indicates any preference, limitation, 16147
specification, or discrimination based upon race, color, 16148
religion, sex, military status, familial status, ancestry, 16149
disability, or national origin, or an intention to make any such 16150
preference, limitation, specification, or discrimination; 16151

(8) Except as otherwise provided in division (H) (8) or 16152
(17) of this section, make any inquiry, elicit any information, 16153
make or keep any record, or use any form of application 16154
containing questions or entries concerning race, color, 16155
religion, sex, military status, familial status, ancestry, 16156
disability, or national origin in connection with the sale or 16157
lease of any housing accommodations or the loan of any money, 16158
whether or not secured by mortgage or otherwise, for the 16159
acquisition, construction, rehabilitation, repair, or 16160
maintenance of housing accommodations. Any person may make 16161
inquiries, and make and keep records, concerning race, color, 16162
religion, sex, military status, familial status, ancestry, 16163
disability, or national origin for the purpose of monitoring 16164
compliance with this chapter. 16165

(9) Include in any transfer, rental, or lease of housing 16166
accommodations any restrictive covenant, or honor or exercise, 16167
or attempt to honor or exercise, any restrictive covenant; 16168

(10) Induce or solicit, or attempt to induce or solicit, a 16169
housing accommodations listing, sale, or transaction by 16170
representing that a change has occurred or may occur with 16171
respect to the racial, religious, sexual, military status, 16172
familial status, or ethnic composition of the block, 16173

neighborhood, or other area in which the housing accommodations 16174
are located, or induce or solicit, or attempt to induce or 16175
solicit, a housing accommodations listing, sale, or transaction 16176
by representing that the presence or anticipated presence of 16177
persons of any race, color, religion, sex, military status, 16178
familial status, ancestry, disability, or national origin, in 16179
the block, neighborhood, or other area will or may have results 16180
including, but not limited to, the following: 16181

(a) The lowering of property values; 16182

(b) A change in the racial, religious, sexual, military 16183
status, familial status, or ethnic composition of the block, 16184
neighborhood, or other area; 16185

(c) An increase in criminal or antisocial behavior in the 16186
block, neighborhood, or other area; 16187

(d) A decline in the quality of the schools serving the 16188
block, neighborhood, or other area. 16189

(11) Deny any person access to or membership or 16190
participation in any multiple-listing service, real estate 16191
brokers' organization, or other service, organization, or 16192
facility relating to the business of selling or renting housing 16193
accommodations, or discriminate against any person in the terms 16194
or conditions of that access, membership, or participation, on 16195
account of race, color, religion, sex, military status, familial 16196
status, national origin, disability, or ancestry; 16197

(12) Coerce, intimidate, threaten, or interfere with any 16198
person in the exercise or enjoyment of, or on account of that 16199
person's having exercised or enjoyed or having aided or 16200
encouraged any other person in the exercise or enjoyment of, any 16201
right granted or protected by division (H) of this section; 16202

(13) Discourage or attempt to discourage the purchase by a prospective purchaser of housing accommodations, by representing that any block, neighborhood, or other area has undergone or might undergo a change with respect to its religious, racial, sexual, military status, familial status, or ethnic composition;

(14) Refuse to sell, transfer, assign, rent, lease, sublease, or finance, or otherwise deny or withhold, a burial lot from any person because of the race, color, sex, military status, familial status, age, ancestry, disability, or national origin of any prospective owner or user of the lot;

(15) Discriminate in the sale or rental of, or otherwise make unavailable or deny, housing accommodations to any buyer or renter because of a disability of any of the following:

(a) The buyer or renter;

(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;

(c) Any individual associated with the person described in division (H) (15) (b) of this section.

(16) Discriminate in the terms, conditions, or privileges of the sale or rental of housing accommodations to any person or in the provision of services or facilities to any person in connection with the housing accommodations because of a disability of any of the following:

(a) That person;

(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;

(c) Any individual associated with the person described in 16231
division (H) (16) (b) of this section. 16232

(17) Except as otherwise provided in division (H) (17) of 16233
this section, make an inquiry to determine whether an applicant 16234
for the sale or rental of housing accommodations, a person 16235
residing in or intending to reside in the housing accommodations 16236
after they are sold, rented, or made available, or any 16237
individual associated with that person has a disability, or make 16238
an inquiry to determine the nature or severity of a disability 16239
of the applicant or such a person or individual. The following 16240
inquiries may be made of all applicants for the sale or rental 16241
of housing accommodations, regardless of whether they have 16242
disabilities: 16243

(a) An inquiry into an applicant's ability to meet the 16244
requirements of ownership or tenancy; 16245

(b) An inquiry to determine whether an applicant is 16246
qualified for housing accommodations available only to persons 16247
with disabilities or persons with a particular type of 16248
disability; 16249

(c) An inquiry to determine whether an applicant is 16250
qualified for a priority available to persons with disabilities 16251
or persons with a particular type of disability; 16252

(d) An inquiry to determine whether an applicant currently 16253
uses a controlled substance in violation of section 2925.11, 16254
2925.111, or 2925.112 of the Revised Code or a substantively 16255
comparable municipal ordinance; 16256

(e) An inquiry to determine whether an applicant at any 16257
time has been convicted of or pleaded guilty to any offense, an 16258
element of which is the illegal sale, offer to sell, 16259

cultivation, manufacture, other production, shipment, 16260
transportation, delivery, or other distribution of a controlled 16261
substance. 16262

(18)(a) Refuse to permit, at the expense of a person with 16263
a disability, reasonable modifications of existing housing 16264
accommodations that are occupied or to be occupied by the person 16265
with a disability, if the modifications may be necessary to 16266
afford the person with a disability full enjoyment of the 16267
housing accommodations. This division does not preclude a 16268
landlord of housing accommodations that are rented or to be 16269
rented to a disabled tenant from conditioning permission for a 16270
proposed modification upon the disabled tenant's doing one or 16271
more of the following: 16272

(i) Providing a reasonable description of the proposed 16273
modification and reasonable assurances that the proposed 16274
modification will be made in a workerlike manner and that any 16275
required building permits will be obtained prior to the 16276
commencement of the proposed modification; 16277

(ii) Agreeing to restore at the end of the tenancy the 16278
interior of the housing accommodations to the condition they 16279
were in prior to the proposed modification, but subject to 16280
reasonable wear and tear during the period of occupancy, if it 16281
is reasonable for the landlord to condition permission for the 16282
proposed modification upon the agreement; 16283

(iii) Paying into an interest-bearing escrow account that 16284
is in the landlord's name, over a reasonable period of time, a 16285
reasonable amount of money not to exceed the projected costs at 16286
the end of the tenancy of the restoration of the interior of the 16287
housing accommodations to the condition they were in prior to 16288
the proposed modification, but subject to reasonable wear and 16289

tear during the period of occupancy, if the landlord finds the 16290
account reasonably necessary to ensure the availability of funds 16291
for the restoration work. The interest earned in connection with 16292
an escrow account described in this division shall accrue to the 16293
benefit of the disabled tenant who makes payments into the 16294
account. 16295

(b) A landlord shall not condition permission for a 16296
proposed modification upon a disabled tenant's payment of a 16297
security deposit that exceeds the customarily required security 16298
deposit of all tenants of the particular housing accommodations. 16299

(19) Refuse to make reasonable accommodations in rules, 16300
policies, practices, or services when necessary to afford a 16301
person with a disability equal opportunity to use and enjoy a 16302
dwelling unit, including associated public and common use areas; 16303

(20) Fail to comply with the standards and rules adopted 16304
under division (A) of section 3781.111 of the Revised Code; 16305

(21) Discriminate against any person in the selling, 16306
brokering, or appraising of real property because of race, 16307
color, religion, sex, military status, familial status, 16308
ancestry, disability, or national origin; 16309

(22) Fail to design and construct covered multifamily 16310
dwellings for first occupancy on or after June 30, 1992, in 16311
accordance with the following conditions: 16312

(a) The dwellings shall have at least one building 16313
entrance on an accessible route, unless it is impractical to do 16314
so because of the terrain or unusual characteristics of the 16315
site. 16316

(b) With respect to dwellings that have a building 16317
entrance on an accessible route, all of the following apply: 16318

(i) The public use areas and common use areas of the 16319
dwellings shall be readily accessible to and usable by persons 16320
with a disability. 16321

(ii) All the doors designed to allow passage into and 16322
within all premises shall be sufficiently wide to allow passage 16323
by persons with a disability who are in wheelchairs. 16324

(iii) All premises within covered multifamily dwelling 16325
units shall contain an accessible route into and through the 16326
dwelling; all light switches, electrical outlets, thermostats, 16327
and other environmental controls within such units shall be in 16328
accessible locations; the bathroom walls within such units shall 16329
contain reinforcements to allow later installation of grab bars; 16330
and the kitchens and bathrooms within such units shall be 16331
designed and constructed in a manner that enables an individual 16332
in a wheelchair to maneuver about such rooms. 16333

For purposes of division (H) (22) of this section, "covered 16334
multifamily dwellings" means buildings consisting of four or 16335
more units if such buildings have one or more elevators and 16336
ground floor units in other buildings consisting of four or more 16337
units. 16338

(I) For any person to discriminate in any manner against 16339
any other person because that person has opposed any unlawful 16340
discriminatory practice defined in this section or because that 16341
person has made a charge, testified, assisted, or participated 16342
in any manner in any investigation, proceeding, or hearing under 16343
sections 4112.01 to 4112.07 of the Revised Code. 16344

(J) For any person to aid, abet, incite, compel, or coerce 16345
the doing of any act declared by this section to be an unlawful 16346
discriminatory practice, to obstruct or prevent any person from 16347

complying with this chapter or any order issued under it, or to 16348
attempt directly or indirectly to commit any act declared by 16349
this section to be an unlawful discriminatory practice. 16350

(K) Nothing in divisions (A) to (E) of this section shall 16351
be construed to require a person with a disability to be 16352
employed or trained under circumstances that would significantly 16353
increase the occupational hazards affecting either the person 16354
with a disability, other employees, the general public, or the 16355
facilities in which the work is to be performed, or to require 16356
the employment or training of a person with a disability in a 16357
job that requires the person with a disability routinely to 16358
undertake any task, the performance of which is substantially 16359
and inherently impaired by the person's disability. 16360

