

I_133_0567-2

133rd General Assembly
Regular Session
2019-2020

Sub. S. B. No. 3

A BILL

To amend sections 109.572, 128.04, 177.01, 1901.20, 1
1907.02, 2152.021, 2152.18, 2743.60, 2923.01, 2
2923.241, 2923.31, 2923.41, 2925.01, 2925.02, 3
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 4
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 5
2925.37, 2925.38, 2925.42, 2925.51, 2927.21, 6
2929.01, 2929.13, 2929.14, 2929.141, 2929.15, 7
2929.18, 2929.25, 2929.34, 2933.51, 2935.36, 8
2941.1410, 2951.041, 2953.31, 2953.32, 2953.52, 9
2967.18, 2967.19, 2967.28, 3301.32, 3301.541, 10
3313.662, 3319.31, 3319.39, 3712.09, 3719.013, 11
3719.21, 3719.99, 3721.121, 3734.44, 3767.01, 12
4112.02, 4510.17, 4729.99, 4742.03, 5103.0319, 13
5119.36, 5119.37, 5119.391, 5119.93, 5119.94, 14
5120.53, 5153.111, and 5502.13 and to enact 15
sections 2925.031, 2925.032, and 2925.111 of the 16
Revised Code to modify the controlled substance 17
possession and trafficking prohibitions and 18
penalties and the drug and alcohol abuse civil 19
commitment mechanism; to continue the provisions 20
of this act on and after June 29, 2019, by 21
amending the version of section 2925.03 of the 22



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Revised Code that is scheduled to take effect on 23
that date; to continue the provisions of this 24
act on and after September 20, 2019, by amending 25
the version of section 109.572 of the Revised 26
Code that is scheduled to take effect on that 27
date; and to continue the provisions of this act 28
on and after September 29, 2019, by amending the 29
version of section 5119.36 of the Revised Code 30
that is scheduled to take effect on that date. 31

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

Section 1. That sections 1901.20, 1907.02, 2925.01, 32
2925.03, 2925.11, 2929.01, 2929.13, 2929.14, 2929.15, 2941.1410, 33
2953.31, 2953.32, 2953.52, 5119.93, and 5119.94 be amended and 34
sections 2925.031, 2925.032, and 2925.111 of the Revised Code be 35
enacted to read as follows: 36

Sec. 1901.20. (A) (1) The municipal court has jurisdiction 37
to hear misdemeanor cases committed within its territory, 38
subject to division (A) (3) of this section, and has jurisdiction 39
over the violation of any ordinance of any municipal corporation 40
within its territory, unless the violation is a civil violation 41
based upon evidence recorded by a traffic law photo-monitoring 42
device and issued pursuant to division (B) (3) of section 43
4511.093 of the Revised Code or the violation is required to be 44
handled by a parking violations bureau or joint parking 45
violations bureau pursuant to Chapter 4521. of the Revised Code. 46
However, the municipal court has jurisdiction over the violation 47
of a vehicle parking or standing resolution or regulation if a 48
local authority, as defined in division (D) of section 4521.01 49

of the Revised Code, has specified that it is not to be 50
considered a criminal offense, if the violation is committed 51
within the limits of the court's territory, and if the violation 52
is not required to be handled by a parking violations bureau or 53
joint parking violations bureau pursuant to Chapter 4521. of the 54
Revised Code. 55

The municipal court, if it has a housing or environmental 56
division, has jurisdiction over any criminal action over which 57
the housing or environmental division is given jurisdiction by 58
section 1901.181 of the Revised Code, provided that, except as 59
specified in division (B) of that section, no judge of the court 60
other than the judge of the division shall hear or determine any 61
action over which the division has jurisdiction. In all such 62
prosecutions and cases, the court shall proceed to a final 63
determination of the prosecution or case. 64

(2) A judge of a municipal court does not have the 65
authority to dismiss a criminal complaint, charge, information, 66
or indictment solely at the request of the complaining witness 67
and over the objection of the prosecuting attorney, village 68
solicitor, city director of law, or other chief legal officer 69
who is responsible for the prosecution of the case. 70

(3) The municipal court does not have jurisdiction to hear 71
any charge of a reclassified misdemeanor drug possession offense 72
unless the municipal court operates a drug court. If the 73
municipal court operates a drug court, the drug court shall hear 74
all charges of any reclassified drug possession offense that is 75
committed within the territory of the court. The court of common 76
pleas shall hear all charges of any reclassified drug possession 77
offense that is committed within the territory of a municipal 78
court that does not operate a drug court. 79

(4) As used in division (A) (3) of this section, 80
"reclassified misdemeanor drug possession offense" means any 81
violation of section 2925.11 of the Revised Code that was 82
committed prior to the effective date of this amendment and to 83
which both of the following apply: 84

