

As Introduced

132nd General Assembly

Regular Session

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H. B. No. 141

Representatives Dever, Wiggam

**Cosponsors: Representatives Arndt, Becker, Butler, Koehler, Riedel, Sprague,
Thompson, Lipps**

A BILL

To amend sections 2903.04, 2903.06, 2919.22, 1
2929.142, 4510.17, 4510.31, and 4511.181 of the 2
Revised Code to provide that causing or 3
contributing to the death of another person as a 4
result of the offender's sale, distribution, 5
dispensation, or administration of a controlled 6
substance or controlled substance analog is a 7
violation of the offense of involuntary 8
manslaughter and to make this offense a strict 9
liability offense. 10

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

Section 1. That sections 2903.04, 2903.06, 2919.22, 11
2929.142, 4510.17, 4510.31, and 4511.181 of the Revised Code be 12
amended to read as follows: 13

Sec. 2903.04. (A) No person shall cause the death of 14
another or the unlawful termination of another's pregnancy as a 15
proximate result of the offender's committing or attempting to 16
commit a felony. 17

(B) No person shall cause the death of another or the unlawful termination of another's pregnancy as a proximate result of the offender's committing or attempting to commit a misdemeanor of any degree, a regulatory offense, or a minor misdemeanor other than a violation of any section contained in Title XLV of the Revised Code that is a minor misdemeanor and other than a violation of an ordinance of a municipal corporation that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any section contained in Title XLV of the Revised Code that is a minor misdemeanor.

(C) No person shall cause or contribute to the death of another or the unlawful termination of another's pregnancy as a result of the offender's sale, distribution, dispensation, or administration of any controlled substance or controlled substance analog in violation of any provision of Chapter 2925. of the Revised Code.

The offense established under this division is a strict liability offense, and strict liability is a culpable mental state under section 2901.20 of the Revised Code. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

The conduct of the victim is not a defense to a charge under this division.

(D) Division (C) of this section does not apply to manufacturers, wholesalers, licensed health professionals authorized to prescribe, administer, or distribute controlled substances, pharmacists, owners of pharmacies, and other persons

whose conduct is in accordance with Chapters 3719., 4715., 48
4723., 4725., 4729., 4730., 4731., and 4741. of the Revised 49
Code. 50

(E) (1) Whoever violates this section is guilty of 51
involuntary manslaughter. ~~Violation~~ 52

(2) ~~Violation~~ of division (A) of this section is a felony 53
of the first degree. ~~Violation~~ 54

(3) ~~Violation~~ of division (B) of this section is a felony 55
of the third degree. 56

(4) Violation of division (C) of this section is a felony 57
and, notwithstanding section 2929.14 or 2929.18 of the Revised 58
Code, the court shall impose on the offender one of the 59
following sentences: 60

(a) A definite prison term of one, two, three, four, five, 61
six, seven, eight, nine, ten, eleven, twelve, thirteen, 62
fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, or 63
twenty years; 64

(b) A fine of not more than ten thousand dollars; 65

(c) A community control sanction under section 2929.15 of 66
the Revised Code if no more than one of the aggravating factors 67
specified in division (G) of this section apply to the offender 68
and the court finds any of the following: 69

(i) The offender was a co-user of the controlled substance 70
or controlled substance analog with the victim. 71

(ii) The offender did not engage in the sale, 72
distribution, dispensation, or administration of the controlled 73
substance or controlled substance analog to the victim for 74
personal profit. 75

(iii) The offender is a family member or close personal 76
friend of the victim. 77

~~(D)~~ (F) If an offender is convicted of or pleads guilty to 78
a violation of division (A) or (B) of this section and if the 79
felony, misdemeanor, or regulatory offense that the offender 80
committed or attempted to commit, that proximately resulted in 81
the death of the other person or the unlawful termination of 82
another's pregnancy, and that is the basis of the offender's 83
violation of division (A) or (B) of this section was a violation 84
of division (A) or (B) of section 4511.19 of the Revised Code or 85
of a substantially equivalent municipal ordinance or included, 86
as an element of that felony, misdemeanor, or regulatory 87
offense, the offender's operation or participation in the 88
operation of a snowmobile, locomotive, watercraft, or aircraft 89
while the offender was under the influence of alcohol, a drug of 90
abuse, or alcohol and a drug of abuse, both of the following 91
apply: 92

(1) The court shall impose a class one suspension of the 93
offender's driver's or commercial driver's license or permit or 94
nonresident operating privilege as specified in division (A)(1) 95
of section 4510.02 of the Revised Code. 96

(2) The court shall impose a mandatory prison term for the 97
violation of division (A) or (B) of this section from the range 98
of prison terms authorized for the level of the offense under 99
section 2929.14 of the Revised Code. 100

(G) In imposing a sentence for a violation of division (C) 101
of this section, the court shall comply with the purposes and 102
principles of sentencing in section 2929.11 of the Revised Code 103
and shall consider the factors specified in section 2929.12 of 104
the Revised Code and the following aggravating factors: 105

(1) The offender was previously convicted of or pleaded 106
guilty to aggravated trafficking in drugs or trafficking in 107
drugs in violation of section 2925.03 of the Revised Code or was 108
engaged as a normal practice in any of the acts that could 109
constitute that violation. 110

(2) The offender sold, distributed, dispensed, or 111
administered or caused to be sold, distributed, dispensed, or 112
administered a mixture of various controlled substances or 113
controlled substance analogs to the victim. 114

(3) The offender knew or should have known that the victim 115
was participating in or had completed a drug rehabilitation 116
program. 117

(4) The offender deceived the victim regarding the nature 118
of, or the mixture, preparation, or compound containing the 119
controlled substance or controlled substance analog. 120

(5) The offender was part of a criminal enterprise 121
involving controlled substances or controlled substance analogs. 122

(6) The offender failed to obtain medical assistance for 123
the victim. 124

(H) As used in this section, "controlled substance" and 125
"controlled substance analog" have the same meanings as in 126
section 3719.01 of the Revised Code. 127

Sec. 2903.06. (A) No person, while operating or 128
participating in the operation of a motor vehicle, motorcycle, 129
snowmobile, locomotive, watercraft, or aircraft, shall cause the 130
death of another or the unlawful termination of another's 131
pregnancy in any of the following ways: 132

(1) (a) As the proximate result of committing a violation 133

of division (A) of section 4511.19 of the Revised Code or of a 134
substantially equivalent municipal ordinance; 135

(b) As the proximate result of committing a violation of 136
division (A) of section 1547.11 of the Revised Code or of a 137
substantially equivalent municipal ordinance; 138

(c) As the proximate result of committing a violation of 139
division (A) (3) of section 4561.15 of the Revised Code or of a 140
substantially equivalent municipal ordinance. 141

(2) In one of the following ways: 142

(a) Recklessly; 143

(b) As the proximate result of committing, while operating 144
or participating in the operation of a motor vehicle or 145
motorcycle in a construction zone, a reckless operation offense, 146
provided that this division applies only if the person whose 147
death is caused or whose pregnancy is unlawfully terminated is 148
in the construction zone at the time of the offender's 149
commission of the reckless operation offense in the construction 150
zone and does not apply as described in division (F) of this 151
section. 152

(3) In one of the following ways: 153

(a) Negligently; 154

(b) As the proximate result of committing, while operating 155
or participating in the operation of a motor vehicle or 156
motorcycle in a construction zone, a speeding offense, provided 157
that this division applies only if the person whose death is 158
caused or whose pregnancy is unlawfully terminated is in the 159
construction zone at the time of the offender's commission of 160
the speeding offense in the construction zone and does not apply 161

as described in division (F) of this section. 162

(4) As the proximate result of committing a violation of 163
any provision of any section contained in Title XLV of the 164
Revised Code that is a minor misdemeanor or of a municipal 165
ordinance that, regardless of the penalty set by ordinance for 166
the violation, is substantially equivalent to any provision of 167
any section contained in Title XLV of the Revised Code that is a 168
minor misdemeanor. 169

(B) (1) Whoever violates division (A) (1) or (2) of this 170
section is guilty of aggravated vehicular homicide and shall be 171
punished as provided in divisions (B) (2) and (3) of this 172
section. 173

(2) (a) Except as otherwise provided in division (B) (2) (b) 174
or (c) of this section, aggravated vehicular homicide committed 175
in violation of division (A) (1) of this section is a felony of 176
the second degree and the court shall impose a mandatory prison 177
term on the offender as described in division (E) of this 178
section. 179

(b) Except as otherwise provided in division (B) (2) (c) of 180
this section, aggravated vehicular homicide committed in 181
violation of division (A) (1) of this section is a felony of the 182
first degree, and the court shall impose a mandatory prison term 183
on the offender as described in division (E) of this section, if 184
any of the following apply: 185

(i) At the time of the offense, the offender was driving 186
under a suspension or cancellation imposed under Chapter 4510. 187
or any other provision of the Revised Code or was operating a 188
motor vehicle or motorcycle, did not have a valid driver's 189
license, commercial driver's license, temporary instruction 190

permit, probationary license, or nonresident operating 191
privilege, and was not eligible for renewal of the offender's 192
driver's license or commercial driver's license without 193
examination under section 4507.10 of the Revised Code. 194