(L) An aggrieved individual may enforce the individual's 16361
rights relative to discrimination on the basis of age as 16362
provided for in this section by instituting a civil action, 16363
within one hundred eighty days after the alleged unlawful 16364
discriminatory practice occurred, in any court with jurisdiction 16365
for any legal or equitable relief that will effectuate the 16366
individual's rights. 16367

A person who files a civil action under this division is 16368
barred, with respect to the practices complained of, from 16369
instituting a civil action under section 4112.14 of the Revised 16370
Code and from filing a charge with the commission under section 16371
4112.05 of the Revised Code. 16372

(M) With regard to age, it shall not be an unlawful 16373
discriminatory practice and it shall not constitute a violation 16374
of division (A) of section 4112.14 of the Revised Code for any 16375
employer, employment agency, joint labor-management committee 16376
controlling apprenticeship training programs, or labor 16377

organization to do any of the following: 16378

(1) Establish bona fide employment qualifications 16379
reasonably related to the particular business or occupation that 16380
may include standards for skill, aptitude, physical capability, 16381
intelligence, education, maturation, and experience; 16382

(2) Observe the terms of a bona fide seniority system or 16383
any bona fide employee benefit plan, including, but not limited 16384
to, a retirement, pension, or insurance plan, that is not a 16385
subterfuge to evade the purposes of this section. However, no 16386
such employee benefit plan shall excuse the failure to hire any 16387
individual, and no such seniority system or employee benefit 16388
plan shall require or permit the involuntary retirement of any 16389
individual, because of the individual's age except as provided 16390
for in the "Age Discrimination in Employment Act Amendment of 16391
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 16392
Discrimination in Employment Act Amendments of 1986," 100 Stat. 16393
3342, 29 U.S.C.A. 623, as amended. 16394

(3) Retire an employee who has attained sixty-five years 16395
of age who, for the two-year period immediately before 16396
retirement, is employed in a bona fide executive or a high 16397
policymaking position, if the employee is entitled to an 16398
immediate nonforfeitable annual retirement benefit from a 16399
pension, profit-sharing, savings, or deferred compensation plan, 16400
or any combination of those plans, of the employer of the 16401
employee, which equals, in the aggregate, at least forty-four 16402
thousand dollars, in accordance with the conditions of the "Age 16403
Discrimination in Employment Act Amendment of 1978," 92 Stat. 16404
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 16405
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 16406
631, as amended; 16407

(4) Observe the terms of any bona fide apprenticeship 16408
program if the program is registered with the Ohio 16409
apprenticeship council pursuant to sections 4139.01 to 4139.06 16410
of the Revised Code and is approved by the federal committee on 16411
apprenticeship of the United States department of labor. 16412

(N) Nothing in this chapter prohibiting age discrimination 16413
and nothing in division (A) of section 4112.14 of the Revised 16414
Code shall be construed to prohibit the following: 16415

(1) The designation of uniform age the attainment of which 16416
is necessary for public employees to receive pension or other 16417
retirement benefits pursuant to Chapter 145., 742., 3307., 16418
3309., or 5505. of the Revised Code; 16419

(2) The mandatory retirement of uniformed patrol officers 16420
of the state highway patrol as provided in section 5505.16 of 16421
the Revised Code; 16422

(3) The maximum age requirements for appointment as a 16423
patrol officer in the state highway patrol established by 16424
section 5503.01 of the Revised Code; 16425

(4) The maximum age requirements established for original 16426
appointment to a police department or fire department in 16427
sections 124.41 and 124.42 of the Revised Code; 16428

(5) Any maximum age not in conflict with federal law that 16429
may be established by a municipal charter, municipal ordinance, 16430
or resolution of a board of township trustees for original 16431
appointment as a police officer or firefighter; 16432

(6) Any mandatory retirement provision not in conflict 16433
with federal law of a municipal charter, municipal ordinance, or 16434
resolution of a board of township trustees pertaining to police 16435
officers and firefighters; 16436

(7) Until January 1, 1994, the mandatory retirement of any 16437
employee who has attained seventy years of age and who is 16438
serving under a contract of unlimited tenure, or similar 16439
arrangement providing for unlimited tenure, at an institution of 16440
higher education as defined in the "Education Amendments of 16441
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 16442

(O) (1) (a) Except as provided in division (O) (1) (b) of this 16443
section, for purposes of divisions (A) to (E) of this section, a 16444
disability does not include any physiological disorder or 16445
condition, mental or psychological disorder, or disease or 16446
condition caused by an illegal use of any controlled substance 16447
by an employee, applicant, or other person, if an employer, 16448
employment agency, personnel placement service, labor 16449
organization, or joint labor-management committee acts on the 16450
basis of that illegal use. 16451

(b) Division (O) (1) (a) of this section does not apply to 16452
an employee, applicant, or other person who satisfies any of the 16453
following: 16454

(i) The employee, applicant, or other person has 16455
successfully completed a supervised drug rehabilitation program 16456
and no longer is engaging in the illegal use of any controlled 16457
substance, or the employee, applicant, or other person otherwise 16458
successfully has been rehabilitated and no longer is engaging in 16459
that illegal use. 16460

(ii) The employee, applicant, or other person is 16461
participating in a supervised drug rehabilitation program and no 16462
longer is engaging in the illegal use of any controlled 16463
substance. 16464

(iii) The employee, applicant, or other person is 16465

erroneously regarded as engaging in the illegal use of any 16466
controlled substance, but the employee, applicant, or other 16467
person is not engaging in that illegal use. 16468

(2) Divisions (A) to (E) of this section do not prohibit 16469
an employer, employment agency, personnel placement service, 16470
labor organization, or joint labor-management committee from 16471
doing any of the following: 16472

(a) Adopting or administering reasonable policies or 16473
procedures, including, but not limited to, testing for the 16474
illegal use of any controlled substance, that are designed to 16475
ensure that an individual described in division (O) (1) (b) (i) or 16476
(ii) of this section no longer is engaging in the illegal use of 16477
any controlled substance; 16478

(b) Prohibiting the illegal use of controlled substances 16479
and the use of alcohol at the workplace by all employees; 16480

(c) Requiring that employees not be under the influence of 16481
alcohol or not be engaged in the illegal use of any controlled 16482
substance at the workplace; 16483

(d) Requiring that employees behave in conformance with 16484
the requirements established under "The Drug-Free Workplace Act 16485
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 16486

(e) Holding an employee who engages in the illegal use of 16487
any controlled substance or who is an alcoholic to the same 16488
qualification standards for employment or job performance, and 16489
the same behavior, to which the employer, employment agency, 16490
personnel placement service, labor organization, or joint labor- 16491
management committee holds other employees, even if any 16492
unsatisfactory performance or behavior is related to an 16493
employee's illegal use of a controlled substance or alcoholism; 16494

(f) Exercising other authority recognized in the 16495
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 16496
U.S.C.A. 12101, as amended, including, but not limited to, 16497
requiring employees to comply with any applicable federal 16498
standards. 16499

(3) For purposes of this chapter, a test to determine the 16500
illegal use of any controlled substance does not include a 16501
medical examination. 16502

(4) Division (O) of this section does not encourage, 16503
prohibit, or authorize, and shall not be construed as 16504
encouraging, prohibiting, or authorizing, the conduct of testing 16505
for the illegal use of any controlled substance by employees, 16506
applicants, or other persons, or the making of employment 16507
decisions based on the results of that type of testing. 16508

(P) This section does not apply to a religious 16509
corporation, association, educational institution, or society 16510
with respect to the employment of an individual of a particular 16511
religion to perform work connected with the carrying on by that 16512
religious corporation, association, educational institution, or 16513
society of its activities. 16514

The unlawful discriminatory practices defined in this 16515
section do not make it unlawful for a person or an appointing 16516
authority administering an examination under section 124.23 of 16517
the Revised Code to obtain information about an applicant's 16518
military status for the purpose of determining if the applicant 16519
is eligible for the additional credit that is available under 16520
that section. 16521

Sec. 4510.17. (A) The registrar of motor vehicles shall 16522
impose a class D suspension of the person's driver's license, 16523

commercial driver's license, temporary instruction permit, 16524
probationary license, or nonresident operating privilege for the 16525
period of time specified in division (B)(4) of section 4510.02 16526
of the Revised Code on any person who is a resident of this 16527
state and is convicted of or pleads guilty to a violation of a 16528
statute of any other state or any federal statute that is 16529
substantially similar to section 2925.02, 2925.03, 2925.031, 16530
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 16531
2925.111, 2925.112, 2925.12, 2925.13, 2925.14, 2925.141, 16532
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 16533
Revised Code. Upon receipt of a report from a court, court 16534
clerk, or other official of any other state or from any federal 16535
authority that a resident of this state was convicted of or 16536
pleaded guilty to an offense described in this division, the 16537
registrar shall send a notice by regular first class mail to the 16538
person, at the person's last known address as shown in the 16539
records of the bureau of motor vehicles, informing the person of 16540
the suspension, that the suspension will take effect twenty-one 16541
days from the date of the notice, and that, if the person wishes 16542
to appeal the suspension or denial, the person must file a 16543
notice of appeal within twenty-one days of the date of the 16544
notice requesting a hearing on the matter. If the person 16545
requests a hearing, the registrar shall hold the hearing not 16546
more than forty days after receipt by the registrar of the 16547
notice of appeal. The filing of a notice of appeal does not stay 16548
the operation of the suspension that must be imposed pursuant to 16549
this division. The scope of the hearing shall be limited to 16550
whether the person actually was convicted of or pleaded guilty 16551
to the offense for which the suspension is to be imposed. 16552

The suspension the registrar is required to impose under 16553
this division shall end either on the last day of the class D 16554

suspension period or of the suspension of the person's 16555
nonresident operating privilege imposed by the state or federal 16556
court, whichever is earlier. 16557

The registrar shall subscribe to or otherwise participate 16558
in any information system or register, or enter into reciprocal 16559
and mutual agreements with other states and federal authorities, 16560
in order to facilitate the exchange of information with other 16561
states and the United States government regarding persons who 16562
plead guilty to or are convicted of offenses described in this 16563
division and therefore are subject to the suspension or denial 16564
described in this division. 16565