(a) At the time of the commission of the violation, the 85
violation was a felony under the version of section 2925.11 of 86
the Revised Code that then was in effect. 87

(b) On the effective date of this amendment, the offense 88
classification of the violation was reduced to a misdemeanor 89
under the version of section 2925.11 or 2925.111 of the Revised 90
Code that took effect on that date. 91

(B) The municipal court has jurisdiction to hear felony 92
cases committed within its territory. In all felony cases, the 93
court may conduct preliminary hearings and other necessary 94
hearings prior to the indictment of the defendant or prior to 95
the court's finding that there is probable and reasonable cause 96
to hold or recognize the defendant to appear before a court of 97
common pleas and may discharge, recognize, or commit the 98
defendant. 99

(C) (1) A municipal court has jurisdiction over an appeal 100
from a judgment or default judgment entered pursuant to Chapter 101
4521. of the Revised Code, as authorized by division (D) of 102
section 4521.08 of the Revised Code. The appeal shall be placed 103
on the regular docket of the court and shall be determined by a 104
judge of the court. 105

(2) A municipal court has jurisdiction over an appeal of a 106
written decision rendered by a hearing officer under section 107
4511.099 of the Revised Code if the hearing officer that 108

rendered the decision was appointed by a local authority within 109
the jurisdiction of the court. 110

Sec. 1907.02. (A) (1) In addition to other jurisdiction 111
granted a county court in the Revised Code, a county court has 112
jurisdiction of all misdemeanor cases, subject to division (A) 113
(3) of this section. A county court has jurisdiction to conduct 114
preliminary hearings in felony cases, to bind over alleged 115
felons to the court of common pleas, and to take other action in 116
felony cases as authorized by Criminal Rule 5. 117

(2) A judge of a county court does not have the authority 118
to dismiss a criminal complaint, charge, information, or 119
indictment solely at the request of the complaining witness and 120
over the objection of the prosecuting attorney, village 121
solicitor, city director of law, or other chief legal officer 122
who is responsible for the prosecution of the case. 123

(3) A county court does not have jurisdiction to hear any 124
charge of a reclassified misdemeanor drug possession offense 125
unless the county court operates a drug court. If the county 126
court operates a drug court, the drug court shall hear all 127
charges of any reclassified drug possession offense that is 128
committed within the territory of the court. The court of common 129
pleas shall hear all charges of any reclassified drug possession 130
offense that is committed within the territory of a county court 131
that does not operate a drug court. 132

(4) As used in division (A) (3) of this section, 133
"reclassified misdemeanor drug possession offense" has the same 134
meaning as in section 1901.20 of the Revised Code. 135

(B) A county court has jurisdiction of the violation of a 136
vehicle parking or standing ordinance, resolution, or regulation 137

if a local authority, as defined in division (D) of section 138
4521.01 of the Revised Code, has specified that it is not to be 139
considered a criminal offense, if the violation is committed 140
within the limits of the court's territory, and if the violation 141
is not required to be handled by a parking violations bureau or 142
joint parking violations bureau pursuant to Chapter 4521. of the 143
Revised Code. A county court does not have jurisdiction over 144
violations of ordinances, resolutions, or regulations that are 145
required to be handled by a parking violations bureau or joint 146
parking violations bureau pursuant to that chapter. 147

A county court also has jurisdiction of an appeal from a 148
judgment or default judgment entered pursuant to Chapter 4521. 149
of the Revised Code, as authorized by division (D) of section 150
4521.08 of the Revised Code. Any such appeal shall be placed on 151
the regular docket of the court and shall be determined by a 152
judge of the court. 153

(C) A county court has jurisdiction over an appeal of a 154
written decision rendered by a hearing officer under section 155
4511.099 of the Revised Code if the hearing officer that 156
rendered the decision was appointed by a local authority within 157
the jurisdiction of the court. 158

Sec. 2925.01. As used in this chapter: 159

(A) "Administer," "controlled substance," "controlled 160
substance analog," "dispense," "distribute," "hypodermic," 161
"manufacturer," "official written order," "person," 162
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 163
"schedule III," "schedule IV," "schedule V," and "wholesaler" 164
have the same meanings as in section 3719.01 of the Revised 165
Code. 166

(B) "Drug dependent person" and "drug of abuse" have the 167
same meanings as in section 3719.011 of the Revised Code. 168

(C) "Drug," "dangerous drug," "licensed health 169
professional authorized to prescribe drugs," and "prescription" 170
have the same meanings as in section 4729.01 of the Revised 171
Code. 172