(ii) The offender previously has been convicted of or 195
pleaded guilty to a violation of this section. 196

(iii) The offender previously has been convicted of or 197
pleaded guilty to any traffic-related homicide, manslaughter, or 198
assault offense. 199

(c) Aggravated vehicular homicide committed in violation 200
of division (A) (1) of this section is a felony of the first 201
degree, and the court shall sentence the offender to a mandatory 202
prison term as provided in section 2929.142 of the Revised Code 203
and described in division (E) of this section if any of the 204
following apply: 205

(i) The offender previously has been convicted of or 206
pleaded guilty to three or more prior violations of section 207
4511.19 of the Revised Code or of a substantially equivalent 208
municipal ordinance within the previous ten years. 209

(ii) The offender previously has been convicted of or 210
pleaded guilty to three or more prior violations of division (A) 211
of section 1547.11 of the Revised Code or of a substantially 212
equivalent municipal ordinance within the previous ten years. 213

(iii) The offender previously has been convicted of or 214
pleaded guilty to three or more prior violations of division (A) 215
(3) of section 4561.15 of the Revised Code or of a substantially 216
equivalent municipal ordinance within the previous ten years. 217

(iv) The offender previously has been convicted of or 218
pleaded guilty to three or more prior violations of division (A) 219

(1) of this section within the previous ten years. 220

(v) The offender previously has been convicted of or 221
pleaded guilty to three or more prior violations of division (A) 222
(1) of section 2903.08 of the Revised Code within the previous 223
ten years. 224

(vi) The offender previously has been convicted of or 225
pleaded guilty to three or more prior violations of section 226
2903.04 of the Revised Code within the previous ten years in 227
circumstances in which division ~~(D)~~ (F) of that section applied 228
regarding the violations. 229

(vii) The offender previously has been convicted of or 230
pleaded guilty to three or more violations of any combination of 231
the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv), 232
(v), or (vi) of this section within the previous ten years. 233

(viii) The offender previously has been convicted of or 234
pleaded guilty to a second or subsequent felony violation of 235
division (A) of section 4511.19 of the Revised Code. 236

(d) In addition to any other sanctions imposed pursuant to 237
division (B) (2) (a), (b), or (c) of this section for aggravated 238
vehicular homicide committed in violation of division (A) (1) of 239
this section, the court shall impose upon the offender a class 240
one suspension of the offender's driver's license, commercial 241
driver's license, temporary instruction permit, probationary 242
license, or nonresident operating privilege as specified in 243
division (A) (1) of section 4510.02 of the Revised Code. 244

Divisions (A) (1) to (3) of section 4510.54 of the Revised 245
Code apply to a suspension imposed under division (B) (2) (d) of 246
this section. 247

(3) Except as otherwise provided in this division, 248

aggravated vehicular homicide committed in violation of division 249
(A) (2) of this section is a felony of the third degree. 250
Aggravated vehicular homicide committed in violation of division 251
(A) (2) of this section is a felony of the second degree if, at 252
the time of the offense, the offender was driving under a 253
suspension or cancellation imposed under Chapter 4510. or any 254
other provision of the Revised Code or was operating a motor 255
vehicle or motorcycle, did not have a valid driver's license, 256
commercial driver's license, temporary instruction permit, 257
probationary license, or nonresident operating privilege, and 258
was not eligible for renewal of the offender's driver's license 259
or commercial driver's license without examination under section 260
4507.10 of the Revised Code or if the offender previously has 261
been convicted of or pleaded guilty to a violation of this 262
section or any traffic-related homicide, manslaughter, or 263
assault offense. The court shall impose a mandatory prison term 264
on the offender when required by division (E) of this section. 265

In addition to any other sanctions imposed pursuant to 266
this division for a violation of division (A) (2) of this 267
section, the court shall impose upon the offender a class two 268
suspension of the offender's driver's license, commercial 269
driver's license, temporary instruction permit, probationary 270
license, or nonresident operating privilege from the range 271
specified in division (A) (2) of section 4510.02 of the Revised 272
Code or, if the offender previously has been convicted of or 273
pleaded guilty to a traffic-related murder, felonious assault, 274
or attempted murder offense, a class one suspension of the 275
offender's driver's license, commercial driver's license, 276
temporary instruction permit, probationary license, or 277
nonresident operating privilege as specified in division (A) (1) 278
of that section. 279

(C) Whoever violates division (A) (3) of this section is 280
guilty of vehicular homicide. Except as otherwise provided in 281
this division, vehicular homicide is a misdemeanor of the first 282
degree. Vehicular homicide committed in violation of division 283
(A) (3) of this section is a felony of the fourth degree if, at 284
the time of the offense, the offender was driving under a 285
suspension or cancellation imposed under Chapter 4510. or any 286
other provision of the Revised Code or was operating a motor 287
vehicle or motorcycle, did not have a valid driver's license, 288
commercial driver's license, temporary instruction permit, 289
probationary license, or nonresident operating privilege, and 290
was not eligible for renewal of the offender's driver's license 291
or commercial driver's license without examination under section 292
4507.10 of the Revised Code or if the offender previously has 293
been convicted of or pleaded guilty to a violation of this 294
section or any traffic-related homicide, manslaughter, or 295
assault offense. The court shall impose a mandatory jail term or 296
a mandatory prison term on the offender when required by 297
division (E) of this section. 298

In addition to any other sanctions imposed pursuant to 299
this division, the court shall impose upon the offender a class 300
four suspension of the offender's driver's license, commercial 301
driver's license, temporary instruction permit, probationary 302
license, or nonresident operating privilege from the range 303
specified in division (A) (4) of section 4510.02 of the Revised 304
Code, or, if the offender previously has been convicted of or 305
pleaded guilty to a violation of this section or any traffic- 306
related homicide, manslaughter, or assault offense, a class 307
three suspension of the offender's driver's license, commercial 308
driver's license, temporary instruction permit, probationary 309
license, or nonresident operating privilege from the range 310

specified in division (A) (3) of that section, or, if the 311
offender previously has been convicted of or pleaded guilty to a 312
traffic-related murder, felonious assault, or attempted murder 313
offense, a class two suspension of the offender's driver's 314
license, commercial driver's license, temporary instruction 315
permit, probationary license, or nonresident operating privilege 316
as specified in division (A) (2) of that section. 317

(D) Whoever violates division (A) (4) of this section is 318
guilty of vehicular manslaughter. Except as otherwise provided 319
in this division, vehicular manslaughter is a misdemeanor of the 320
second degree. Vehicular manslaughter is a misdemeanor of the 321
first degree if, at the time of the offense, the offender was 322
driving under a suspension or cancellation imposed under Chapter 323
4510. or any other provision of the Revised Code or was 324
operating a motor vehicle or motorcycle, did not have a valid 325
driver's license, commercial driver's license, temporary 326
instruction permit, probationary license, or nonresident 327
operating privilege, and was not eligible for renewal of the 328
offender's driver's license or commercial driver's license 329
without examination under section 4507.10 of the Revised Code or 330
if the offender previously has been convicted of or pleaded 331
guilty to a violation of this section or any traffic-related 332
homicide, manslaughter, or assault offense. 333

In addition to any other sanctions imposed pursuant to 334
this division, the court shall impose upon the offender a class 335
six suspension of the offender's driver's license, commercial 336
driver's license, temporary instruction permit, probationary 337
license, or nonresident operating privilege from the range 338
specified in division (A) (6) of section 4510.02 of the Revised 339
Code or, if the offender previously has been convicted of or 340
pleaded guilty to a violation of this section, any traffic- 341

related homicide, manslaughter, or assault offense, or a 342
traffic-related murder, felonious assault, or attempted murder 343
offense, a class four suspension of the offender's driver's 344
license, commercial driver's license, temporary instruction 345
permit, probationary license, or nonresident operating privilege 346
from the range specified in division (A)(4) of that section. 347

(E) The court shall impose a mandatory prison term on an 348
offender who is convicted of or pleads guilty to a violation of 349
division (A)(1) of this section. If division (B)(2)(c)(i), (ii), 350
(iii), (iv), (v), (vi), (vii), or (viii) of this section applies 351
to an offender who is convicted of or pleads guilty to the 352
violation of division (A)(1) of this section, the court shall 353
impose the mandatory prison term pursuant to section 2929.142 of 354
the Revised Code. The court shall impose a mandatory jail term 355
of at least fifteen days on an offender who is convicted of or 356
pleads guilty to a misdemeanor violation of division (A)(3)(b) 357
of this section and may impose upon the offender a longer jail 358
term as authorized pursuant to section 2929.24 of the Revised 359
Code. The court shall impose a mandatory prison term on an 360
offender who is convicted of or pleads guilty to a violation of 361
division (A)(2) or (3)(a) of this section or a felony violation 362
of division (A)(3)(b) of this section if either of the following 363
applies: 364

(1) The offender previously has been convicted of or 365
pleaded guilty to a violation of this section or section 2903.08 366
of the Revised Code. 367

(2) At the time of the offense, the offender was driving 368
under suspension or cancellation under Chapter 4510. or any 369
other provision of the Revised Code or was operating a motor 370
vehicle or motorcycle, did not have a valid driver's license, 371

commercial driver's license, temporary instruction permit, 372
probationary license, or nonresident operating privilege, and 373
was not eligible for renewal of the offender's driver's license 374
or commercial driver's license without examination under section 375
4507.10 of the Revised Code. 376