(B) The registrar shall impose a class D suspension of the 16566
person's driver's license, commercial driver's license, 16567
temporary instruction permit, probationary license, or 16568
nonresident operating privilege for the period of time specified 16569
in division (B) (4) of section 4510.02 of the Revised Code on any 16570
person who is a resident of this state and is convicted of or 16571
pleads guilty to a violation of a statute of any other state or 16572
a municipal ordinance of a municipal corporation located in any 16573
other state that is substantially similar to section 4511.19 of 16574
the Revised Code. Upon receipt of a report from another state 16575
made pursuant to section 4510.61 of the Revised Code indicating 16576
that a resident of this state was convicted of or pleaded guilty 16577
to an offense described in this division, the registrar shall 16578
send a notice by regular first class mail to the person, at the 16579
person's last known address as shown in the records of the 16580
bureau of motor vehicles, informing the person of the 16581
suspension, that the suspension or denial will take effect 16582
twenty-one days from the date of the notice, and that, if the 16583
person wishes to appeal the suspension, the person must file a 16584
notice of appeal within twenty-one days of the date of the 16585

notice requesting a hearing on the matter. If the person 16586
requests a hearing, the registrar shall hold the hearing not 16587
more than forty days after receipt by the registrar of the 16588
notice of appeal. The filing of a notice of appeal does not stay 16589
the operation of the suspension that must be imposed pursuant to 16590
this division. The scope of the hearing shall be limited to 16591
whether the person actually was convicted of or pleaded guilty 16592
to the offense for which the suspension is to be imposed. 16593

The suspension the registrar is required to impose under 16594
this division shall end either on the last day of the class D 16595
suspension period or of the suspension of the person's 16596
nonresident operating privilege imposed by the state or federal 16597
court, whichever is earlier. 16598

(C) The registrar shall impose a class D suspension of the 16599
child's driver's license, commercial driver's license, temporary 16600
instruction permit, or nonresident operating privilege for the 16601
period of time specified in division (B)(4) of section 4510.02 16602
of the Revised Code on any child who is a resident of this state 16603
and is convicted of or pleads guilty to a violation of a statute 16604
of any other state or any federal statute that is substantially 16605
similar to section 2925.02, 2925.03, 2925.031, 2925.032, 16606
2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.111, 16607
2925.112, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 16608
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 16609
receipt of a report from a court, court clerk, or other official 16610
of any other state or from any federal authority that a child 16611
who is a resident of this state was convicted of or pleaded 16612
guilty to an offense described in this division, the registrar 16613
shall send a notice by regular first class mail to the child, at 16614
the child's last known address as shown in the records of the 16615
bureau of motor vehicles, informing the child of the suspension, 16616

that the suspension or denial will take effect twenty-one days 16617
from the date of the notice, and that, if the child wishes to 16618
appeal the suspension, the child must file a notice of appeal 16619
within twenty-one days of the date of the notice requesting a 16620
hearing on the matter. If the child requests a hearing, the 16621
registrar shall hold the hearing not more than forty days after 16622
receipt by the registrar of the notice of appeal. The filing of 16623
a notice of appeal does not stay the operation of the suspension 16624
that must be imposed pursuant to this division. The scope of the 16625
hearing shall be limited to whether the child actually was 16626
convicted of or pleaded guilty to the offense for which the 16627
suspension is to be imposed. 16628

The suspension the registrar is required to impose under 16629
this division shall end either on the last day of the class D 16630
suspension period or of the suspension of the child's 16631
nonresident operating privilege imposed by the state or federal 16632
court, whichever is earlier. If the child is a resident of this 16633
state who is sixteen years of age or older and does not have a 16634
current, valid Ohio driver's or commercial driver's license or 16635
permit, the notice shall inform the child that the child will be 16636
denied issuance of a driver's or commercial driver's license or 16637
permit for six months beginning on the date of the notice. If 16638
the child has not attained the age of sixteen years on the date 16639
of the notice, the notice shall inform the child that the period 16640
of denial of six months shall commence on the date the child 16641
attains the age of sixteen years. 16642

The registrar shall subscribe to or otherwise participate 16643
in any information system or register, or enter into reciprocal 16644
and mutual agreements with other states and federal authorities, 16645
in order to facilitate the exchange of information with other 16646
states and the United States government regarding children who 16647

are residents of this state and plead guilty to or are convicted 16648
of offenses described in this division and therefore are subject 16649
to the suspension or denial described in this division. 16650

(D) The registrar shall impose a class D suspension of the 16651
child's driver's license, commercial driver's license, temporary 16652
instruction permit, probationary license, or nonresident 16653
operating privilege for the period of time specified in division 16654
(B) (4) of section 4510.02 of the Revised Code on any child who 16655
is a resident of this state and is convicted of or pleads guilty 16656
to a violation of a statute of any other state or a municipal 16657
ordinance of a municipal corporation located in any other state 16658
that is substantially similar to section 4511.19 of the Revised 16659
Code. Upon receipt of a report from another state made pursuant 16660
to section 4510.61 of the Revised Code indicating that a child 16661
who is a resident of this state was convicted of or pleaded 16662
guilty to an offense described in this division, the registrar 16663
shall send a notice by regular first class mail to the child, at 16664
the child's last known address as shown in the records of the 16665
bureau of motor vehicles, informing the child of the suspension, 16666
that the suspension will take effect twenty-one days from the 16667
date of the notice, and that, if the child wishes to appeal the 16668
suspension, the child must file a notice of appeal within 16669
twenty-one days of the date of the notice requesting a hearing 16670
on the matter. If the child requests a hearing, the registrar 16671
shall hold the hearing not more than forty days after receipt by 16672
the registrar of the notice of appeal. The filing of a notice of 16673
appeal does not stay the operation of the suspension that must 16674
be imposed pursuant to this division. The scope of the hearing 16675
shall be limited to whether the child actually was convicted of 16676
or pleaded guilty to the offense for which the suspension is to 16677
be imposed. 16678

The suspension the registrar is required to impose under 16679
this division shall end either on the last day of the class D 16680
suspension period or of the suspension of the child's 16681
nonresident operating privilege imposed by the state or federal 16682
court, whichever is earlier. If the child is a resident of this 16683
state who is sixteen years of age or older and does not have a 16684
current, valid Ohio driver's or commercial driver's license or 16685
permit, the notice shall inform the child that the child will be 16686
denied issuance of a driver's or commercial driver's license or 16687
permit for six months beginning on the date of the notice. If 16688
the child has not attained the age of sixteen years on the date 16689
of the notice, the notice shall inform the child that the period 16690
of denial of six months shall commence on the date the child 16691
attains the age of sixteen years. 16692

(E) (1) Any person whose license or permit has been 16693
suspended pursuant to this section may file a petition in the 16694
municipal or county court, or in case the person is under 16695
eighteen years of age, the juvenile court, in whose jurisdiction 16696
the person resides, requesting limited driving privileges and 16697
agreeing to pay the cost of the proceedings. Except as provided 16698
in division (E) (2) or (3) of this section, the judge may grant 16699
the person limited driving privileges during the period during 16700
which the suspension otherwise would be imposed for any of the 16701
purposes set forth in division (A) of section 4510.021 of the 16702
Revised Code. 16703

(2) No judge shall grant limited driving privileges for 16704
employment as a driver of a commercial motor vehicle to any 16705
person who would be disqualified from operating a commercial 16706
motor vehicle under section 4506.16 of the Revised Code if the 16707
violation had occurred in this state. Further, no judge shall 16708
grant limited driving privileges during any of the following 16709

periods of time: 16710

(a) The first fifteen days of a suspension under division 16711
(B) or (D) of this section, if the person has not been convicted 16712
within ten years of the date of the offense giving rise to the 16713
suspension under this section of a violation of any of the 16714
following: 16715

(i) Section 4511.19 of the Revised Code, or a municipal 16716
ordinance relating to operating a vehicle while under the 16717
influence of alcohol, a drug of abuse, or alcohol and a drug of 16718
abuse; 16719

(ii) A municipal ordinance relating to operating a motor 16720
vehicle with a prohibited concentration of alcohol, a controlled 16721
substance, or a metabolite of a controlled substance in the 16722
whole blood, blood serum or plasma, breath, or urine; 16723

(iii) Section 2903.04 of the Revised Code in a case in 16724
which the person was subject to the sanctions described in 16725
division (D) of that section; 16726

(iv) Division (A)(1) of section 2903.06 or division (A)(1) 16727
of section 2903.08 of the Revised Code or a municipal ordinance 16728
that is substantially similar to either of those divisions; 16729

(v) Division (A)(2), (3), or (4) of section 2903.06, 16730
division (A)(2) of section 2903.08, or as it existed prior to 16731
March 23, 2000, section 2903.07 of the Revised Code, or a 16732
municipal ordinance that is substantially similar to any of 16733
those divisions or that former section, in a case in which the 16734
jury or judge found that the person was under the influence of 16735
alcohol, a drug of abuse, or alcohol and a drug of abuse. 16736

(b) The first thirty days of a suspension under division 16737
(B) or (D) of this section, if the person has been convicted one 16738

time within ten years of the date of the offense giving rise to 16739
the suspension under this section of any violation identified in 16740
division (E) (1) (a) of this section. 16741

(c) The first one hundred eighty days of a suspension 16742
under division (B) or (D) of this section, if the person has 16743
been convicted two times within ten years of the date of the 16744
offense giving rise to the suspension under this section of any 16745
violation identified in division (E) (1) (a) of this section. 16746

(3) No limited driving privileges may be granted if the 16747
person has been convicted three or more times within five years 16748
of the date of the offense giving rise to a suspension under 16749
division (B) or (D) of this section of any violation identified 16750
in division (E) (1) (a) of this section. 16751

(4) In accordance with section 4510.022 of the Revised 16752
Code, a person may petition for, and a judge may grant, 16753
unlimited driving privileges with a certified ignition interlock 16754
device during the period of suspension imposed under division 16755
(B) or (D) of this section to a person described in division (E) 16756
(2) (a) of this section. 16757