(D) "Bulk amount" of a controlled substance means any of 173
the following: 174

(1) For any compound, mixture, preparation, or substance 175
included in schedule I, schedule II, or schedule III, with the 176
exception of any controlled substance analog, marihuana, 177
cocaine, L.S.D., heroin, any fentanyl-related compound, and 178
hashish and except as provided in division (D)(2), (5), or (6) 179
of this section, whichever of the following is applicable: 180

(a) An amount equal to or exceeding ten grams or twenty- 181
five unit doses of a compound, mixture, preparation, or 182
substance that is or contains any amount of a schedule I opiate 183
or opium derivative; 184

(b) An amount equal to or exceeding ten grams of a 185
compound, mixture, preparation, or substance that is or contains 186
any amount of raw or gum opium; 187

(c) An amount equal to or exceeding thirty grams or ten 188
unit doses of a compound, mixture, preparation, or substance 189
that is or contains any amount of a schedule I hallucinogen 190
other than tetrahydrocannabinol or lysergic acid amide, or a 191
schedule I stimulant or depressant; 192

(d) An amount equal to or exceeding twenty grams or five 193
times the maximum daily dose in the usual dose range specified 194
in a standard pharmaceutical reference manual of a compound, 195

mixture, preparation, or substance that is or contains any	196
amount of a schedule II opiate or opium derivative;	197
(e) An amount equal to or exceeding five grams or ten unit	198
doses of a compound, mixture, preparation, or substance that is	199
or contains any amount of phencyclidine;	200
(f) An amount equal to or exceeding one hundred twenty	201
grams or thirty times the maximum daily dose in the usual dose	202
range specified in a standard pharmaceutical reference manual of	203
a compound, mixture, preparation, or substance that is or	204
contains any amount of a schedule II stimulant that is in a	205
final dosage form manufactured by a person authorized by the	206
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21	207
U.S.C.A. 301, as amended, and the federal drug abuse control	208
laws, as defined in section 3719.01 of the Revised Code, that is	209
or contains any amount of a schedule II depressant substance or	210
a schedule II hallucinogenic substance;	211
(g) An amount equal to or exceeding three grams of a	212
compound, mixture, preparation, or substance that is or contains	213
any amount of a schedule II stimulant, or any of its salts or	214
isomers, that is not in a final dosage form manufactured by a	215
person authorized by the Federal Food, Drug, and Cosmetic Act	216
and the federal drug abuse control laws.	217
(2) An amount equal to or exceeding one hundred twenty	218
grams or thirty times the maximum daily dose in the usual dose	219
range specified in a standard pharmaceutical reference manual of	220
a compound, mixture, preparation, or substance that is or	221
contains any amount of a schedule III or IV substance other than	222
an anabolic steroid or a schedule III opiate or opium	223
derivative;	224

(3) An amount equal to or exceeding twenty grams or five 225
times the maximum daily dose in the usual dose range specified 226
in a standard pharmaceutical reference manual of a compound, 227
mixture, preparation, or substance that is or contains any 228
amount of a schedule III opiate or opium derivative; 229

(4) An amount equal to or exceeding two hundred fifty 230
milliliters or two hundred fifty grams of a compound, mixture, 231
preparation, or substance that is or contains any amount of a 232
schedule V substance; 233

(5) An amount equal to or exceeding two hundred solid 234
dosage units, sixteen grams, or sixteen milliliters of a 235
compound, mixture, preparation, or substance that is or contains 236
any amount of a schedule III anabolic steroid; 237

(6) For any compound, mixture, preparation, or substance 238
that is a combination of a fentanyl-related compound and any 239
other compound, mixture, preparation, or substance included in 240
schedule III, schedule IV, or schedule V, if the defendant is 241
charged with a violation of section 2925.11 of the Revised Code 242
and the sentencing provisions set forth in divisions (C)(10)(b) 243
and (C)(11) of that section will not apply regarding the 244
defendant and the violation, the bulk amount of the controlled 245
substance for purposes of the violation is the amount specified 246
in division (D)(1), (2), (3), (4), or (5) of this section for 247
the other schedule III, IV, or V controlled substance that is 248
combined with the fentanyl-related compound. 249

(E) "Unit dose" means an amount or unit of a compound, 250
mixture, or preparation containing a controlled substance that 251
is separately identifiable and in a form that indicates that it 252
is the amount or unit by which the controlled substance is 253
separately administered to or taken by an individual. 254