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 377
apply in a particular construction zone unless signs of the type 378
described in section 2903.081 of the Revised Code are erected in 379
that construction zone in accordance with the guidelines and 380
design specifications established by the director of 381
transportation under section 5501.27 of the Revised Code. The 382
failure to erect signs of the type described in section 2903.081 383
of the Revised Code in a particular construction zone in 384
accordance with those guidelines and design specifications does 385
not limit or affect the application of division (A) (1), (A) (2) 386
(a), (A) (3) (a), or (A) (4) of this section in that construction 387
zone or the prosecution of any person who violates any of those 388
divisions in that construction zone. 389

(G) (1) As used in this section: 390

(a) "Mandatory prison term" and "mandatory jail term" have 391
the same meanings as in section 2929.01 of the Revised Code. 392

(b) "Traffic-related homicide, manslaughter, or assault 393
offense" means a violation of section 2903.04 of the Revised 394
Code in circumstances in which division ~~(D)~~ (F) of that section 395
applies, a violation of section 2903.06 or 2903.08 of the 396
Revised Code, or a violation of section 2903.06, 2903.07, or 397
2903.08 of the Revised Code as they existed prior to March 23, 398
2000. 399

(c) "Construction zone" has the same meaning as in section 400

5501.27 of the Revised Code. 401

(d) "Reckless operation offense" means a violation of 402
section 4511.20 of the Revised Code or a municipal ordinance 403
substantially equivalent to section 4511.20 of the Revised Code. 404

(e) "Speeding offense" means a violation of section 405
4511.21 of the Revised Code or a municipal ordinance pertaining 406
to speed. 407

(f) "Traffic-related murder, felonious assault, or 408
attempted murder offense" means a violation of section 2903.01 409
or 2903.02 of the Revised Code in circumstances in which the 410
offender used a motor vehicle as the means to commit the 411
violation, a violation of division (A) (2) of section 2903.11 of 412
the Revised Code in circumstances in which the deadly weapon 413
used in the commission of the violation is a motor vehicle, or 414
an attempt to commit aggravated murder or murder in violation of 415
section 2923.02 of the Revised Code in circumstances in which 416
the offender used a motor vehicle as the means to attempt to 417
commit the aggravated murder or murder. 418

(g) "Motor vehicle" has the same meaning as in section 419
4501.01 of the Revised Code. 420

(2) For the purposes of this section, when a penalty or 421
suspension is enhanced because of a prior or current violation 422
of a specified law or a prior or current specified offense, the 423
reference to the violation of the specified law or the specified 424
offense includes any violation of any substantially equivalent 425
municipal ordinance, former law of this state, or current or 426
former law of another state or the United States. 427

Sec. 2919.22. (A) No person, who is the parent, guardian, 428
custodian, person having custody or control, or person in loco 429

parentis of a child under eighteen years of age or a mentally or 430
physically handicapped child under twenty-one years of age, 431
shall create a substantial risk to the health or safety of the 432
child, by violating a duty of care, protection, or support. It 433
is not a violation of a duty of care, protection, or support 434
under this division when the parent, guardian, custodian, or 435
person having custody or control of a child treats the physical 436
or mental illness or defect of the child by spiritual means 437
through prayer alone, in accordance with the tenets of a 438
recognized religious body. 439

(B) No person shall do any of the following to a child 440
under eighteen years of age or a mentally or physically 441
handicapped child under twenty-one years of age: 442

(1) Abuse the child; 443

(2) Torture or cruelly abuse the child; 444

(3) Administer corporal punishment or other physical 445
disciplinary measure, or physically restrain the child in a 446
cruel manner or for a prolonged period, which punishment, 447
discipline, or restraint is excessive under the circumstances 448
and creates a substantial risk of serious physical harm to the 449
child; 450

(4) Repeatedly administer unwarranted disciplinary 451
measures to the child, when there is a substantial risk that 452
such conduct, if continued, will seriously impair or retard the 453
child's mental health or development; 454

(5) Entice, coerce, permit, encourage, compel, hire, 455
employ, use, or allow the child to act, model, or in any other 456
way participate in, or be photographed for, the production, 457
presentation, dissemination, or advertisement of any material or 458

performance that the offender knows or reasonably should know is 459
obscene, is sexually oriented matter, or is nudity-oriented 460
matter; 461

(6) Allow the child to be on the same parcel of real 462
property and within one hundred feet of, or, in the case of more 463
than one housing unit on the same parcel of real property, in 464
the same housing unit and within one hundred feet of, any act in 465
violation of section 2925.04 or 2925.041 of the Revised Code 466
when the person knows that the act is occurring, whether or not 467
any person is prosecuted for or convicted of the violation of 468
section 2925.04 or 2925.041 of the Revised Code that is the 469
basis of the violation of this division. 470

(C) (1) No person shall operate a vehicle, streetcar, or 471
trackless trolley within this state in violation of division (A) 472
of section 4511.19 of the Revised Code when one or more children 473
under eighteen years of age are in the vehicle, streetcar, or 474
trackless trolley. Notwithstanding any other provision of law, a 475
person may be convicted at the same trial or proceeding of a 476
violation of this division and a violation of division (A) of 477
section 4511.19 of the Revised Code that constitutes the basis 478
of the charge of the violation of this division. For purposes of 479
sections 4511.191 to 4511.197 of the Revised Code and all 480
related provisions of law, a person arrested for a violation of 481
this division shall be considered to be under arrest for 482
operating a vehicle while under the influence of alcohol, a drug 483
of abuse, or a combination of them or for operating a vehicle 484
with a prohibited concentration of alcohol, a controlled 485
substance, or a metabolite of a controlled substance in the 486
whole blood, blood serum or plasma, breath, or urine. 487

(2) As used in division (C) (1) of this section: 488

(a) "Controlled substance" has the same meaning as in 489
section 3719.01 of the Revised Code. 490

(b) "Vehicle," "streetcar," and "trackless trolley" have 491
the same meanings as in section 4511.01 of the Revised Code. 492

(D) (1) Division (B) (5) of this section does not apply to 493
any material or performance that is produced, presented, or 494
disseminated for a bona fide medical, scientific, educational, 495
religious, governmental, judicial, or other proper purpose, by 496
or to a physician, psychologist, sociologist, scientist, 497
teacher, person pursuing bona fide studies or research, 498
librarian, member of the clergy, prosecutor, judge, or other 499
person having a proper interest in the material or performance. 500

(2) Mistake of age is not a defense to a charge under 501
division (B) (5) of this section. 502

(3) In a prosecution under division (B) (5) of this 503
section, the trier of fact may infer that an actor, model, or 504
participant in the material or performance involved is a 505
juvenile if the material or performance, through its title, 506
text, visual representation, or otherwise, represents or depicts 507
the actor, model, or participant as a juvenile. 508

(4) As used in this division and division (B) (5) of this 509
section: 510

(a) "Material," "performance," "obscene," and "sexual 511
activity" have the same meanings as in section 2907.01 of the 512
Revised Code. 513

(b) "Nudity-oriented matter" means any material or 514
performance that shows a minor in a state of nudity and that, 515
taken as a whole by the average person applying contemporary 516
community standards, appeals to prurient interest. 517

(c) "Sexually oriented matter" means any material or 518
performance that shows a minor participating or engaging in 519
sexual activity, masturbation, or bestiality. 520

(E) (1) Whoever violates this section is guilty of 521
endangering children. 522

(2) If the offender violates division (A) or (B) (1) of 523
this section, endangering children is one of the following, and, 524
in the circumstances described in division (E) (2) (e) of this 525
section, that division applies: 526

(a) Except as otherwise provided in division (E) (2) (b), 527
(c), or (d) of this section, a misdemeanor of the first degree; 528

(b) If the offender previously has been convicted of an 529
offense under this section or of any offense involving neglect, 530
abandonment, contributing to the delinquency of, or physical 531
abuse of a child, except as otherwise provided in division (E) 532
(2) (c) or (d) of this section, a felony of the fourth degree; 533

(c) If the violation is a violation of division (A) of 534
this section and results in serious physical harm to the child 535
involved, a felony of the third degree; 536

(d) If the violation is a violation of division (B) (1) of 537
this section and results in serious physical harm to the child 538
involved, a felony of the second degree. 539

(e) If the violation is a felony violation of division (B) 540
(1) of this section and the offender also is convicted of or 541
pleads guilty to a specification as described in section 542
2941.1422 of the Revised Code that was included in the 543
indictment, count in the indictment, or information charging the 544
offense, the court shall sentence the offender to a mandatory 545
prison term as provided in division (B) (7) of section 2929.14 of 546

the Revised Code and shall order the offender to make 547
restitution as provided in division (B)(8) of section 2929.18 of 548
the Revised Code. 549