(5) If a person petitions for limited driving privileges 16758
under division (E) (1) of this section or unlimited driving 16759
privileges with a certified ignition interlock device as 16760
provided in division (E) (4) of this section, the registrar shall 16761
be represented by the county prosecutor of the county in which 16762
the person resides if the petition is filed in a juvenile court 16763
or county court, except that if the person resides within a city 16764
or village that is located within the jurisdiction of the county 16765
in which the petition is filed, the city director of law or 16766
village solicitor of that city or village shall represent the 16767
registrar. If the petition is filed in a municipal court, the 16768

registrar shall be represented as provided in section 1901.34 of 16769
the Revised Code. 16770

(6) (a) In issuing an order granting limited driving 16771
privileges under division (E) (1) of this section, the court may 16772
impose any condition it considers reasonable and necessary to 16773
limit the use of a vehicle by the person. The court shall 16774
deliver to the person a copy of the order setting forth the 16775
time, place, and other conditions limiting the person's use of a 16776
motor vehicle. Unless division (E) (6) (b) of this section 16777
applies, the grant of limited driving privileges shall be 16778
conditioned upon the person's having the order in the person's 16779
possession at all times during which the person is operating a 16780
vehicle. 16781

(b) If, under the order, the court requires the use of an 16782
immobilizing or disabling device as a condition of the grant of 16783
limited or unlimited driving privileges, the person shall 16784
present to the registrar or to a deputy registrar the copy of 16785
the order granting limited driving privileges and a certificate 16786
affirming the installation of an immobilizing or disabling 16787
device that is in a form established by the director of public 16788
safety and is signed by the person who installed the device. 16789
Upon presentation of the order and the certificate to the 16790
registrar or a deputy registrar, the registrar or deputy 16791
registrar shall issue to the offender a restricted license, 16792
unless the offender's driver's or commercial driver's license or 16793
permit is suspended under any other provision of law and limited 16794
driving privileges have not been granted with regard to that 16795
suspension. A restricted license issued under this division 16796
shall be identical to an Ohio driver's license, except that it 16797
shall have printed on its face a statement that the offender is 16798
prohibited from operating any motor vehicle that is not equipped 16799

with an immobilizing or disabling device in violation of the 16800
order. 16801

(7) (a) Unless division (E) (7) (b) applies, a person granted 16802
limited driving privileges who operates a vehicle for other than 16803
limited purposes, in violation of any condition imposed by the 16804
court or without having the order in the person's possession, is 16805
guilty of a violation of section 4510.11 of the Revised Code. 16806

(b) No person who has been granted limited or unlimited 16807
driving privileges under division (E) of this section subject to 16808
an immobilizing or disabling device order shall operate a motor 16809
vehicle prior to obtaining a restricted license. Any person who 16810
violates this prohibition is subject to the penalties prescribed 16811
in section 4510.14 of the Revised Code. 16812

(c) The offenses established under division (E) (7) of this 16813
section are strict liability offenses and section 2901.20 of the 16814
Revised Code does not apply. 16815

(F) The provisions of division (A) (8) of section 4510.13 16816
of the Revised Code apply to a person who has been granted 16817
limited or unlimited driving privileges with a certified 16818
ignition interlock device under this section and who either 16819
commits an ignition interlock device violation as defined under 16820
section 4510.46 of the Revised Code or operates a motor vehicle 16821
that is not equipped with a certified ignition interlock device. 16822

(G) Any person whose license or permit has been suspended 16823
under division (A) or (C) of this section may file a petition in 16824
the municipal or county court, or in case the person is under 16825
eighteen years of age, the juvenile court, in whose jurisdiction 16826
the person resides, requesting the termination of the suspension 16827
and agreeing to pay the cost of the proceedings. If the court, 16828

in its discretion, determines that a termination of the 16829
suspension is appropriate, the court shall issue an order to the 16830
registrar to terminate the suspension. Upon receiving such an 16831
order, the registrar shall reinstate the license. 16832

(H) As used in divisions (C) and (D) of this section: 16833

(1) "Child" means a person who is under the age of 16834
eighteen years, except that any person who violates a statute or 16835
ordinance described in division (C) or (D) of this section prior 16836
to attaining eighteen years of age shall be deemed a "child" 16837
irrespective of the person's age at the time the complaint or 16838
other equivalent document is filed in the other state or a 16839
hearing, trial, or other proceeding is held in the other state 16840
on the complaint or other equivalent document, and irrespective 16841
of the person's age when the period of license suspension or 16842
denial prescribed in division (C) or (D) of this section is 16843
imposed. 16844

(2) "Is convicted of or pleads guilty to" means, as it 16845
relates to a child who is a resident of this state, that in a 16846
proceeding conducted in a state or federal court located in 16847
another state for a violation of a statute or ordinance 16848
described in division (C) or (D) of this section, the result of 16849
the proceeding is any of the following: 16850

(a) Under the laws that govern the proceedings of the 16851
court, the child is adjudicated to be or admits to being a 16852
delinquent child or a juvenile traffic offender for a violation 16853
described in division (C) or (D) of this section that would be a 16854
crime if committed by an adult; 16855

(b) Under the laws that govern the proceedings of the 16856
court, the child is convicted of or pleads guilty to a violation 16857

described in division (C) or (D) of this section; 16858

(c) Under the laws that govern the proceedings of the 16859
court, irrespective of the terminology utilized in those laws, 16860
the result of the court's proceedings is the functional 16861
equivalent of division (H) (2) (a) or (b) of this section. 16862

Sec. 4729.99. (A) Whoever violates division (H) of section 16863
4729.16, division (G) of section 4729.38, division (I) of 16864
section 4729.382, section 4729.57, or division (F) of section 16865
4729.96 of the Revised Code is guilty of a minor misdemeanor, 16866
unless a different penalty is otherwise specified in the Revised 16867
Code. Each day's violation constitutes a separate offense. 16868

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 16869
of the Revised Code is guilty of a misdemeanor of the third 16870
degree. Each day's violation constitutes a separate offense. If 16871
the offender previously has been convicted of or pleaded guilty 16872
to a violation of this chapter, that person is guilty of a 16873
misdemeanor of the second degree. 16874

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 16875
of the Revised Code is guilty of a misdemeanor. 16876

(D) Whoever violates division (A), (B), (C), (D), (F), or 16877
(G) of section 4729.51 of the Revised Code is guilty of a 16878
misdemeanor of the first degree. 16879

(E) (1) Whoever violates section 4729.37, division (E) (1) 16880
(b) of section 4729.51, division (J) of section 4729.54, 16881
division (B) or (D) of section 4729.553, or section 4729.61 of 16882
the Revised Code is guilty of a felony of the fifth degree. If 16883
the offender previously has been convicted of or pleaded guilty 16884
to a violation of this chapter or a violation of Chapter 2925. 16885
or 3719. of the Revised Code, that person is guilty of a felony 16886

of the fourth degree. 16887

(2) If an offender is convicted of or pleads guilty to a 16888
violation of section 4729.37, division (E) of section 4729.51, 16889
division (J) of section 4729.54, or section 4729.61 of the 16890
Revised Code, if the violation involves the sale, offer to sell, 16891
or possession of a schedule I or II controlled substance, with 16892
the exception of marihuana, and if the court imposing sentence 16893
upon the offender finds that the offender as a result of the 16894
violation is a major drug offender, as defined in section 16895
2929.01 of the Revised Code, and is guilty of a specification of 16896
the type described in division (A) of section 2941.1410 of the 16897
Revised Code, the court, in lieu of the prison term authorized 16898
or required by division (E)(1) of this section and sections 16899
2929.13 and 2929.14 of the Revised Code and in addition to any 16900
other sanction imposed for the offense under sections 2929.11 to 16901
2929.18 of the Revised Code, shall impose upon the offender, in 16902
accordance with division (B)(3) of section 2929.14 of the 16903
Revised Code, the mandatory prison term specified in that 16904
division. 16905

(3) Notwithstanding any contrary provision of section 16906
3719.21 of the Revised Code, the clerk of court shall pay any 16907
fine imposed for a violation of section 4729.37, division (E) of 16908
section 4729.51, division (J) of section 4729.54, or section 16909
4729.61 of the Revised Code pursuant to division (A) of section 16910
2929.18 of the Revised Code in accordance with and subject to 16911
the requirements of division ~~(F)~~(N) of section 2925.03 of the 16912
Revised Code. The agency that receives the fine shall use the 16913
fine as specified in division ~~(F)~~(N) of section 2925.03 of the 16914
Revised Code. 16915

(F) Whoever violates section 4729.531 of the Revised Code 16916

or any rule adopted thereunder or section 4729.532 of the Revised Code is guilty of a misdemeanor of the first degree.

(G) Whoever violates division (E) (1) (a) of section 4729.51 of the Revised Code is guilty of a felony of the fourth degree. If the offender has previously been convicted of or pleaded guilty to a violation of this chapter, or of a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of the third degree.

(H) Whoever violates division (E) (1) (c) of section 4729.51 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has previously been convicted of or pleaded guilty to a violation of this chapter, or of a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of the fifth degree.

(I) (1) Whoever violates division (A) of section 4729.95 of the Revised Code is guilty of unauthorized pharmacy-related drug conduct. Except as otherwise provided in this section, unauthorized pharmacy-related drug conduct is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), or (C) of that section, unauthorized pharmacy-related drug conduct is a misdemeanor of the first degree on a second offense and a felony of the fifth degree on a third or subsequent offense.