(F) "Cultivate" includes planting, watering, fertilizing,	255
or tilling.	256
(G) "Drug abuse offense" means any of the following:	257
(1) A violation of division (A) of section 2913.02 that	258
constitutes theft of drugs, or a violation of section 2925.02,	259
2925.03, <u>2925.031, 2925.032,</u> 2925.04, 2925.041, 2925.05,	260
2925.06, 2925.11, <u>2925.111,</u> 2925.12, 2925.13, 2925.22, 2925.23,	261
2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised	262
Code;	263
(2) A violation of an existing or former law of this or	264
any other state or of the United States that is substantially	265
equivalent to any section listed in division (G) (1) of this	266
section;	267
(3) An offense under an existing or former law of this or	268
any other state, or of the United States, of which planting,	269
cultivating, harvesting, processing, making, manufacturing,	270
producing, shipping, transporting, delivering, acquiring,	271
possessing, storing, distributing, dispensing, selling, inducing	272
another to use, administering to another, using, or otherwise	273
dealing with a controlled substance is an element;	274
(4) A conspiracy to commit, attempt to commit, or	275
complicity in committing or attempting to commit any offense	276
under division (G) (1), (2), or (3) of this section.	277
(H) "Felony drug abuse offense" means any drug abuse	278
offense that would constitute, <u>or that at the time it was</u>	279
<u>committed constituted,</u> a felony under the laws of this state,	280
any other state, or the United States.	281
(I) "Harmful intoxicant" does not include beer or	282
intoxicating liquor but means any of the following:	283

(1) Any compound, mixture, preparation, or substance the 284
gas, fumes, or vapor of which when inhaled can induce 285
intoxication, excitement, giddiness, irrational behavior, 286
depression, stupefaction, paralysis, unconsciousness, 287
asphyxiation, or other harmful physiological effects, and 288
includes, but is not limited to, any of the following: 289

(a) Any volatile organic solvent, plastic cement, model 290
cement, fingernail polish remover, lacquer thinner, cleaning 291
fluid, gasoline, or other preparation containing a volatile 292
organic solvent; 293

(b) Any aerosol propellant; 294

(c) Any fluorocarbon refrigerant; 295

(d) Any anesthetic gas. 296

(2) Gamma Butyrolactone; 297

(3) 1,4 Butanediol. 298

(J) "Manufacture" means to plant, cultivate, harvest, 299
process, make, prepare, or otherwise engage in any part of the 300
production of a drug, by propagation, extraction, chemical 301
synthesis, or compounding, or any combination of the same, and 302
includes packaging, repackaging, labeling, and other activities 303
incident to production. 304

(K) "Possess" or "possession" means having control over a 305
thing or substance, but may not be inferred solely from mere 306
access to the thing or substance through ownership or occupation 307
of the premises upon which the thing or substance is found. 308

(L) "Sample drug" means a drug or pharmaceutical 309
preparation that would be hazardous to health or safety if used 310
without the supervision of a licensed health professional 311

authorized to prescribe drugs, or a drug of abuse, and that, at 312
one time, had been placed in a container plainly marked as a 313
sample by a manufacturer. 314

(M) "Standard pharmaceutical reference manual" means the 315
current edition, with cumulative changes if any, of references 316
that are approved by the state board of pharmacy. 317

(N) "Juvenile" means a person under eighteen years of age. 318

(O) "Counterfeit controlled substance" means any of the 319
following: 320

(1) Any drug that bears, or whose container or label 321
bears, a trademark, trade name, or other identifying mark used 322
without authorization of the owner of rights to that trademark, 323
trade name, or identifying mark; 324

(2) Any unmarked or unlabeled substance that is 325
represented to be a controlled substance manufactured, 326
processed, packed, or distributed by a person other than the 327
person that manufactured, processed, packed, or distributed it; 328

(3) Any substance that is represented to be a controlled 329
substance but is not a controlled substance or is a different 330
controlled substance; 331

(4) Any substance other than a controlled substance that a 332
reasonable person would believe to be a controlled substance 333
because of its similarity in shape, size, and color, or its 334
markings, labeling, packaging, distribution, or the price for 335
which it is sold or offered for sale. 336

(P) An offense is "committed in the vicinity of a school" 337
if the offender commits the offense on school premises, in a 338
school building, or within one thousand feet of the boundaries 339

of any school premises, regardless of whether the offender knows 340
the offense is being committed on school premises, in a school 341
building, or within one thousand feet of the boundaries of any 342
school premises. 343

(Q) "School" means any school operated by a board of 344
education, any community school established under Chapter 3314. 345
of the Revised Code, or any nonpublic school for which the state 346
board of education prescribes minimum standards under section 347
3301.07 of the Revised Code, whether or not any instruction, 348
extracurricular activities, or training provided by the school 349
is being conducted at the time a criminal offense is committed. 350

(R) "School premises" means either of the following: 351

(1) The parcel of real property on which any school is 352
situated, whether or not any instruction, extracurricular 353
activities, or training provided by the school is being 354
conducted on the premises at the time a criminal offense is 355
committed; 356