(3) If the offender violates division (B)(2), (3), (4), or 550
(6) of this section, except as otherwise provided in this 551
division, endangering children is a felony of the third degree. 552
If the violation results in serious physical harm to the child 553
involved, or if the offender previously has been convicted of an 554
offense under this section or of any offense involving neglect, 555
abandonment, contributing to the delinquency of, or physical 556
abuse of a child, endangering children is a felony of the second 557
degree. If the offender violates division (B)(2), (3), or (4) of 558
this section and the offender also is convicted of or pleads 559
guilty to a specification as described in section 2941.1422 of 560
the Revised Code that was included in the indictment, count in 561
the indictment, or information charging the offense, the court 562
shall sentence the offender to a mandatory prison term as 563
provided in division (B)(7) of section 2929.14 of the Revised 564
Code and shall order the offender to make restitution as 565
provided in division (B)(8) of section 2929.18 of the Revised 566
Code. If the offender violates division (B)(6) of this section 567
and the drug involved is methamphetamine, the court shall impose 568
a mandatory prison term on the offender as follows: 569

(a) If the violation is a violation of division (B)(6) of 570
this section that is a felony of the third degree under division 571
(E)(3) of this section and the drug involved is methamphetamine, 572
except as otherwise provided in this division, the court shall 573
impose as a mandatory prison term one of the prison terms 574
prescribed for a felony of the third degree that is not less 575
than two years. If the violation is a violation of division (B) 576
(6) of this section that is a felony of the third degree under 577

division (E) (3) of this section, if the drug involved is 578
methamphetamine, and if the offender previously has been 579
convicted of or pleaded guilty to a violation of division (B) (6) 580
of this section, a violation of division (A) of section 2925.04 581
of the Revised Code, or a violation of division (A) of section 582
2925.041 of the Revised Code, the court shall impose as a 583
mandatory prison term one of the prison terms prescribed for a 584
felony of the third degree that is not less than five years. 585

(b) If the violation is a violation of division (B) (6) of 586
this section that is a felony of the second degree under 587
division (E) (3) of this section and the drug involved is 588
methamphetamine, except as otherwise provided in this division, 589
the court shall impose as a mandatory prison term one of the 590
prison terms prescribed for a felony of the second degree that 591
is not less than three years. If the violation is a violation of 592
division (B) (6) of this section that is a felony of the second 593
degree under division (E) (3) of this section, if the drug 594
involved is methamphetamine, and if the offender previously has 595
been convicted of or pleaded guilty to a violation of division 596
(B) (6) of this section, a violation of division (A) of section 597
2925.04 of the Revised Code, or a violation of division (A) of 598
section 2925.041 of the Revised Code, the court shall impose as 599
a mandatory prison term one of the prison terms prescribed for a 600
felony of the second degree that is not less than five years. 601

(4) If the offender violates division (B) (5) of this 602
section, endangering children is a felony of the second degree. 603
If the offender also is convicted of or pleads guilty to a 604
specification as described in section 2941.1422 of the Revised 605
Code that was included in the indictment, count in the 606
indictment, or information charging the offense, the court shall 607
sentence the offender to a mandatory prison term as provided in 608

division (B) (7) of section 2929.14 of the Revised Code and shall 609
order the offender to make restitution as provided in division 610
(B) (8) of section 2929.18 of the Revised Code. 611

(5) If the offender violates division (C) of this section, 612
the offender shall be punished as follows: 613

(a) Except as otherwise provided in division (E) (5) (b) or 614
(c) of this section, endangering children in violation of 615
division (C) of this section is a misdemeanor of the first 616
degree. 617

(b) If the violation results in serious physical harm to 618
the child involved or the offender previously has been convicted 619
of an offense under this section or any offense involving 620
neglect, abandonment, contributing to the delinquency of, or 621
physical abuse of a child, except as otherwise provided in 622
division (E) (5) (c) of this section, endangering children in 623
violation of division (C) of this section is a felony of the 624
fifth degree. 625

(c) If the violation results in serious physical harm to 626
the child involved and if the offender previously has been 627
convicted of a violation of division (C) of this section, 628
section 2903.06 or 2903.08 of the Revised Code, section 2903.07 629
of the Revised Code as it existed prior to March 23, 2000, or 630
section 2903.04 of the Revised Code in a case in which the 631
offender was subject to the sanctions described in division ~~(D)~~ 632
(F) of that section, endangering children in violation of 633
division (C) of this section is a felony of the fourth degree. 634

(d) In addition to any term of imprisonment, fine, or 635
other sentence, penalty, or sanction it imposes upon the 636
offender pursuant to division (E) (5) (a), (b), or (c) of this 637

section or pursuant to any other provision of law and in 638
addition to any suspension of the offender's driver's or 639
commercial driver's license or permit or nonresident operating 640
privilege under Chapter 4506., 4509., 4510., or 4511. of the 641
Revised Code or under any other provision of law, the court also 642
may impose upon the offender a class seven suspension of the 643
offender's driver's or commercial driver's license or permit or 644
nonresident operating privilege from the range specified in 645
division (A) (7) of section 4510.02 of the Revised Code. 646

(e) In addition to any term of imprisonment, fine, or 647
other sentence, penalty, or sanction imposed upon the offender 648
pursuant to division (E) (5) (a), (b), (c), or (d) of this section 649
or pursuant to any other provision of law for the violation of 650
division (C) of this section, if as part of the same trial or 651
proceeding the offender also is convicted of or pleads guilty to 652
a separate charge charging the violation of division (A) of 653
section 4511.19 of the Revised Code that was the basis of the 654
charge of the violation of division (C) of this section, the 655
offender also shall be sentenced in accordance with section 656
4511.19 of the Revised Code for that violation of division (A) 657
of section 4511.19 of the Revised Code. 658

(F) (1) (a) A court may require an offender to perform not 659
more than two hundred hours of supervised community service work 660
under the authority of an agency, subdivision, or charitable 661
organization. The requirement shall be part of the community 662
control sanction or sentence of the offender, and the court 663
shall impose the community service in accordance with and 664
subject to divisions (F) (1) (a) and (b) of this section. The 665
court may require an offender whom it requires to perform 666
supervised community service work as part of the offender's 667
community control sanction or sentence to pay the court a 668

reasonable fee to cover the costs of the offender's 669
participation in the work, including, but not limited to, the 670
costs of procuring a policy or policies of liability insurance 671
to cover the period during which the offender will perform the 672
work. If the court requires the offender to perform supervised 673
community service work as part of the offender's community 674
control sanction or sentence, the court shall do so in 675
accordance with the following limitations and criteria: 676

(i) The court shall require that the community service 677
work be performed after completion of the term of imprisonment 678
or jail term imposed upon the offender for the violation of 679
division (C) of this section, if applicable. 680

(ii) The supervised community service work shall be 681
subject to the limitations set forth in divisions (B)(1), (2), 682
and (3) of section 2951.02 of the Revised Code. 683

(iii) The community service work shall be supervised in 684
the manner described in division (B)(4) of section 2951.02 of 685
the Revised Code by an official or person with the 686
qualifications described in that division. The official or 687
person periodically shall report in writing to the court 688
concerning the conduct of the offender in performing the work. 689

(iv) The court shall inform the offender in writing that 690
if the offender does not adequately perform, as determined by 691
the court, all of the required community service work, the court 692
may order that the offender be committed to a jail or workhouse 693
for a period of time that does not exceed the term of 694
imprisonment that the court could have imposed upon the offender 695
for the violation of division (C) of this section, reduced by 696
the total amount of time that the offender actually was 697
imprisoned under the sentence or term that was imposed upon the 698

offender for that violation and by the total amount of time that 699
the offender was confined for any reason arising out of the 700
offense for which the offender was convicted and sentenced as 701
described in sections 2949.08 and 2967.191 of the Revised Code, 702
and that, if the court orders that the offender be so committed, 703
the court is authorized, but not required, to grant the offender 704
credit upon the period of the commitment for the community 705
service work that the offender adequately performed. 706

(b) If a court, pursuant to division (F)(1)(a) of this 707
section, orders an offender to perform community service work as 708
part of the offender's community control sanction or sentence 709
and if the offender does not adequately perform all of the 710
required community service work, as determined by the court, the 711
court may order that the offender be committed to a jail or 712
workhouse for a period of time that does not exceed the term of 713
imprisonment that the court could have imposed upon the offender 714
for the violation of division (C) of this section, reduced by 715
the total amount of time that the offender actually was 716
imprisoned under the sentence or term that was imposed upon the 717
offender for that violation and by the total amount of time that 718
the offender was confined for any reason arising out of the 719
offense for which the offender was convicted and sentenced as 720
described in sections 2949.08 and 2967.191 of the Revised Code. 721
The court may order that a person committed pursuant to this 722
division shall receive hour-for-hour credit upon the period of 723
the commitment for the community service work that the offender 724
adequately performed. No commitment pursuant to this division 725
shall exceed the period of the term of imprisonment that the 726
sentencing court could have imposed upon the offender for the 727
violation of division (C) of this section, reduced by the total 728
amount of time that the offender actually was imprisoned under 729

that sentence or term and by the total amount of time that the 730
offender was confined for any reason arising out of the offense 731
for which the offender was convicted and sentenced as described 732
in sections 2949.08 and 2967.191 of the Revised Code. 733

(2) Division (F)(1) of this section does not limit or 734
affect the authority of the court to suspend the sentence 735
imposed upon a misdemeanor offender and place the offender under 736
a community control sanction pursuant to section 2929.25 of the 737
Revised Code, to require a misdemeanor or felony offender to 738
perform supervised community service work in accordance with 739
division (B) of section 2951.02 of the Revised Code, or to place 740
a felony offender under a community control sanction. 741