(2) Whoever violates division (B) or (C) of section 4729.95 of the Revised Code is guilty of permitting unauthorized pharmacy-related drug conduct. Except as otherwise provided in this section, permitting unauthorized pharmacy-related drug conduct is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), or (C) of that section,

permitting unauthorized pharmacy-related drug conduct is a 16947
misdemeanor of the first degree on a second offense and a felony 16948
of the fifth degree on a third or subsequent offense. 16949

(3) Notwithstanding any contrary provision of section 16950
3719.21 of the Revised Code or any other provision of law that 16951
governs the distribution of fines, the clerk of the court shall 16952
pay any fine imposed pursuant to division (I) (1) or (2) of this 16953
section to the state board of pharmacy if the board has adopted 16954
a written internal control policy under division ~~(F)~~ (N) (2) of 16955
section 2925.03 of the Revised Code that addresses fine moneys 16956
that it receives under Chapter 2925. of the Revised Code and if 16957
the policy also addresses fine moneys paid under this division. 16958
The state board of pharmacy shall use the fines so paid in 16959
accordance with the written internal control policy to subsidize 16960
the board's law enforcement efforts that pertain to drug 16961
offenses. 16962

(J) (1) Whoever violates division (A) (1) of section 4729.86 16963
of the Revised Code is guilty of a misdemeanor of the third 16964
degree. If the offender has previously been convicted of or 16965
pleaded guilty to a violation of division (A) (1), (2), or (3) of 16966
section 4729.86 of the Revised Code, that person is guilty of a 16967
misdemeanor of the first degree. 16968

(2) Whoever violates division (A) (2) of section 4729.86 of 16969
the Revised Code is guilty of a misdemeanor of the first degree. 16970
If the offender has previously been convicted of or pleaded 16971
guilty to a violation of division (A) (1), (2), or (3) of section 16972
4729.86 of the Revised Code, that person is guilty of a felony 16973
of the fifth degree. 16974

(3) Whoever violates division (A) (3) of section 4729.86 of 16975
the Revised Code is guilty of a felony of the fifth degree. If 16976

the offender has previously been convicted of or pleaded guilty 16977
to a violation of division (A) (1), (2), or (3) of section 16978
4729.86 of the Revised Code, that person is guilty of a felony 16979
of the fourth degree. 16980

(K) A person who violates division (C) of section 4729.552 16981
of the Revised Code is guilty of a misdemeanor of the first 16982
degree. If the person previously has been convicted of or 16983
pleaded guilty to a violation of division (C) of section 16984
4729.552 of the Revised Code, that person is guilty of a felony 16985
of the fifth degree. 16986

Sec. 4742.03. (A) A person may obtain certification as an 16987
emergency service telecommunicator by successfully completing a 16988
basic course of emergency service telecommunicator training that 16989
is conducted by the state board of education under section 16990
4742.02 of the Revised Code. The basic course of emergency 16991
service telecommunicator training shall include, but not be 16992
limited to, both of the following: 16993

(1) At least forty hours of instruction or training; 16994
(2) Instructional or training units in all of the 16995
following subjects: 16996

(a) The role of the emergency service telecommunicator; 16997
(b) Effective communication skills; 16998
(c) Emergency service telecommunicator liability; 16999
(d) Telephone techniques; 17000
(e) Requirements of the "Americans With Disabilities Act 17001
of 1990," 104 Stat. 327, 42 U.S.C. 12101, as amended, that 17002
pertain to emergency service telecommunicators; 17003

| | |
|--|---|
| (f) Handling hysterical and suicidal callers; | 17004 |
| (g) Informing individuals who call about an apparent drug overdose about the immunity from prosecution for a minor drug possession offense created by section 2925.11, <u>2925.111, or 2925.112</u> of the Revised Code; | 17005
17006
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17008 |
| (h) Law enforcement terminology; | 17009 |
| (i) Fire service terminology; | 17010 |
| (j) Emergency medical service terminology; | 17011 |
| (k) Emergency call processing guides for law enforcement; | 17012 |
| (l) Emergency call processing guides for fire service; | 17013 |
| (m) Emergency call processing guides for emergency medical service; | 17014
17015 |
| (n) Radio broadcast techniques; | 17016 |
| (o) Disaster planning; | 17017 |
| (p) Police officer survival, fire or emergency medical service scene safety, or both police officer survival and fire or emergency medical service scene safety. | 17018
17019
17020 |
| (B) A person may maintain certification as an emergency service telecommunicator by successfully completing at least eight hours of continuing education coursework in emergency service telecommunicator training during each two-year period after a person first obtains the certification referred to in division (A) of this section. The continuing education coursework shall consist of review and advanced training and instruction in the subjects listed in division (A) (2) of this section. | 17021
17022
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| (C) If a person successfully completes the basic course of | 17030 |

emergency service telecommunicator training described in 17031
division (A) of this section, the state board of education or a 17032
designee of the board shall certify the person's successful 17033
completion. The board shall send a copy of the certification to 17034
the person and to the emergency service provider by whom the 17035
person is employed. 17036

If a person successfully completes the continuing 17037
education coursework described in division (B) of this section, 17038
the state board of education or a designee of the board shall 17039
certify the person's successful completion. The board shall send 17040
a copy of the certification to the person and to the emergency 17041
service provider by whom the person is employed. 17042

Sec. 5103.0319. (A) No foster caregiver or prospective 17043
foster caregiver shall fail to notify the recommending agency 17044
that recommended or is recommending the foster caregiver or 17045
prospective foster caregiver for certification in writing if a 17046
person at least twelve years of age but less than eighteen years 17047
of age residing with the foster caregiver or prospective foster 17048
caregiver has been convicted of or pleaded guilty to any of the 17049
following or has been adjudicated to be a delinquent child for 17050
committing an act that if committed by an adult would have 17051
constituted such a violation: 17052

(1) A violation of section 2903.01, 2903.02, 2903.03, 17053
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 17054
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 17055
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 17056
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 17057
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 17058
2919.22, 2919.24, 2919.25, 2923.12, ~~2923.13~~ 2923.13, 2923.161, 17059
2925.02, 2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, 17060

or 3716.11 of the Revised Code, a violation of section 2905.04 17061
of the Revised Code as it existed prior to July 1, 1996, a 17062
violation of section 2919.23 of the Revised Code that would have 17063
been a violation of section 2905.04 of the Revised Code as it 17064
existed prior to July 1, 1996, had the violation been committed 17065
prior to that date, a violation of section 2925.11, 2925.111, or 17066
2925.112 of the Revised Code that is not a minor drug possession 17067
offense, a violation of section 2923.01 of the Revised Code that 17068
involved an attempt to commit aggravated murder or murder, an 17069
OVI or OVUAC violation if the person previously was convicted of 17070
or pleaded guilty to one or more OVI or OVUAC violations within 17071
the three years immediately preceding the current violation, or 17072
felonious sexual penetration in violation of former section 17073
2907.12 of the Revised Code; 17074

(2) An offense that would be a felony if committed by an 17075
adult and the court determined that the child, if an adult, 17076
would be guilty of a specification found in section 2941.141, 17077
2941.144, or 2941.145 of the Revised Code or in another section 17078
of the Revised Code that relates to the possession or use of a 17079
firearm, as defined in section 2923.11 of the Revised Code, 17080
during the commission of the act for which the child was 17081
adjudicated a delinquent child; 17082

(3) A violation of an existing or former law of this 17083
state, any other state, or the United States that is 17084
substantially equivalent to any of the offenses described in 17085
division (A)(1) or (2) of this section. 17086

(B) If a recommending agency learns that a foster 17087
caregiver has failed to comply with division (A) of this 17088
section, it shall notify the department of job and family 17089
services and the department shall revoke the foster caregiver's 17090

foster home certificate. 17091

(C) As used in this section, "OVI or OVUAC violation" 17092
means a violation of section 4511.19 of the Revised Code or a 17093
violation of an existing or former law of this state, any other 17094
state, or the United States that is substantially equivalent to 17095
section 4511.19 of the Revised Code. 17096

Sec. 5119.36. (A) A community mental health services 17097
provider applicant or community addiction services provider 17098
applicant that seeks certification of its certifiable services 17099
and supports shall submit an application to the director of 17100
mental health and addiction services. On receipt of the 17101
application, the director may conduct an on-site review and 17102
shall evaluate the applicant to determine whether its 17103
certifiable services and supports satisfy the standards 17104
established by rules adopted under this section. The director 17105
shall make the evaluation, and, if the director conducts an on- 17106
site review of the applicant, may make the review, in 17107
cooperation with a board of alcohol, drug addiction, and mental 17108
health services that seeks to contract with the applicant under 17109
section 340.036 of the Revised Code. 17110

(B) Subject to section 5119.361 of the Revised Code, the 17111
director shall determine whether the certifiable services and 17112
supports of a community mental health services provider 17113
applicant or community addiction services provider applicant 17114
satisfy the standards for certification. If the director 17115
determines that an applicant's certifiable services and supports 17116
satisfy the standards for certification and the applicant has 17117
paid the fee required by this section, the director shall 17118
certify the certifiable services and supports. 17119

No community mental health services provider shall be 17120

eligible to receive for its certifiable services and supports 17121
any state funds, federal funds, or funds administered by a board 17122
of alcohol, drug addiction, and mental health services, unless 17123
those certifiable services and supports have been certified by 17124
the director. 17125

No person or government entity subject to section 5119.35 17126
of the Revised Code or any other community addiction services 17127
provider shall be eligible to receive for its services described 17128
in that section or its other certifiable services and supports 17129
any state funds, federal funds, or funds administered by a board 17130
of alcohol, drug addiction, and mental health services, unless 17131
those services or other certifiable services and supports have 17132
been certified by the director. 17133

(C) If the director determines that a community mental 17134
health services provider applicant's or a community addiction 17135
services provider applicant's certifiable services and supports 17136
do not satisfy the standards for certification, the director 17137
shall identify the areas of noncompliance, specify what action 17138
is necessary to satisfy the standards, and may offer technical 17139
assistance to the applicant and to a board of alcohol, drug 17140
addiction, and mental health services so that the board may 17141
assist the applicant in satisfying the standards. The director 17142
shall give the applicant a reasonable time within which to 17143
demonstrate that its certifiable services and supports satisfy 17144
the standards or to bring them into compliance with the 17145
standards. If the director concludes that the certifiable 17146
services and supports continue to fail to satisfy the standards, 17147
the director may request that the board reallocate any funds for 17148
the certifiable services and supports the applicant was to 17149
provide to another community mental health services provider or 17150
community addiction services provider whose certifiable services 17151

and supports satisfy the standards. If the board does not 17152
reallocate such funds in a reasonable period of time, the 17153
director may withhold state and federal funds for the 17154
certifiable services and supports and allocate those funds 17155
directly to a community mental health services provider or 17156
community addiction services provider whose certifiable services 17157
and supports satisfy the standards. 17158