(2) Any other parcel of real property that is owned or 357
leased by a board of education of a school, the governing 358
authority of a community school established under Chapter 3314. 359
of the Revised Code, or the governing body of a nonpublic school 360
for which the state board of education prescribes minimum 361
standards under section 3301.07 of the Revised Code and on which 362
some of the instruction, extracurricular activities, or training 363
of the school is conducted, whether or not any instruction, 364
extracurricular activities, or training provided by the school 365
is being conducted on the parcel of real property at the time a 366
criminal offense is committed. 367

(S) "School building" means any building in which any of 368

the instruction, extracurricular activities, or training 369
provided by a school is conducted, whether or not any 370
instruction, extracurricular activities, or training provided by 371
the school is being conducted in the school building at the time 372
a criminal offense is committed. 373

(T) "Disciplinary counsel" means the disciplinary counsel 374
appointed by the board of commissioners on grievances and 375
discipline of the supreme court under the Rules for the 376
Government of the Bar of Ohio. 377

(U) "Certified grievance committee" means a duly 378
constituted and organized committee of the Ohio state bar 379
association or of one or more local bar associations of the 380
state of Ohio that complies with the criteria set forth in Rule 381
V, section 6 of the Rules for the Government of the Bar of Ohio. 382

(V) "Professional license" means any license, permit, 383
certificate, registration, qualification, admission, temporary 384
license, temporary permit, temporary certificate, or temporary 385
registration that is described in divisions (W) (1) to (37) of 386
this section and that qualifies a person as a professionally 387
licensed person. 388

(W) "Professionally licensed person" means any of the 389
following: 390

(1) A person who has received a certificate or temporary 391
certificate as a certified public accountant or who has 392
registered as a public accountant under Chapter 4701. of the 393
Revised Code and who holds an Ohio permit issued under that 394
chapter; 395

(2) A person who holds a certificate of qualification to 396
practice architecture issued or renewed and registered under 397

Chapter 4703. of the Revised Code;	398
(3) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	399 400 401
(4) A person licensed under Chapter 4707. of the Revised Code;	402 403
(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	404 405 406
(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	407 408 409
(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	410 411 412 413 414 415 416 417 418 419 420
(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	421 422 423 424 425
(9) A person who has been issued an embalmer's license, a	426

funeral director's license, a funeral home license, or a 427
crematory license, or who has been registered for an embalmer's 428
or funeral director's apprenticeship under Chapter 4717. of the 429
Revised Code; 430

(10) A person who has been licensed as a registered nurse 431
or practical nurse, or who has been issued a certificate for the 432
practice of nurse-midwifery under Chapter 4723. of the Revised 433
Code; 434

(11) A person who has been licensed to practice optometry 435
or to engage in optical dispensing under Chapter 4725. of the 436
Revised Code; 437

(12) A person licensed to act as a pawnbroker under 438
Chapter 4727. of the Revised Code; 439

(13) A person licensed to act as a precious metals dealer 440
under Chapter 4728. of the Revised Code; 441

(14) A person licensed under Chapter 4729. of the Revised 442
Code as a pharmacist or pharmacy intern or registered under that 443
chapter as a registered pharmacy technician, certified pharmacy 444
technician, or pharmacy technician trainee; 445

(15) A person licensed under Chapter 4729. of the Revised 446
Code as a manufacturer of dangerous drugs, outsourcing facility, 447
third-party logistics provider, repackager of dangerous drugs, 448
wholesale distributor of dangerous drugs, or terminal 449
distributor of dangerous drugs; 450

(16) A person who is authorized to practice as a physician 451
assistant under Chapter 4730. of the Revised Code; 452

(17) A person who has been issued a license to practice 453
medicine and surgery, osteopathic medicine and surgery, or 454

podiatric medicine and surgery under Chapter 4731. of the 455
Revised Code or has been issued a certificate to practice a 456
limited branch of medicine under that chapter; 457

(18) A person licensed as a psychologist or school 458
psychologist under Chapter 4732. of the Revised Code; 459

(19) A person registered to practice the profession of 460
engineering or surveying under Chapter 4733. of the Revised 461
Code; 462

(20) A person who has been issued a license to practice 463
chiropractic under Chapter 4734. of the Revised Code; 464

(21) A person licensed to act as a real estate broker or 465
real estate salesperson under Chapter 4735. of the Revised Code; 466

(22) A person registered as a registered sanitarian under 467
Chapter 4736. of the Revised Code; 468

(23) A person licensed to operate or maintain a junkyard 469
under Chapter 4737. of the Revised Code; 470