(G)(1) If a court suspends an offender's driver's or 742
commercial driver's license or permit or nonresident operating 743
privilege under division (E)(5)(d) of this section, the period 744
of the suspension shall be consecutive to, and commence after, 745
the period of suspension of the offender's driver's or 746
commercial driver's license or permit or nonresident operating 747
privilege that is imposed under Chapter 4506., 4509., 4510., or 748
4511. of the Revised Code or under any other provision of law in 749
relation to the violation of division (C) of this section that 750
is the basis of the suspension under division (E)(5)(d) of this 751
section or in relation to the violation of division (A) of 752
section 4511.19 of the Revised Code that is the basis for that 753
violation of division (C) of this section. 754

(2) An offender is not entitled to request, and the court 755
shall not grant to the offender, limited driving privileges if 756
the offender's license, permit, or privilege has been suspended 757
under division (E)(5)(d) of this section and the offender, 758
within the preceding six years, has been convicted of or pleaded 759

guilty to three or more violations of one or more of the 760
following: 761

(a) Division (C) of this section; 762

(b) Any equivalent offense, as defined in section 4511.181 763
of the Revised Code. 764

(H) (1) If a person violates division (C) of this section 765
and if, at the time of the violation, there were two or more 766
children under eighteen years of age in the motor vehicle 767
involved in the violation, the offender may be convicted of a 768
violation of division (C) of this section for each of the 769
children, but the court may sentence the offender for only one 770
of the violations. 771

(2) (a) If a person is convicted of or pleads guilty to a 772
violation of division (C) of this section but the person is not 773
also convicted of and does not also plead guilty to a separate 774
charge charging the violation of division (A) of section 4511.19 775
of the Revised Code that was the basis of the charge of the 776
violation of division (C) of this section, both of the following 777
apply: 778

(i) For purposes of the provisions of section 4511.19 of 779
the Revised Code that set forth the penalties and sanctions for 780
a violation of division (A) of section 4511.19 of the Revised 781
Code, the conviction of or plea of guilty to the violation of 782
division (C) of this section shall not constitute a violation of 783
division (A) of section 4511.19 of the Revised Code; 784

(ii) For purposes of any provision of law that refers to a 785
conviction of or plea of guilty to a violation of division (A) 786
of section 4511.19 of the Revised Code and that is not described 787
in division (H) (2) (a) (i) of this section, the conviction of or 788

plea of guilty to the violation of division (C) of this section 789
shall constitute a conviction of or plea of guilty to a 790
violation of division (A) of section 4511.19 of the Revised 791
Code. 792

(b) If a person is convicted of or pleads guilty to a 793
violation of division (C) of this section and the person also is 794
convicted of or pleads guilty to a separate charge charging the 795
violation of division (A) of section 4511.19 of the Revised Code 796
that was the basis of the charge of the violation of division 797
(C) of this section, the conviction of or plea of guilty to the 798
violation of division (C) of this section shall not constitute, 799
for purposes of any provision of law that refers to a conviction 800
of or plea of guilty to a violation of division (A) of section 801
4511.19 of the Revised Code, a conviction of or plea of guilty 802
to a violation of division (A) of section 4511.19 of the Revised 803
Code. 804

(I) As used in this section: 805

(1) "Community control sanction" has the same meaning as 806
in section 2929.01 of the Revised Code; 807

(2) "Limited driving privileges" has the same meaning as 808
in section 4501.01 of the Revised Code; 809

(3) "Methamphetamine" has the same meaning as in section 810
2925.01 of the Revised Code. 811

Sec. 2929.142. Notwithstanding the definite prison term 812
specified in division (A) of section 2929.14 of the Revised Code 813
for a felony of the first degree, if an offender is convicted of 814
or pleads guilty to aggravated vehicular homicide in violation 815
of division (A)(1) of section 2903.06 of the Revised Code, the 816
court shall impose upon the offender a mandatory prison term of 817

ten, eleven, twelve, thirteen, fourteen, or fifteen years if any 818
of the following apply: 819

(A) The offender previously has been convicted of or 820
pleaded guilty to three or more prior violations of section 821
4511.19 of the Revised Code or of a substantially equivalent 822
municipal ordinance within the previous ten years. 823

(B) The offender previously has been convicted of or 824
pleaded guilty to three or more prior violations of division (A) 825
of section 1547.11 of the Revised Code or of a substantially 826
equivalent municipal ordinance within the previous ten years. 827

(C) The offender previously has been convicted of or 828
pleaded guilty to three or more prior violations of division (A) 829
(3) of section 4561.15 of the Revised Code or of a substantially 830
equivalent municipal ordinance within the previous ten years. 831

(D) The offender previously has been convicted of or 832
pleaded guilty to three or more prior violations of division (A) 833
(1) of section 2903.06 of the Revised Code. 834

(E) The offender previously has been convicted of or 835
pleaded guilty to three or more prior violations of division (A) 836
(1) of section 2903.08 of the Revised Code. 837

(F) The offender previously has been convicted of or 838
pleaded guilty to three or more prior violations of section 839
2903.04 of the Revised Code in circumstances in which division 840
~~(D)~~ (F) of that section applied regarding the violations. 841

(G) The offender previously has been convicted of or 842
pleaded guilty to three or more violations of any combination of 843
the offenses listed in division (A), (B), (C), (D), (E), or (F) 844
of this section. 845

(H) The offender previously has been convicted of or 846
pleaded guilty to a second or subsequent felony violation of 847
division (A) of section 4511.19 of the Revised Code. 848

Sec. 4510.17. (A) The registrar of motor vehicles shall 849
impose a class D suspension of the person's driver's license, 850
commercial driver's license, temporary instruction permit, 851
probationary license, or nonresident operating privilege for the 852
period of time specified in division (B)(4) of section 4510.02 853
of the Revised Code on any person who is a resident of this 854
state and is convicted of or pleads guilty to a violation of a 855
statute of any other state or any federal statute that is 856
substantially similar to section 2925.02, 2925.03, 2925.04, 857
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 858
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 859
2925.37 of the Revised Code. Upon receipt of a report from a 860
court, court clerk, or other official of any other state or from 861
any federal authority that a resident of this state was 862
convicted of or pleaded guilty to an offense described in this 863
division, the registrar shall send a notice by regular first 864
class mail to the person, at the person's last known address as 865
shown in the records of the bureau of motor vehicles, informing 866
the person of the suspension, that the suspension will take 867
effect twenty-one days from the date of the notice, and that, if 868
the person wishes to appeal the suspension or denial, the person 869
must file a notice of appeal within twenty-one days of the date 870
of the notice requesting a hearing on the matter. If the person 871
requests a hearing, the registrar shall hold the hearing not 872
more than forty days after receipt by the registrar of the 873
notice of appeal. The filing of a notice of appeal does not stay 874
the operation of the suspension that must be imposed pursuant to 875
this division. The scope of the hearing shall be limited to 876

whether the person actually was convicted of or pleaded guilty 877
to the offense for which the suspension is to be imposed. 878

The suspension the registrar is required to impose under 879
this division shall end either on the last day of the class D 880
suspension period or of the suspension of the person's 881
nonresident operating privilege imposed by the state or federal 882
court, whichever is earlier. 883

The registrar shall subscribe to or otherwise participate 884
in any information system or register, or enter into reciprocal 885
and mutual agreements with other states and federal authorities, 886
in order to facilitate the exchange of information with other 887
states and the United States government regarding persons who 888
plead guilty to or are convicted of offenses described in this 889
division and therefore are subject to the suspension or denial 890
described in this division. 891

(B) The registrar shall impose a class D suspension of the 892
person's driver's license, commercial driver's license, 893
temporary instruction permit, probationary license, or 894
nonresident operating privilege for the period of time specified 895
in division (B) (4) of section 4510.02 of the Revised Code on any 896
person who is a resident of this state and is convicted of or 897
pleads guilty to a violation of a statute of any other state or 898
a municipal ordinance of a municipal corporation located in any 899
other state that is substantially similar to section 4511.19 of 900
the Revised Code. Upon receipt of a report from another state 901
made pursuant to section 4510.61 of the Revised Code indicating 902
that a resident of this state was convicted of or pleaded guilty 903
to an offense described in this division, the registrar shall 904
send a notice by regular first class mail to the person, at the 905
person's last known address as shown in the records of the 906

bureau of motor vehicles, informing the person of the 907
suspension, that the suspension or denial will take effect 908
twenty-one days from the date of the notice, and that, if the 909
person wishes to appeal the suspension, the person must file a 910
notice of appeal within twenty-one days of the date of the 911
notice requesting a hearing on the matter. If the person 912
requests a hearing, the registrar shall hold the hearing not 913
more than forty days after receipt by the registrar of the 914
notice of appeal. The filing of a notice of appeal does not stay 915
the operation of the suspension that must be imposed pursuant to 916
this division. The scope of the hearing shall be limited to 917
whether the person actually was convicted of or pleaded guilty 918
to the offense for which the suspension is to be imposed. 919

The suspension the registrar is required to impose under 920
this division shall end either on the last day of the class D 921
suspension period or of the suspension of the person's 922
nonresident operating privilege imposed by the state or federal 923
court, whichever is earlier. 924