(D) Each community mental health services provider 17159
applicant or community addiction services provider applicant 17160
seeking certification of its certifiable services and supports 17161
under this section shall pay a fee for the certification 17162
required by this section, unless the applicant is exempt under 17163
rules adopted under this section. Fees shall be paid into the 17164
state treasury to the credit of the sale of goods and services 17165
fund created pursuant to section 5119.45 of the Revised Code. 17166

(E) The director shall adopt rules in accordance with 17167
Chapter 119. of the Revised Code to implement this section. The 17168
rules shall do all of the following: 17169

(1) Subject to section 340.034 of the Revised Code, 17170
specify the types of recovery supports that are required to be 17171
certified under this section; 17172

(2) Establish certification standards for certifiable 17173
services and supports that are consistent with nationally 17174
recognized applicable standards and facilitate participation in 17175
federal assistance programs. The rules shall include as 17176
certification standards only requirements that improve the 17177
quality of certifiable services and supports or the health and 17178
safety of persons receiving certifiable services and supports. 17179
The standards shall address at a minimum all of the following: 17180

| | |
|---|-------|
| (a) Reporting major unusual incidents to the director; | 17181 |
| (b) Procedures for applicants for and persons receiving | 17182 |
| certifiable services and supports to file grievances and | 17183 |
| complaints; | 17184 |
| (c) Seclusion; | 17185 |
| (d) Restraint; | 17186 |
| (e) Requirements regarding the physical facilities in | 17187 |
| which certifiable services and supports are provided; | 17188 |
| (f) Requirements with regard to health, safety, adequacy, | 17189 |
| and cultural specificity and sensitivity; | 17190 |
| (g) Standards for evaluating certifiable services and | 17191 |
| supports; | 17192 |
| (h) Standards and procedures for granting full, | 17193 |
| probationary, and interim certification of the certifiable | 17194 |
| services and supports of a community mental health services | 17195 |
| provider applicant or community addiction services provider | 17196 |
| applicant; | 17197 |
| (i) Standards and procedures for revoking the | 17198 |
| certification of a community mental health services provider's | 17199 |
| or community addiction services provider's certifiable services | 17200 |
| and supports that do not continue to meet the minimum standards | 17201 |
| established pursuant to this section; | 17202 |
| (j) The limitations to be placed on a provider whose | 17203 |
| certifiable services and supports are granted probationary or | 17204 |
| interim certification; | 17205 |
| (k) Development of written policies addressing the rights | 17206 |
| of persons receiving certifiable services and supports, | 17207 |

including all of the following: 17208

 (i) The right to a copy of the written policies addressing 17209
the rights of persons receiving certifiable services and 17210
supports; 17211

 (ii) The right at all times to be treated with 17212
consideration and respect for the person's privacy and dignity; 17213

 (iii) The right to have access to the person's own 17214
psychiatric, medical, or other treatment records unless access 17215
is specifically restricted in the person's treatment plan for 17216
clear treatment reasons; 17217

 (iv) The right to have a client rights officer provided by 17218
the provider or board of alcohol, drug addiction, and mental 17219
health services advise the person of the person's rights, 17220
including the person's rights under Chapter 5122. of the Revised 17221
Code if the person is committed to the provider or board. 17222

 (3) Establish the process for certification of certifiable 17223
services and supports; 17224

 (4) Set the amount of certification review fees; 17225

 (5) Specify the type of notice and hearing to be provided 17226
prior to a decision on whether to reallocate funds. 17227

 (F) The director may issue an order suspending admissions 17228
to a community addiction services provider that provides 17229
overnight accommodations if the director finds either of the 17230
following: 17231

 (1) The provider's certifiable services and supports are 17232
not in compliance with rules adopted under this section; 17233

 (2) The provider has been cited for more than one 17234

violation of statutes or rules during any previous certification 17235
period of the provider. 17236

(G) The department of mental health and addiction services 17237
shall maintain a current list of community addiction services 17238
providers and shall provide a copy of the list to a judge of a 17239
court of common pleas who requests a copy for the use of the 17240
judge under division ~~(H)~~ (P) of section 2925.03 or a related 17241
provision of section 2925.031 or 2925.032 of the Revised Code. 17242
The list shall identify each provider by its name, its address, 17243
and the county in which it is located. 17244

(H) No person shall represent in any manner that a 17245
community mental health services provider's or community 17246
addiction services provider's certifiable services and supports 17247
are certified by the director if the certifiable services and 17248
supports are not so certified at the time the representation is 17249
made. 17250

Sec. 5119.37. (A) (1) (a) Except as provided in division (A) 17251
(1) (b) of this section, no person or government entity shall 17252
operate an opioid treatment program requiring certification, as 17253
certification is defined in 42 C.F.R. 8.2, unless the person or 17254
government entity is a community addiction services provider and 17255
the program is licensed under this section. 17256

(b) Division (A) (1) (a) of this section does not apply to a 17257
program operated by the United States department of veterans 17258
affairs. 17259

(2) No community addiction services provider licensed 17260
under this section shall operate an opioid treatment program in 17261
a manner inconsistent with this section and the rules adopted 17262
under it. 17263

(B) A community addiction services provider seeking a 17264
license to operate an opioid treatment program shall apply to 17265
the department of mental health and addiction services. The 17266
department shall review all applications received. 17267

(C) The department may issue a license to operate an 17268
opioid treatment program to a community addiction services 17269
provider only if all of the following apply: 17270

(1) During the three-year period immediately preceding the 17271
date of application, the provider or any owner, sponsor, medical 17272
director, administrator, or principal of the provider has been 17273
in good standing to operate an opioid treatment program in all 17274
other locations where the provider or such other person has been 17275
operating a similar program, as evidenced by both of the 17276
following: 17277

(a) Not having been denied a license, certificate, or 17278
similar approval to operate an opioid treatment program by this 17279
state or another jurisdiction; 17280

(b) Not having been the subject of any of the following in 17281
this state or another jurisdiction: 17282

(i) An action that resulted in the suspension or 17283
revocation of the license, certificate, or similar approval of 17284
the provider or other person; 17285

(ii) A voluntary relinquishment, withdrawal, or other 17286
action taken by the provider or other person to avoid suspension 17287
or revocation of the license, certificate, or similar approval; 17288

(iii) A disciplinary action that was based, in whole or in 17289
part, on the provider or other person engaging in the 17290
inappropriate prescribing, dispensing, administering, personally 17291
furnishing, diverting, storing, supplying, compounding, or 17292

selling of a controlled substance or other dangerous drug. 17293

(2) It affirmatively appears to the department that the 17294
provider is adequately staffed and equipped to operate an opioid 17295
treatment program. 17296

(3) It affirmatively appears to the department that the 17297
provider will operate an opioid treatment program in strict 17298
compliance with all laws relating to drug abuse and the rules 17299
adopted by the department. 17300

(4) Except as provided in division (D) of this section and 17301
section 5119.371 of the Revised Code, if the provider is seeking 17302
an initial license for a particular location, the proposed 17303
opioid treatment program is not located on a parcel of real 17304
estate that is within a radius of five hundred linear feet of 17305
the boundaries of a parcel of real estate having situated on it 17306
a public or private school, child day-care center licensed under 17307
Chapter 5104. of the Revised Code, or child-serving agency 17308
regulated by the department under this chapter. 17309

(5) The provider meets any additional requirements 17310
established by the department in rules adopted under division 17311
(F) of this section. 17312

(D) The department may waive the requirement of division 17313
(C) (4) of this section if it receives, from each public or 17314
private school, child day-care center, or child-serving agency 17315
that is within the five hundred linear feet radius described in 17316
that division, a letter of support for the location. The 17317
department shall determine whether a letter of support is 17318
satisfactory for purposes of waiving the requirement. 17319

(E) A license to operate an opioid treatment program shall 17320
expire one year from the date of issuance. Licenses may be 17321

renewed. 17322

(F) The department shall establish procedures and adopt 17323
rules for licensing, inspection, and supervision of community 17324
addiction services providers that operate an opioid treatment 17325
program. The rules shall establish standards for the control, 17326
storage, furnishing, use, dispensing, and administering of 17327
medications used in medication-assisted treatment; prescribe 17328
minimum standards for the operation of the opioid treatment 17329
program component of the provider's operations; and comply with 17330
federal laws and regulations. 17331

All rules adopted under this division shall be adopted in 17332
accordance with Chapter 119. of the Revised Code. All actions 17333
taken by the department regarding the licensing of providers to 17334
operate opioid treatment programs shall be conducted in 17335
accordance with Chapter 119. of the Revised Code, except as 17336
provided in division (L) of this section. 17337

(G) (1) The department shall inspect all community 17338
addiction services providers licensed to operate an opioid 17339
treatment program. Inspections shall be conducted at least 17340
annually and may be conducted more frequently. 17341

In addition, the department may inspect any provider or 17342
other person that it reasonably believes to be operating an 17343
opioid treatment program without a license issued under this 17344
section. 17345

(2) When conducting an inspection, the department may do 17346
both of the following: 17347

(a) Examine and copy all records, accounts, and other 17348
documents relating to the provider's or other person's 17349
operations, including records pertaining to patients or clients; 17350

(b) Conduct interviews with any individual employed by or 17351
contracted or otherwise associated with the provider or person, 17352
including an administrator, staff person, patient, or client. 17353

(3) No person or government entity shall interfere with a 17354
state or local government official acting on behalf of the 17355
department while conducting an inspection. 17356

(H) A community addiction services provider shall not 17357
administer or dispense methadone in a tablet, powder, or 17358
intravenous form. Methadone shall be administered or dispensed 17359
only in a liquid form intended for ingestion. 17360

A community addiction services provider shall not 17361
administer or dispense a medication used in medication-assisted 17362
treatment for pain or other medical reasons. 17363

(I) As used in this division, "program sponsor" means a 17364
person who assumes responsibility for the operation and 17365
employees of the opioid treatment program component of a 17366
community addiction services provider's operations. 17367

A community addiction services provider shall not employ 17368
an individual who receives a medication used in medication- 17369
assisted treatment from that provider. A provider shall not 17370
permit an individual to act as a program sponsor, medical 17371
director, or director of the provider if the individual is 17372
receiving that medication from any community addiction services 17373
provider. 17374