(24) A person who has been issued a motor vehicle salvage 471
dealer's license under Chapter 4738. of the Revised Code; 472

(25) A person who has been licensed to act as a steam 473
engineer under Chapter 4739. of the Revised Code; 474

(26) A person who has been issued a license or temporary 475
permit to practice veterinary medicine or any of its branches, 476
or who is registered as a graduate animal technician under 477
Chapter 4741. of the Revised Code; 478

(27) A person who has been issued a hearing aid dealer's 479
or fitter's license or trainee permit under Chapter 4747. of the 480
Revised Code; 481

(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	482 483 484
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	485 486 487
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	488 489 490
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	491 492 493
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	494 495 496 497 498 499
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	500 501
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	502 503 504
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	505 506
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	507 508
(37) A person who has been admitted to the bar by order of	509

the supreme court in compliance with its prescribed and 510
published rules. 511

(X) "Cocaine" means any of the following: 512

(1) A cocaine salt, isomer, or derivative, a salt of a 513
cocaine isomer or derivative, or the base form of cocaine; 514

(2) Coca leaves or a salt, compound, derivative, or 515
preparation of coca leaves, including ecgonine, a salt, isomer, 516
or derivative of ecgonine, or a salt of an isomer or derivative 517
of ecgonine; 518

(3) A salt, compound, derivative, or preparation of a 519
substance identified in division (X)(1) or (2) of this section 520
that is chemically equivalent to or identical with any of those 521
substances, except that the substances shall not include 522
decocainized coca leaves or extraction of coca leaves if the 523
extractions do not contain cocaine or ecgonine. 524

(Y) "L.S.D." means lysergic acid diethylamide. 525

(Z) "Hashish" means the resin or a preparation of the 526
resin contained in marihuana, whether in solid form or in a 527
liquid concentrate, liquid extract, or liquid distillate form. 528

(AA) "Marihuana" has the same meaning as in section 529
3719.01 of the Revised Code, except that it does not include 530
hashish. 531

(BB) An offense is "committed in the vicinity of a 532
juvenile" if the offender commits the offense within one hundred 533
feet of a juvenile or within the view of a juvenile, regardless 534
of whether the offender knows the age of the juvenile, whether 535
the offender knows the offense is being committed within one 536
hundred feet of or within view of the juvenile, or whether the 537

juvenile actually views the commission of the offense. 538

(CC) "Presumption for a prison term" or "presumption that 539
a prison term shall be imposed" means a presumption, as 540
described in division (D) of section 2929.13 of the Revised 541
Code, that a prison term is a necessary sanction for a felony in 542
order to comply with the purposes and principles of sentencing 543
under section 2929.11 of the Revised Code. 544

(DD) "Major drug offender" has the same meaning as in 545
section 2929.01 of the Revised Code. 546

(EE) "Minor drug possession offense" means ~~either~~ any of 547
the following: 548

(1) A violation of section 2925.11 of the Revised Code as 549
it existed prior to July 1, 1996; 550

(2) A violation of section 2925.11 of the Revised Code as 551
it ~~exists~~ existed on and after July 1, 1996, that ~~is~~ was a 552
misdemeanor or a felony of the fifth degree on or after that 553
date and prior to the effective date of this amendment and that 554
remains a misdemeanor or a felony of the fifth degree on and 555
after the effective date of this amendment; 556

(3) A violation of section 2925.11 or 2925.111 of the 557
Revised Code as they exist on and after the effective date of 558
this amendment and that is a misdemeanor or a felony of the 559
fifth degree. 560

(FF) "Mandatory prison term" has the same meaning as in 561
section 2929.01 of the Revised Code. 562

(GG) "Adulterate" means to cause a drug to be adulterated 563
as described in section 3715.63 of the Revised Code. 564

(HH) "Public premises" means any hotel, restaurant, 565

tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	566 567
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	568 569 570 571 572
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	573 574
(KK) "Fentanyl-related compound" means any of the following:	575 576
(1) Fentanyl;	577
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	578 579 580
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);	581 582
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N-phenylpropanamide);	583 584
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	585 586 587
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	588 589
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	590 591
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-	592

phenethyl)-4-piperidinyl]propanamide;	593
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	594
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(10) Alfentanil;	596
(11) Carfentanil;	597
(12) Remifentanil;	598
(13) Sufentanil;	599
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	600
	601
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:	602
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(a) A chemical scaffold consisting of both of the following:	609
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(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	611
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(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.	613
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(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	616
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(c) An alkyl or aryl substitution off the ring nitrogen of	619

the chemical scaffold; and 620

(d) The compound has not been approved for medical use by 621
the United States food and drug administration. 622