(C) The registrar shall impose a class D suspension of the 925
child's driver's license, commercial driver's license, temporary 926
instruction permit, or nonresident operating privilege for the 927
period of time specified in division (B) (4) of section 4510.02 928
of the Revised Code on any child who is a resident of this state 929
and is convicted of or pleads guilty to a violation of a statute 930
of any other state or any federal statute that is substantially 931
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 932
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 933
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 934
Code. Upon receipt of a report from a court, court clerk, or 935
other official of any other state or from any federal authority 936
that a child who is a resident of this state was convicted of or 937

pleaded guilty to an offense described in this division, the 938
registrar shall send a notice by regular first class mail to the 939
child, at the child's last known address as shown in the records 940
of the bureau of motor vehicles, informing the child of the 941
suspension, that the suspension or denial will take effect 942
twenty-one days from the date of the notice, and that, if the 943
child wishes to appeal the suspension, the child must file a 944
notice of appeal within twenty-one days of the date of the 945
notice requesting a hearing on the matter. If the child requests 946
a hearing, the registrar shall hold the hearing not more than 947
forty days after receipt by the registrar of the notice of 948
appeal. The filing of a notice of appeal does not stay the 949
operation of the suspension that must be imposed pursuant to 950
this division. The scope of the hearing shall be limited to 951
whether the child actually was convicted of or pleaded guilty to 952
the offense for which the suspension is to be imposed. 953

The suspension the registrar is required to impose under 954
this division shall end either on the last day of the class D 955
suspension period or of the suspension of the child's 956
nonresident operating privilege imposed by the state or federal 957
court, whichever is earlier. If the child is a resident of this 958
state who is sixteen years of age or older and does not have a 959
current, valid Ohio driver's or commercial driver's license or 960
permit, the notice shall inform the child that the child will be 961
denied issuance of a driver's or commercial driver's license or 962
permit for six months beginning on the date of the notice. If 963
the child has not attained the age of sixteen years on the date 964
of the notice, the notice shall inform the child that the period 965
of denial of six months shall commence on the date the child 966
attains the age of sixteen years. 967

The registrar shall subscribe to or otherwise participate 968

in any information system or register, or enter into reciprocal 969
and mutual agreements with other states and federal authorities, 970
in order to facilitate the exchange of information with other 971
states and the United States government regarding children who 972
are residents of this state and plead guilty to or are convicted 973
of offenses described in this division and therefore are subject 974
to the suspension or denial described in this division. 975

(D) The registrar shall impose a class D suspension of the 976
child's driver's license, commercial driver's license, temporary 977
instruction permit, probationary license, or nonresident 978
operating privilege for the period of time specified in division 979
(B) (4) of section 4510.02 of the Revised Code on any child who 980
is a resident of this state and is convicted of or pleads guilty 981
to a violation of a statute of any other state or a municipal 982
ordinance of a municipal corporation located in any other state 983
that is substantially similar to section 4511.19 of the Revised 984
Code. Upon receipt of a report from another state made pursuant 985
to section 4510.61 of the Revised Code indicating that a child 986
who is a resident of this state was convicted of or pleaded 987
guilty to an offense described in this division, the registrar 988
shall send a notice by regular first class mail to the child, at 989
the child's last known address as shown in the records of the 990
bureau of motor vehicles, informing the child of the suspension, 991
that the suspension will take effect twenty-one days from the 992
date of the notice, and that, if the child wishes to appeal the 993
suspension, the child must file a notice of appeal within 994
twenty-one days of the date of the notice requesting a hearing 995
on the matter. If the child requests a hearing, the registrar 996
shall hold the hearing not more than forty days after receipt by 997
the registrar of the notice of appeal. The filing of a notice of 998
appeal does not stay the operation of the suspension that must 999

be imposed pursuant to this division. The scope of the hearing 1000
shall be limited to whether the child actually was convicted of 1001
or pleaded guilty to the offense for which the suspension is to 1002
be imposed. 1003

The suspension the registrar is required to impose under 1004
this division shall end either on the last day of the class D 1005
suspension period or of the suspension of the child's 1006
nonresident operating privilege imposed by the state or federal 1007
court, whichever is earlier. If the child is a resident of this 1008
state who is sixteen years of age or older and does not have a 1009
current, valid Ohio driver's or commercial driver's license or 1010
permit, the notice shall inform the child that the child will be 1011
denied issuance of a driver's or commercial driver's license or 1012
permit for six months beginning on the date of the notice. If 1013
the child has not attained the age of sixteen years on the date 1014
of the notice, the notice shall inform the child that the period 1015
of denial of six months shall commence on the date the child 1016
attains the age of sixteen years. 1017

(E) (1) Any person whose license or permit has been 1018
suspended pursuant to this section may file a petition in the 1019
municipal or county court, or in case the person is under 1020
eighteen years of age, the juvenile court, in whose jurisdiction 1021
the person resides, requesting limited driving privileges and 1022
agreeing to pay the cost of the proceedings. Except as provided 1023
in division (E) (2) of this section, the judge may grant the 1024
person limited driving privileges during the period during which 1025
the suspension otherwise would be imposed for any of the 1026
purposes set forth in division (A) of section 4510.021 of the 1027
Revised Code. 1028

(2) No judge shall grant limited driving privileges for 1029

employment as a driver of a commercial motor vehicle to any 1030
person who would be disqualified from operating a commercial 1031
motor vehicle under section 4506.16 of the Revised Code if the 1032
violation had occurred in this state. Further, no judge shall 1033
grant limited driving privileges during any of the following 1034
periods of time: 1035

(a) The first fifteen days of a suspension under division 1036
(B) or (D) of this section, if the person has not been convicted 1037
within six years of the date of the offense giving rise to the 1038
suspension under this section of a violation of any of the 1039
following: 1040

(i) Section 4511.19 of the Revised Code, or a municipal 1041
ordinance relating to operating a vehicle while under the 1042
influence of alcohol, a drug of abuse, or alcohol and a drug of 1043
abuse; 1044

(ii) A municipal ordinance relating to operating a motor 1045
vehicle with a prohibited concentration of alcohol, a controlled 1046
substance, or a metabolite of a controlled substance in the 1047
whole blood, blood serum or plasma, breath, or urine; 1048

(iii) Section 2903.04 of the Revised Code in a case in 1049
which the person was subject to the sanctions described in 1050
division ~~(D)~~ (F) of that section; 1051

(iv) Division (A) (1) of section 2903.06 or division (A) (1) 1052
of section 2903.08 of the Revised Code or a municipal ordinance 1053
that is substantially similar to either of those divisions; 1054

(v) Division (A) (2), (3), or (4) of section 2903.06, 1055
division (A) (2) of section 2903.08, or as it existed prior to 1056
March 23, 2000, section 2903.07 of the Revised Code, or a 1057
municipal ordinance that is substantially similar to any of 1058

those divisions or that former section, in a case in which the 1059
jury or judge found that the person was under the influence of 1060
alcohol, a drug of abuse, or alcohol and a drug of abuse. 1061

(b) The first thirty days of a suspension under division 1062
(B) or (D) of this section, if the person has been convicted one 1063
time within six years of the date of the offense giving rise to 1064
the suspension under this section of any violation identified in 1065
division (E)(1) of this section. 1066

(c) The first one hundred eighty days of a suspension 1067
under division (B) or (D) of this section, if the person has 1068
been convicted two times within six years of the date of the 1069
offense giving rise to the suspension under this section of any 1070
violation identified in division (E)(1) of this section. 1071

(d) No limited driving privileges may be granted if the 1072
person has been convicted three or more times within five years 1073
of the date of the offense giving rise to a suspension under 1074
division (B) or (D) of this section of any violation identified 1075
in division (E)(1) of this section. 1076

(3) If a person petitions for limited driving privileges 1077
under division (E)(1) of this section, the registrar shall be 1078
represented by the county prosecutor of the county in which the 1079
person resides if the petition is filed in a juvenile court or 1080
county court, except that if the person resides within a city or 1081
village that is located within the jurisdiction of the county in 1082
which the petition is filed, the city director of law or village 1083
solicitor of that city or village shall represent the registrar. 1084
If the petition is filed in a municipal court, the registrar 1085
shall be represented as provided in section 1901.34 of the 1086
Revised Code. 1087

(4) In granting limited driving privileges under division 1088
(E) of this section, the court may impose any condition it 1089
considers reasonable and necessary to limit the use of a vehicle 1090
by the person. The court shall deliver to the person a permit 1091
card, in a form to be prescribed by the court, setting forth the 1092
time, place, and other conditions limiting the person's use of a 1093
motor vehicle. The grant of limited driving privileges shall be 1094
conditioned upon the person's having the permit in the person's 1095
possession at all times during which the person is operating a 1096
vehicle. 1097

(5) A person granted limited driving privileges who 1098
operates a vehicle for other than limited purposes, in violation 1099
of any condition imposed by the court or without having the 1100
permit in the person's possession, is guilty of a violation of 1101
section 4510.11 of the Revised Code. 1102