(J) The department may issue orders to ensure compliance 17375
with all laws relating to drug abuse and the rules adopted under 17376
this section. Subject to section 5119.27 of the Revised Code, 17377
the department may hold hearings, require the production of 17378
relevant matter, compel testimony, issue subpoenas, and make 17379

adjudications. Upon failure of a person without lawful excuse to 17380
obey a subpoena or to produce relevant matter, the department 17381
may apply to a court of common pleas for an order compelling 17382
compliance. 17383

(K) The department may refuse to issue, or may withdraw or 17384
revoke, a license to operate an opioid treatment program. A 17385
license may be refused if a community addiction services 17386
provider does not meet the requirements of division (C) of this 17387
section. A license may be withdrawn at any time the department 17388
determines that the provider no longer meets the requirements 17389
for receiving the license. A license may be revoked in 17390
accordance with division (L) of this section. 17391

Once a license is issued under this section, the 17392
department shall not consider the requirement of division (C) (4) 17393
of this section in determining whether to renew, withdraw, or 17394
revoke the license or whether to reissue the license as a result 17395
of a change in ownership. 17396

(L) If the department finds reasonable cause to believe 17397
that a community addiction services provider licensed under this 17398
section is in violation of any state or federal law or rule 17399
relating to drug abuse, the department may issue an order 17400
immediately revoking the license, subject to division (M) of 17401
this section. The department shall set a date not more than 17402
fifteen days later than the date of the order of revocation for 17403
a hearing on the continuation or cancellation of the revocation. 17404
For good cause, the department may continue the hearing on 17405
application of any interested party. In conducting hearings, the 17406
department has all the authority and power set forth in division 17407
(J) of this section. Following the hearing, the department shall 17408
either confirm or cancel the revocation. The hearing shall be 17409

conducted in accordance with Chapter 119. of the Revised Code, 17410
except that the provider shall not be permitted to operate an 17411
opioid treatment program pending the hearing or pending any 17412
appeal from an adjudication made as a result of the hearing. 17413
Notwithstanding any provision of Chapter 119. of the Revised 17414
Code to the contrary, a court shall not stay or suspend any 17415
order of revocation issued by the department under this division 17416
pending judicial appeal. 17417

(M) The department shall not revoke a license to operate 17418
an opioid treatment program unless all clients receiving 17419
medication used in medication-assisted treatment from the 17420
community addiction services provider are provided adequate 17421
substitute medication or treatment. For purposes of this 17422
division, the department may transfer the clients to other 17423
providers licensed to operate opioid treatment programs or 17424
replace any or all of the administrators and staff of the 17425
provider with representatives of the department who shall 17426
continue on a provisional basis the opioid treatment component 17427
of the provider's operations. 17428

(N) Each time the department receives an application from 17429
a community addiction services provider for a license to operate 17430
an opioid treatment program, issues or refuses to issue a 17431
license, or withdraws or revokes a license, the department shall 17432
notify the board of alcohol, drug addiction, and mental health 17433
services of each alcohol, drug addiction, and mental health 17434
service district in which the provider operates. 17435

(O) Whenever it appears to the department from files, upon 17436
complaint, or otherwise, that a community addiction services 17437
provider has engaged in any practice declared to be illegal or 17438
prohibited by section 3719.61 of the Revised Code, or any other 17439

state or federal laws or regulations relating to drug abuse, or 17440
when the department believes it to be in the best interest of 17441
the public and necessary for the protection of the citizens of 17442
the state, the department may request criminal proceedings by 17443
laying before the prosecuting attorney of the proper county any 17444
evidence of criminality which may come to its knowledge. 17445

(P) The department shall maintain a current list of 17446
community addiction services providers licensed by the 17447
department under this section and shall provide a copy of the 17448
current list to a judge of a court of common pleas who requests 17449
a copy for the use of the judge under division ~~(H)~~ (P) of section 17450
2925.03 or a related provision of section 2925.031 or 2925.032 17451
of the Revised Code. The list of licensed community addiction 17452
services providers shall identify each licensed provider by its 17453
name, its address, and the county in which it is located. 17454

Sec. 5120.53. (A) If a treaty between the United States 17455
and a foreign country provides for the transfer or exchange, 17456
from one of the signatory countries to the other signatory 17457
country, of convicted offenders who are citizens or nationals of 17458
the other signatory country, the governor, subject to and in 17459
accordance with the terms of the treaty, may authorize the 17460
director of rehabilitation and correction to allow the transfer 17461
or exchange of convicted offenders and to take any action 17462
necessary to initiate participation in the treaty. If the 17463
governor grants the director the authority described in this 17464
division, the director may take the necessary action to initiate 17465
participation in the treaty and, subject to and in accordance 17466
with division (B) of this section and the terms of the treaty, 17467
may allow the transfer or exchange to a foreign country that has 17468
signed the treaty of any convicted offender who is a citizen or 17469
national of that signatory country. 17470

(B) (1) No convicted offender who is serving a term of imprisonment in this state for aggravated murder, murder, or a felony of the first or second degree, who is serving a mandatory prison term imposed under section 2925.03~~or~~, 2925.031, 2925.032, or 2925.11 of the Revised Code in circumstances in which the court was required to impose as the mandatory prison term the maximum definite prison term or longest minimum prison term authorized for the degree of offense committed, who is serving a term of imprisonment in this state imposed for an offense committed prior to July 1, 1996, that was an aggravated felony of the first or second degree or that was aggravated trafficking in violation of division (A) (9) or (10) of section 2925.03 of the Revised Code, or who has been sentenced to death in this state shall be transferred or exchanged to another country pursuant to a treaty of the type described in division (A) of this section.

(2) If a convicted offender is serving a term of imprisonment in this state and the offender is a citizen or national of a foreign country that has signed a treaty of the type described in division (A) of this section, if the governor has granted the director of rehabilitation and correction the authority described in that division, and if the transfer or exchange of the offender is not barred by division (B) (1) of this section, the director or the director's designee may approve the offender for transfer or exchange pursuant to the treaty if the director or the designee, after consideration of the factors set forth in the rules adopted by the department under division (D) of this section and all other relevant factors, determines that the transfer or exchange of the offender is appropriate.

(C) Notwithstanding any provision of the Revised Code

regarding the parole eligibility of, or the duration or 17502
calculation of a sentence of imprisonment imposed upon, an 17503
offender, if a convicted offender is serving a term of 17504
imprisonment in this state and the offender is a citizen or 17505
national of a foreign country that has signed a treaty of the 17506
type described in division (A) of this section, if the offender 17507
is serving an indefinite term of imprisonment, if the offender 17508
is barred from being transferred or exchanged pursuant to the 17509
treaty due to the indefinite nature of the offender's term of 17510
imprisonment, and if in accordance with division (B) (2) of this 17511
section the director of rehabilitation and correction or the 17512
director's designee approves the offender for transfer or 17513
exchange pursuant to the treaty, the parole board, pursuant to 17514
rules adopted by the director, shall set a date certain for the 17515
release of the offender. To the extent possible, the date 17516
certain that is set shall be reasonably proportionate to the 17517
indefinite term of imprisonment that the offender is serving. 17518
The date certain that is set for the release of the offender 17519
shall be considered only for purposes of facilitating the 17520
international transfer or exchange of the offender, shall not be 17521
viable or actionable for any other purpose, and shall not create 17522
any expectation or guarantee of release. If an offender for whom 17523
a date certain for release is set under this division is not 17524
transferred to or exchanged with the foreign country pursuant to 17525
the treaty, the date certain is null and void, and the 17526
offender's release shall be determined pursuant to the laws and 17527
rules of this state pertaining to parole eligibility and the 17528
duration and calculation of an indefinite sentence of 17529
imprisonment. 17530

(D) If the governor, pursuant to division (A) of this 17531
section, authorizes the director of rehabilitation and 17532

correction to allow any transfer or exchange of convicted 17533
offenders as described in that division, the director shall 17534
adopt rules under Chapter 119. of the Revised Code to implement 17535
the provisions of this section. The rules shall include a rule 17536
that requires the director or the director's designee, in 17537
determining whether to approve a convicted offender who is 17538
serving a term of imprisonment in this state for transfer or 17539
exchange pursuant to a treaty of the type described in division 17540
(A) of this section, to consider all of the following factors: 17541

(1) The nature of the offense for which the offender is 17542
serving the term of imprisonment in this state; 17543

(2) The likelihood that, if the offender is transferred or 17544
exchanged to a foreign country pursuant to the treaty, the 17545
offender will serve a shorter period of time in imprisonment in 17546
the foreign country than the offender would serve if the 17547
offender is not transferred or exchanged to the foreign country 17548
pursuant to the treaty; 17549

(3) The likelihood that, if the offender is transferred or 17550
exchanged to a foreign country pursuant to the treaty, the 17551
offender will return or attempt to return to this state after 17552
the offender has been released from imprisonment in the foreign 17553
country; 17554

(4) The degree of any shock to the conscience of justice 17555
and society that will be experienced in this state if the 17556
offender is transferred or exchanged to a foreign country 17557
pursuant to the treaty; 17558

(5) All other factors that the department determines are 17559
relevant to the determination. 17560

Sec. 5153.111. (A) (1) The executive director of a public 17561

children services agency shall request the superintendent of the 17562
bureau of criminal identification and investigation to conduct a 17563
criminal records check with respect to any applicant who has 17564
applied to the agency for employment as a person responsible for 17565
the care, custody, or control of a child. If the applicant does 17566
not present proof that the applicant has been a resident of this 17567
state for the five-year period immediately prior to the date 17568
upon which the criminal records check is requested or does not 17569
provide evidence that within that five-year period the 17570
superintendent has requested information about the applicant 17571
from the federal bureau of investigation in a criminal records 17572
check, the executive director shall request that the 17573
superintendent obtain information from the federal bureau of 17574
investigation as a part of the criminal records check for the 17575
applicant. If the applicant presents proof that the applicant 17576
has been a resident of this state for that five-year period, the 17577
executive director may request that the superintendent include 17578
information from the federal bureau of investigation in the 17579
criminal records check. 17580