(LL) "First degree felony mandatory prison term" means one 623
of the definite prison terms prescribed in division (A) (1) (b) of 624
section 2929.14 of the Revised Code for a felony of the first 625
degree, except that if the violation for which sentence is being 626
imposed is committed on or after the effective date of this 627
amendment, it means one of the minimum prison terms prescribed 628
in division (A) (1) (a) of that section for a felony of the first 629
degree. 630

(MM) "Second degree felony mandatory prison term" means 631
one of the definite prison terms prescribed in division (A) (2) 632
(b) of section 2929.14 of the Revised Code for a felony of the 633
second degree, except that if the violation for which sentence 634
is being imposed is committed on or after the effective date of 635
this amendment, it means one of the minimum prison terms 636
prescribed in division (A) (2) (a) of that section for a felony of 637
the second degree. 638

(NN) "Maximum first degree felony mandatory prison term" 639
means the maximum definite prison term prescribed in division 640
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 641
the first degree, except that if the violation for which 642
sentence is being imposed is committed on or after the effective 643
date of this amendment, it means the longest minimum prison term 644
prescribed in division (A) (1) (a) of that section for a felony of 645
the first degree. 646

(OO) "Maximum second degree felony mandatory prison term" 647
means the maximum definite prison term prescribed in division 648

(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 649
the second degree, except that if the violation for which 650
sentence is being imposed is committed on or after the effective 651
date of this amendment, it means the longest minimum prison term 652
prescribed in division (A) (2) (a) of that section for a felony of 653
the second degree. 654

(PP) "Sexual assault-enabling drug" means any of the 655
following: 656

(1) Gamma hydroxybutyric acid; 657

(2) Flunitrazepam; 658

(3) Clonazepam; 659

(4) Alprazolam; 660

(5) Ketamine. 661

Sec. 2925.03. (A) ~~No~~ (1) (a) Except as otherwise provided 662
in division (B) of this section, no person shall knowingly ~~do~~ 663
any of the following:— 664

(1) ~~Sell~~ obtain, possess, sell, or offer to sell a 665
controlled substance or a controlled substance analog; 666

(2) ~~Prepare~~ in an amount listed in division (A) (2) of this 667
section. 668

(b) Except as otherwise provided in division (B) of this 669
section, no person shall prepare for shipment, ship, transport, 670
deliver, prepare for distribution, or distribute a controlled 671
substance or a controlled substance analog in an amount listed 672
in division (A) (2) of this section, when the ~~offender~~ person 673
knows or has reasonable cause to believe that the controlled 674
substance or a controlled substance analog is intended for sale 675

or resale by the offender or another person. 676

(2) Division (A)(1) of this section applies to conduct 677
involving any of the following: 678

(a) If the drug involved in the conduct described in 679
division (A)(1) of this section is any compound, mixture, 680
preparation, or substance included in schedule I or schedule II, 681
other than marihuana, cocaine, L.S.D., heroin, a fentanyl- 682
related compound, hashish, or a controlled substance analog, an 683
amount of the drug so involved that equals or exceeds fifty 684
times the bulk amount; 685

(b) If the drug involved in the conduct described in 686
division (A)(1) of this section is cocaine or a compound, 687
mixture, preparation, or substance containing cocaine, an amount 688
of the drug so involved that equals or exceeds fifty grams; 689

(c) If the drug involved in the conduct described in 690
division (A)(1) of this section is L.S.D. or a compound, 691
mixture, preparation, or substance containing L.S.D., an amount 692
of the drug so involved that equals or exceeds five hundred unit 693
doses of L.S.D. in solid form or equals or exceeds fifty grams 694
of L.S.D. in liquid concentrate, liquid extract, or liquid 695
distillate form; 696

(d) If the drug involved in the conduct described in 697
division (A)(1) of this section is heroin or a compound, 698
mixture, preparation, or substance containing heroin, an amount 699
of the drug so involved that equals or exceeds three hundred 700
unit doses or thirty grams; 701

(e) If the drug involved in the conduct described in 702
division (A)(1) of this section is a fentanyl-related compound 703
or a compound, mixture, preparation, or substance containing a 704

fentanyl-related compound, an amount of the drug so involved 705
that equals or exceeds one hundred unit doses or ten grams; 706

(f) If the drug involved in the conduct described in 707
division (A)(1) of this section is marihuana other than hashish 708
or a compound, mixture, preparation, or substance containing 709
marihuana other than hashish, an amount of the drug so involved 710
that equals or exceeds forty thousand grams; 711

(g) If the drug involved in the conduct described in 712
division (A)(1) of this section is hashish or a compound, 713
mixture, preparation, or substance containing hashish, an amount 714
of the drug so involved that equals or exceeds two thousand 715
grams; 716