(F) Any person whose license or permit has been suspended 1103
under division (A) or (C) of this section may file a petition in 1104
the municipal or county court, or in case the person is under 1105
eighteen years of age, the juvenile court, in whose jurisdiction 1106
the person resides, requesting the termination of the suspension 1107
and agreeing to pay the cost of the proceedings. If the court, 1108
in its discretion, determines that a termination of the 1109
suspension is appropriate, the court shall issue an order to the 1110
registrar to terminate the suspension. Upon receiving such an 1111
order, the registrar shall reinstate the license. 1112

(G) As used in divisions (C) and (D) of this section: 1113

(1) "Child" means a person who is under the age of 1114
eighteen years, except that any person who violates a statute or 1115
ordinance described in division (C) or (D) of this section prior 1116
to attaining eighteen years of age shall be deemed a "child" 1117

irrespective of the person's age at the time the complaint or 1118
other equivalent document is filed in the other state or a 1119
hearing, trial, or other proceeding is held in the other state 1120
on the complaint or other equivalent document, and irrespective 1121
of the person's age when the period of license suspension or 1122
denial prescribed in division (C) or (D) of this section is 1123
imposed. 1124

(2) "Is convicted of or pleads guilty to" means, as it 1125
relates to a child who is a resident of this state, that in a 1126
proceeding conducted in a state or federal court located in 1127
another state for a violation of a statute or ordinance 1128
described in division (C) or (D) of this section, the result of 1129
the proceeding is any of the following: 1130

(a) Under the laws that govern the proceedings of the 1131
court, the child is adjudicated to be or admits to being a 1132
delinquent child or a juvenile traffic offender for a violation 1133
described in division (C) or (D) of this section that would be a 1134
crime if committed by an adult; 1135

(b) Under the laws that govern the proceedings of the 1136
court, the child is convicted of or pleads guilty to a violation 1137
described in division (C) or (D) of this section; 1138

(c) Under the laws that govern the proceedings of the 1139
court, irrespective of the terminology utilized in those laws, 1140
the result of the court's proceedings is the functional 1141
equivalent of division (G) (2) (a) or (b) of this section. 1142

Sec. 4510.31. (A) (1) Except as provided in division (C) (1) 1143
or (2) of this section, the registrar of motor vehicles shall 1144
suspend the probationary driver's license, restricted license, 1145
or temporary instruction permit issued to any person when the 1146

person has been convicted of, pleaded guilty to, or been 1147
adjudicated in juvenile court of having committed, prior to the 1148
person's eighteenth birthday, any of the following: 1149

(a) Three separate violations of section 2903.06, 2903.08, 1150
2921.331, 4511.12, 4511.13, 4511.191, 4511.20, 4511.201, 1151
4511.202, 4511.21, 4511.22, 4511.23, 4511.25 to 4511.48, 4511.57 1152
to 4511.65, 4511.75, 4549.02, 4549.021, or 4549.03 of the 1153
Revised Code, section 4510.14 of the Revised Code involving a 1154
suspension imposed under section 4511.191 or 4511.196 of the 1155
Revised Code, section 2903.04 of the Revised Code in a case in 1156
which the person would have been subject to the sanctions 1157
described in division ~~(D)~~ (E) of that section had the person 1158
been convicted of the violation of that section, former section 1159
2903.07 of the Revised Code, or any municipal ordinances 1160
similarly relating to the offenses referred to in those 1161
sections; 1162

(b) One violation of section 4511.19 of the Revised Code 1163
or a substantially similar municipal ordinance; 1164

(c) Two separate violations of any of the Revised Code 1165
sections referred to in division (A)(1)(a) of this section, or 1166
any municipal ordinance that is substantially similar to any of 1167
those sections. 1168

(2) Any person whose license or permit is suspended under 1169
division (A)(1)(a), (b), or (c) of this section shall mail or 1170
deliver the person's probationary driver's license, restricted 1171
license, or temporary instruction permit to the registrar within 1172
fourteen days of notification of the suspension. The registrar 1173
shall retain the license or permit during the period of the 1174
suspension. A suspension pursuant to division (A)(1)(a) of this 1175
section shall be a class C suspension, a suspension pursuant to 1176

division (A) (1) (b) of this section shall be a class D 1177
suspension, and a suspension pursuant to division (A) (1) (c) of 1178
this section shall be a class E suspension, all for the periods 1179
of time specified in division (B) of section 4510.02 of the 1180
Revised Code. If the person's probationary driver's license, 1181
restricted license, or temporary instruction permit is under 1182
suspension on the date the court imposes sentence upon the 1183
person for a violation described in division (A) (1) (b) of this 1184
section, the suspension shall take effect on the next day 1185
immediately following the end of that period of suspension. If 1186
the person is sixteen years of age or older and pleads guilty to 1187
or is convicted of a violation described in division (A) (1) (b) 1188
of this section and the person does not have a current, valid 1189
probationary driver's license, restricted license, or temporary 1190
instruction permit, the registrar shall deny the issuance to the 1191
person of a probationary driver's license, restricted license, 1192
driver's license, commercial driver's license, or temporary 1193
instruction permit, as the case may be, for six months beginning 1194
on the date the court imposes sentence upon the person for the 1195
violation. If the person has not attained the age of sixteen 1196
years on the date the court imposes sentence upon the person for 1197
the violation, the period of denial shall commence on the date 1198
the person attains the age of sixteen years. 1199

(3) The registrar shall suspend the person's license or 1200
permit under division (A) of this section regardless of whether 1201
the disposition of the case in juvenile court occurred after the 1202
person's eighteenth birthday. 1203

(B) The registrar also shall impose a class D suspension 1204
for the period of time specified in division (B) (4) of section 1205
4510.02 of the Revised Code of the temporary instruction permit 1206
or probationary driver's license of any person under the age of 1207

eighteen who has been adjudicated an unruly child, delinquent 1208
child, or juvenile traffic offender for having committed any act 1209
that if committed by an adult would be a drug abuse offense or a 1210
violation of division (B) of section 2917.11 of the Revised 1211
Code. The registrar, in the registrar's discretion, may 1212
terminate the suspension if the child, at the discretion of the 1213
court, attends and satisfactorily completes a drug abuse or 1214
alcohol abuse education, intervention, or treatment program 1215
specified by the court. Any person whose temporary instruction 1216
permit or probationary driver's license is suspended under this 1217
division shall mail or deliver the person's permit or license to 1218
the registrar within fourteen days of notification of the 1219
suspension. The registrar shall retain the permit or license 1220
during the period of the suspension. 1221

(C) (1) (a) Except as provided in division (C) (1) (c) of this 1222
section, for any person who is convicted of, pleads guilty to, 1223
or is adjudicated in juvenile court of having committed a second 1224
or third violation of section 4511.12, 4511.13, 4511.20 to 1225
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 1226
4511.75 of the Revised Code or any similar municipal ordinances 1227
and whose license or permit is suspended under division (A) (1) 1228
(a) or (c) of this section, the court in which the second or 1229
third conviction, finding, plea, or adjudication resulting in 1230
the suspension was made, upon petition of the person, may grant 1231
the person limited driving privileges during the period during 1232
which the suspension otherwise would be imposed under division 1233
(A) (1) (a) or (c) of this section for any of the purposes set 1234
forth in division (A) of section 4510.021 of the Revised Code. 1235
In granting the limited driving privileges, the court shall 1236
specify the purposes, times, and places of the privileges and 1237
may impose any other conditions upon the person's driving a 1238

motor vehicle that the court considers reasonable and necessary. 1239

A court that grants limited driving privileges to a person 1240
under this division shall retain the person's probationary 1241
driver's license, restricted license, or temporary instruction 1242
permit during the period the license or permit is suspended and 1243
also during the period for which limited driving privileges are 1244
granted, and shall deliver to the person a permit card, in a 1245
form to be prescribed by the court, setting forth the date on 1246
which the limited driving privileges will become effective, the 1247
purposes for which the person may drive, the times and places at 1248
which the person may drive, and any other conditions imposed 1249
upon the person's use of a motor vehicle. 1250

The court immediately shall notify the registrar, in 1251
writing, of a grant of limited driving privileges under this 1252
division. The notification shall specify the date on which the 1253
limited driving privileges will become effective, the purposes 1254
for which the person may drive, the times and places at which 1255
the person may drive, and any other conditions imposed upon the 1256
person's use of a motor vehicle. The registrar shall not suspend 1257
the probationary driver's license, restricted license, or 1258
temporary instruction permit of any person pursuant to division 1259
(A) of this section during any period for which the person has 1260
been granted limited driving privileges as provided in this 1261
division, if the registrar has received the notification 1262
described in this division from the court. 1263

(b) Except as provided in division (C) (1) (c) of this 1264
section, in any case in which the temporary instruction permit 1265
or probationary driver's license of a person under eighteen 1266
years of age has been suspended under division (A) or (B) of 1267
this section or any other provision of law, the court may grant 1268

the person limited driving privileges for the purpose of the 1269
person's practicing of driving with the person's parent, 1270
guardian, or other custodian during the period of the 1271
suspension. Any grant of limited driving privileges under this 1272
division shall comply with division (D) of section 4510.021 of 1273
the Revised Code. 1274

(c) A court shall not grant limited driving privileges to 1275
a person identified in division (C)(1)(a) or (b) of this section 1276
if the person, within the preceding six years, has been 1277
convicted of, pleaded guilty to, or adjudicated in juvenile 1278
court of having committed three or more violations of one or 1279
more of the divisions or sections set forth in divisions (G)(2) 1280
(b) to (g) of section 2919.22 of the Revised Code. 1281