(2) Any person required by division (A)(1) of this section 17581
to request a criminal records check shall provide to each 17582
applicant a copy of the form prescribed pursuant to division (C) 17583
(1) of section 109.572 of the Revised Code, provide to each 17584
applicant a standard impression sheet to obtain fingerprint 17585
impressions prescribed pursuant to division (C)(2) of section 17586
109.572 of the Revised Code, obtain the completed form and 17587
impression sheet from each applicant, and forward the completed 17588
form and impression sheet to the superintendent of the bureau of 17589
criminal identification and investigation at the time the person 17590
requests a criminal records check pursuant to division (A)(1) of 17591
this section. 17592

(3) Any applicant who receives pursuant to division (A) (2) 17593
of this section a copy of the form prescribed pursuant to 17594
division (C) (1) of section 109.572 of the Revised Code and a 17595
copy of an impression sheet prescribed pursuant to division (C) 17596
(2) of that section and who is requested to complete the form 17597
and provide a set of fingerprint impressions shall complete the 17598
form or provide all the information necessary to complete the 17599
form and shall provide the impression sheet with the impressions 17600
of the applicant's fingerprints. If an applicant, upon request, 17601
fails to provide the information necessary to complete the form 17602
or fails to provide impressions of the applicant's fingerprints, 17603
that agency shall not employ that applicant for any position for 17604
which a criminal records check is required by division (A) (1) of 17605
this section. 17606

(B) (1) Except as provided in rules adopted by the director 17607
of job and family services in accordance with division (E) of 17608
this section, no public children services agency shall employ a 17609
person as a person responsible for the care, custody, or control 17610
of a child if the person previously has been convicted of or 17611
pleaded guilty to any of the following: 17612

(a) A violation of section 2903.01, 2903.02, 2903.03, 17613
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 17614
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 17615
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 17616
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 17617
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 17618
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 17619
2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, or 17620
3716.11 of the Revised Code, a violation of section 2905.04 of 17621
the Revised Code as it existed prior to July 1, 1996, a 17622
violation of section 2919.23 of the Revised Code that would have 17623

been a violation of section 2905.04 of the Revised Code as it 17624
existed prior to July 1, 1996, had the violation occurred prior 17625
to that date, a violation of section 2925.11, 2925.111, or 17626
2925.112 of the Revised Code that is not a minor drug possession 17627
offense, or felonious sexual penetration in violation of former 17628
section 2907.12 of the Revised Code; 17629

(b) A violation of an existing or former law of this 17630
state, any other state, or the United States that is 17631
substantially equivalent to any of the offenses or violations 17632
described in division (B) (1) (a) of this section. 17633

(2) A public children services agency may employ an 17634
applicant conditionally until the criminal records check 17635
required by this section is completed and the agency receives 17636
the results of the criminal records check. If the results of the 17637
criminal records check indicate that, pursuant to division (B) 17638
(1) of this section, the applicant does not qualify for 17639
employment, the agency shall release the applicant from 17640
employment. 17641

(C) (1) Each public children services agency shall pay to 17642
the bureau of criminal identification and investigation the fee 17643
prescribed pursuant to division (C) (3) of section 109.572 of the 17644
Revised Code for each criminal records check conducted in 17645
accordance with that section upon the request pursuant to 17646
division (A) (1) of this section of the executive director of the 17647
agency. 17648

(2) A public children services agency may charge an 17649
applicant a fee for the costs it incurs in obtaining a criminal 17650
records check under this section. A fee charged under this 17651
division shall not exceed the amount of fees the agency pays 17652
under division (C) (1) of this section. If a fee is charged under 17653

this division, the agency shall notify the applicant at the time 17654
of the applicant's initial application for employment of the 17655
amount of the fee and that, unless the fee is paid, the agency 17656
will not consider the applicant for employment. 17657

(D) The report of any criminal records check conducted by 17658
the bureau of criminal identification and investigation in 17659
accordance with section 109.572 of the Revised Code and pursuant 17660
to a request under division (A)(1) of this section is not a 17661
public record for the purposes of section 149.43 of the Revised 17662
Code and shall not be made available to any person other than 17663
the applicant who is the subject of the criminal records check 17664
or the applicant's representative, the public children services 17665
agency requesting the criminal records check or its 17666
representative, and any court, hearing officer, or other 17667
necessary individual involved in a case dealing with the denial 17668
of employment to the applicant. 17669

(E) The director of job and family services shall adopt 17670
rules pursuant to Chapter 119. of the Revised Code to implement 17671
this section, including rules specifying circumstances under 17672
which a public children services agency may hire a person who 17673
has been convicted of an offense listed in division (B)(1) of 17674
this section but who meets standards in regard to rehabilitation 17675
set by the department. 17676

(F) Any person required by division (A)(1) of this section 17677
to request a criminal records check shall inform each person, at 17678
the time of the person's initial application for employment, 17679
that the person is required to provide a set of impressions of 17680
the person's fingerprints and that a criminal records check is 17681
required to be conducted and satisfactorily completed in 17682
accordance with section 109.572 of the Revised Code if the 17683

person comes under final consideration for appointment or 17684
employment as a precondition to employment for that position. 17685

(G) As used in this section: 17686

(1) "Applicant" means a person who is under final 17687
consideration for appointment or employment in a position with 17688
the agency as a person responsible for the care, custody, or 17689
control of a child. 17690

(2) "Criminal records check" has the same meaning as in 17691
section 109.572 of the Revised Code. 17692

(3) "Minor drug possession offense" has the same meaning 17693
as in section 2925.01 of the Revised Code. 17694

Sec. 5502.13. The department of public safety shall 17695
maintain an investigative unit in order to conduct 17696
investigations and other enforcement activity authorized by 17697
Chapters 4301., 4303., 5101., 5107., and 5108. and sections 17698
2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 2921.13, 17699
2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 2925.111, 17700
2925.112, 2925.13, 2927.02, and 4507.30 of the Revised Code. The 17701
director of public safety shall appoint the employees of the 17702
unit who are necessary, designate the activities to be performed 17703
by those employees, and prescribe their titles and duties. 17704

Section 4. That existing sections 109.572, 128.04, 177.01, 17705
2152.021, 2152.18, 2743.60, 2923.01, 2923.241, 2923.31, 2923.41, 17706
2925.02, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 17707
2925.23, 2925.36, 2925.37, 2925.38, 2925.42, 2925.51, 2927.21, 17708
2929.141, 2929.18, 2933.51, 2935.36, 2951.041, 2967.18, 2967.19, 17709
3301.32, 3301.541, 3313.662, 3319.31, 3319.39, 3712.09, 17710
3719.013, 3719.21, 3719.99, 3721.121, 3734.44, 3767.01, 4112.02, 17711
4510.17, 4729.99, 4742.03, 5103.0319, 5119.36, 5119.37, 5120.53, 17712

5153.111, and 5502.13 of the Revised Code are hereby repealed. 17713

Section 5. Sections 1 to 4 of this act shall take effect 17714
on July 1, 2021. 17715

Section 6. The General Assembly, applying the principle 17716
stated in division (B) of section 1.52 of the Revised Code that 17717
amendments are to be harmonized if reasonably capable of 17718
simultaneous operation, finds that the following sections, 17719
presented in this act as composites of the sections as amended 17720
by the acts indicated, are the resulting versions of the 17721
sections in effect prior to the effective date of the sections 17722
as presented in this act: 17723

(A) As presented in Section 1 of this act: 17724

Section 2923.13 of the Revised Code as amended by both 17725
H.B. 234 and S.B. 43 of the 130th General Assembly. 17726

Section 2925.01 of the Revised Code as amended by H.B. 49, 17727
S.B. 1, S.B. 201, S.B. 229, S.B. 255, and S.B. 259, all of the 17728
132nd General Assembly. 17729

Section 2925.03 of the Revised Code as amended by H.B. 17730
111, S.B. 1, S.B. 201, and S.B. 229, all of the 132nd General 17731
Assembly. 17732

Section 2925.11 of the Revised Code as amended by S.B. 1, 17733
S.B. 201, and S.B. 229, all of the 132nd General Assembly. 17734

Section 2929.01 of the Revised Code as amended by H.B. 63, 17735
H.B. 411, S.B. 1, S.B. 20, and S.B. 201, all of the 132nd 17736
General Assembly. 17737

Section 2929.13 of the Revised Code as amended by H.B. 63, 17738
S.B. 1, S.B. 20, S.B. 66, and S.B. 201, all of the 132nd General 17739
Assembly. 17740

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| Section 2929.14 of the Revised Code as amended by H.B. 63, | 17741 |
| S.B. 1, S.B. 20, and S.B. 201, all of the 132nd General | 17742 |
| Assembly. | 17743 |
| Section 2929.15 of the Revised Code as amended by both | 17744 |
| S.B. 66 and S.B. 201 of the 132nd General Assembly. | 17745 |
| Section 2967.28 of the Revised Code as amended by both | 17746 |
| S.B. 66 and S.B. 201 of the 132nd General Assembly. | 17747 |
| Section 2981.01 of the Revised Code as amended by both | 17748 |
| H.B. 347 and S.B. 293 of the 131st General Assembly. | 17749 |
| (B) As presented in Section 3 of this act: | 17750 |
| Section 109.572 of the Revised Code as amended by both | 17751 |
| H.B. 166 and S.B. 57 of the 133rd General Assembly. | 17752 |
| Section 2923.31 of the Revised Code as amended by both | 17753 |
| H.B. 199 and H.B. 405 of the 132nd General Assembly. | 17754 |
| Section 2925.02 of the Revised Code as amended by both | 17755 |
| S.B. 1 and S.B. 201 of the 132nd General Assembly. | 17756 |
| Section 2925.04 of the Revised Code as amended by both | 17757 |
| S.B. 1 and S.B. 201 of the 132nd General Assembly. | 17758 |
| Section 2925.05 of the Revised Code as amended by both | 17759 |
| S.B. 1 and S.B. 201 of the 132nd General Assembly. | 17760 |
| Section 2951.041 of the Revised Code as amended by S.B. 4, | 17761 |
| S.B. 33, and S.B. 66, all of the 132nd General Assembly. | 17762 |
| Section 2967.18 of the Revised Code as amended by both | 17763 |
| H.B. 180 and H.B. 445 of the 121st General Assembly. | 17764 |