(2)(a) In a case in which a person is convicted of, pleads 1282
guilty to, or is adjudicated in juvenile court of having 1283
committed, prior to the person's eighteenth birthday, a second 1284
or third violation of section 4511.12, 4511.13, 4511.20 to 1285
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 1286
4511.75 of the Revised Code or any similar municipal ordinances 1287
and division (A)(1)(a) or (c) of this section requires the 1288
registrar of motor vehicles to suspend the person's license or 1289
permit, the court in which the person is convicted of, pleads 1290
guilty to, or is adjudicated of having committed the second or 1291
third violation may elect to order the registrar of motor 1292
vehicles to waive the suspension if all of the following apply: 1293

(i) Prior to the date on which the court imposes sentence 1294
upon, or makes an order of disposition for, the person for the 1295
second or third violation, the person submits to the court a 1296
petition requesting the court to order the registrar to waive 1297
the prescribed suspension and describing the reasons why the 1298

person believes the suspension, if imposed, would seriously 1299
affect the person's ability to continue in employment, 1300
educational training, vocational training, or treatment. 1301

(ii) Prior to the date specified in division (C) (2) (a) (i) 1302
of this section, the person submits to the court satisfactory 1303
proof showing that the person successfully completed an advanced 1304
juvenile driver improvement program approved by the director of 1305
public safety under division (B) of section 4510.311 of the 1306
Revised Code after the date the person committed that second or 1307
third violation. 1308

(iii) Prior to imposing sentence upon, or making an order 1309
of disposition for, the person for the second or third 1310
violation, the court finds reasonable cause to believe that the 1311
suspension, if imposed, would seriously affect the person's 1312
ability to continue in employment, educational training, 1313
vocational training, or treatment. 1314

(iv) If the court is imposing sentence upon, or making an 1315
order of disposition for, the person for a third violation, the 1316
person did not submit to the court that imposed sentence upon, 1317
or made an order of disposition for, the person for the second 1318
violation a petition of the type described in division (C) (2) (a) 1319
(i) of this section, and the court that imposed sentence upon, 1320
or made an order of disposition for, the person for that second 1321
violation did not order the registrar of motor vehicles to waive 1322
the suspension of the person's license or permit required under 1323
division (A) (1) (c) of this section for the conviction of, plea 1324
of guilty to, or adjudication in juvenile court of having 1325
committed that second violation. 1326

(b) If a court elects pursuant to division (C) (2) (a) of 1327
this section to order the registrar of motor vehicles to waive a 1328

suspension that otherwise is required under division (A) (1) (a) 1329
or (c) of this section, the court immediately shall send a 1330
written copy of the order to the registrar. Upon receipt of the 1331
written copy of the order, the registrar shall not suspend 1332
pursuant to division (A) (1) (a) or (c) of this section the 1333
probationary driver's license, restricted license, or temporary 1334
instruction permit of the person who is the subject of the order 1335
for the second or third violation for which the suspension 1336
otherwise would be imposed under that division. 1337

(D) If a person who has been granted limited driving 1338
privileges under division (C) (1) of this section is convicted 1339
of, pleads guilty to, or is adjudicated in juvenile court of 1340
having committed, a violation of Chapter 4510. of the Revised 1341
Code, or a subsequent violation of any of the sections of the 1342
Revised Code listed in division (A) (1) (a) of this section or any 1343
similar municipal ordinance during the period for which the 1344
person was granted limited driving privileges, the court that 1345
granted the limited driving privileges shall suspend the 1346
person's permit card. The court or the clerk of the court 1347
immediately shall forward the person's probationary driver's 1348
license, restricted license, or temporary instruction permit 1349
together with written notification of the court's action to the 1350
registrar. Upon receipt of the license or permit and 1351
notification, the registrar shall impose a class C suspension of 1352
the person's probationary driver's license, restricted license, 1353
or temporary instruction permit for the period of time specified 1354
in division (B) (3) of section 4510.02 of the Revised Code. The 1355
registrar shall retain the license or permit during the period 1356
of suspension, and no further limited driving privileges shall 1357
be granted during that period. 1358

(E) No application for a driver's or commercial driver's 1359

license shall be received from any person whose probationary 1360
driver's license, restricted license, or temporary instruction 1361
permit has been suspended under this section until each of the 1362
following has occurred: 1363

(1) The suspension period has expired; 1364

(2) A temporary instruction permit or commercial driver's 1365
license temporary instruction permit has been issued; 1366

(3) The person successfully completes a juvenile driver 1367
improvement program approved by the director of public safety 1368
under division (A) of section 4510.311 of the Revised Code; 1369

(4) The applicant has submitted to the examination for a 1370
driver's license as provided for in section 4507.11 or a 1371
commercial driver's license as provided in Chapter 4506. of the 1372
Revised Code. 1373

Sec. 4511.181. As used in sections 4511.181 to 4511.198 of 1374
the Revised Code: 1375

(A) "Equivalent offense" means any of the following: 1376

(1) A violation of division (A) or (B) of section 4511.19 1377
of the Revised Code; 1378

(2) A violation of a municipal OVI ordinance; 1379

(3) A violation of section 2903.04 of the Revised Code in 1380
a case in which the offender was subject to the sanctions 1381
described in division ~~(D)~~ (F) of that section; 1382

(4) A violation of division (A) (1) of section 2903.06 or 1383
2903.08 of the Revised Code or a municipal ordinance that is 1384
substantially equivalent to either of those divisions; 1385

(5) A violation of division (A) (2), (3), or (4) of section 1386

2903.06, division (A)(2) of section 2903.08, or former section 1387
2903.07 of the Revised Code, or a municipal ordinance that is 1388
substantially equivalent to any of those divisions or that 1389
former section, in a case in which a judge or jury as the trier 1390
of fact found that the offender was under the influence of 1391
alcohol, a drug of abuse, or a combination of them; 1392

(6) A violation of division (A) or (B) of section 1547.11 1393
of the Revised Code; 1394

(7) A violation of a municipal ordinance prohibiting a 1395
person from operating or being in physical control of any vessel 1396
underway or from manipulating any water skis, aquaplane, or 1397
similar device on the waters of this state while under the 1398
influence of alcohol, a drug of abuse, or a combination of them 1399
or prohibiting a person from operating or being in physical 1400
control of any vessel underway or from manipulating any water 1401
skis, aquaplane, or similar device on the waters of this state 1402
with a prohibited concentration of alcohol, a controlled 1403
substance, or a metabolite of a controlled substance in the 1404
whole blood, blood serum or plasma, breath, or urine; 1405

(8) A violation of an existing or former municipal 1406
ordinance, law of another state, or law of the United States 1407
that is substantially equivalent to division (A) or (B) of 1408
section 4511.19 or division (A) or (B) of section 1547.11 of the 1409
Revised Code; 1410

(9) A violation of a former law of this state that was 1411
substantially equivalent to division (A) or (B) of section 1412
4511.19 or division (A) or (B) of section 1547.11 of the Revised 1413
Code. 1414

(B) "Mandatory jail term" means the mandatory term in jail 1415

of three, six, ten, twenty, thirty, or sixty days that must be 1416
imposed under division (G) (1) (a), (b), or (c) of section 4511.19 1417
of the Revised Code upon an offender convicted of a violation of 1418
division (A) of that section and in relation to which all of the 1419
following apply: 1420

(1) Except as specifically authorized under section 1421
4511.19 of the Revised Code, the term must be served in a jail. 1422

(2) Except as specifically authorized under section 1423
4511.19 of the Revised Code, the term cannot be suspended, 1424
reduced, or otherwise modified pursuant to sections 2929.21 to 1425
2929.28 or any other provision of the Revised Code. 1426

(C) "Municipal OVI ordinance" and "municipal OVI offense" 1427
mean any municipal ordinance prohibiting a person from operating 1428
a vehicle while under the influence of alcohol, a drug of abuse, 1429
or a combination of them or prohibiting a person from operating 1430
a vehicle with a prohibited concentration of alcohol, a 1431
controlled substance, or a metabolite of a controlled substance 1432
in the whole blood, blood serum or plasma, breath, or urine. 1433

(D) "Community residential sanction," "continuous alcohol 1434
monitoring," "jail," "mandatory prison term," "mandatory term of 1435
local incarceration," "sanction," and "prison term" have the 1436
same meanings as in section 2929.01 of the Revised Code. 1437

(E) "Drug of abuse" has the same meaning as in section 1438
4506.01 of the Revised Code. 1439

(F) "Equivalent offense that is vehicle-related" means an 1440
equivalent offense that is any of the following: 1441

(1) A violation described in division (A) (1), (2), (3), 1442
(4), or (5) of this section; 1443

(2) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of section 4511.19 of the Revised Code;

(3) A violation of a former law of this state that was substantially equivalent to division (A) or (B) of section 4511.19 of the Revised Code.

Section 2. That existing sections 2903.04, 2903.06, 2919.22, 2929.142, 4510.17, 4510.31, and 4511.181 of the Revised Code are hereby repealed.

Section 3. Section 2903.06 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 300 and Sub. H.B. 388 of the 131st General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.