(h) If the drug involved in the conduct described in 717
division (A)(1) of this section is a controlled substance analog 718
or a compound, mixture, preparation, or substance containing a 719
controlled substance analog, an amount of the drug so involved 720
that equals or exceeds thirty grams. 721

(B) This section does not apply to any of the following: 722

(1) Manufacturers, licensed health professionals 723
authorized to prescribe drugs, pharmacists, owners of 724
pharmacies, and other persons whose conduct is in accordance 725
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 726
4741. of the Revised Code; 727

(2) If the offense involves an anabolic steroid, any 728
person who is conducting or participating in a research project 729
involving the use of an anabolic steroid if the project has been 730
approved by the United States food and drug administration; 731

(3) Any person who sells, offers for sale, prescribes, 732
dispenses, or administers for livestock or other nonhuman 733

species an anabolic steroid that is expressly intended for 734
administration through implants to livestock or other nonhuman 735
species and approved for that purpose under the "Federal Food, 736
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 737
as amended, and is sold, offered for sale, prescribed, 738
dispensed, or administered for that purpose in accordance with 739
that act. 740

~~(C) Whoever violates division (A) of this section is 741
guilty of one of the following: 742~~

~~(1) If the drug involved in the violation is any compound, 743
mixture, preparation, or substance included in schedule I or 744
schedule II, with the exception of marihuana, cocaine, L.S.D., 745
heroin, any fentanyl-related compound, hashish, and any 746
controlled substance analog, whoever violates division (A) of 747
this section is guilty of aggravated trafficking in drugs. The 748
penalty for the offense shall be determined as follows: 749~~

~~(a) Except as otherwise provided in division (C) (1) (b), 750
(c), (d), (e), or (f) of this section, aggravated trafficking in 751
drugs is a felony of the fourth degree, and division (C) of 752
section 2929.13 of the Revised Code applies in determining 753
whether to impose a prison term on the offender. 754~~

~~(b) Except as otherwise provided in division (C) (1) (c), 755
(d), (e), or (f) of this section, if the offense was committed 756
in the vicinity of a school or in the vicinity of a juvenile, 757
aggravated trafficking in drugs is a felony of the third degree, 758
and division (C) of section 2929.13 of the Revised Code applies 759
in determining whether to impose a prison term on the offender. 760~~

~~(c) Except as otherwise provided in this division, if the 761
amount of the drug involved equals or exceeds the bulk amount 762~~

~~but is less than five times the bulk amount, aggravated~~ 763
~~trafficking in drugs is a felony of the third degree, and,~~ 764
~~except as otherwise provided in this division, there is a~~ 765
~~presumption for a prison term for the offense. If aggravated~~ 766
~~trafficking in drugs is a felony of the third degree under this~~ 767
~~division and if the offender two or more times previously has~~ 768
~~been convicted of or pleaded guilty to a felony drug abuse~~ 769
~~offense, the court shall impose as a mandatory prison term one~~ 770
~~of the prison terms prescribed for a felony of the third degree.~~ 771
~~If the amount of the drug involved is within that range and if~~ 772
~~the offense was committed in the vicinity of a school or in the~~ 773
~~vicinity of a juvenile, aggravated trafficking in drugs is a~~ 774
~~felony of the second degree, and the court shall impose as a~~ 775
~~mandatory prison term a second degree felony mandatory prison~~ 776
~~term.~~ 777

~~(d) Except as otherwise provided in this division, if the~~ 778
~~amount of the drug involved equals or exceeds five times the~~ 779
~~bulk amount but is less than fifty times the bulk amount,~~ 780
~~aggravated trafficking in drugs is a felony of the second~~ 781
~~degree, and the court shall impose as a mandatory prison term a~~ 782
~~second degree felony mandatory prison term. If the amount of the~~ 783
~~drug involved is within that range and if the offense was~~ 784
~~committed in the vicinity of a school or in the vicinity of a~~ 785
~~juvenile, aggravated trafficking in drugs is a felony of the~~ 786
~~first degree, and the court shall impose as a mandatory prison~~ 787
~~term a first degree felony mandatory prison term.~~ 788

~~(e) If the amount of the drug involved equals or exceeds~~ 789
~~fifty times the bulk amount but is less than one hundred times~~ 790
~~the bulk amount and regardless of whether the offense was~~ 791
~~committed in the vicinity of a school or in the vicinity of a~~ 792
~~juvenile, aggravated trafficking in drugs is a felony of the~~ 793

~~first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 794
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~~(f) If the amount of the drug involved equals or exceeds one hundred times the bulk amount and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~ 796
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~~(2) If the drug involved in the violation is any compound, mixture, preparation, or substance included in schedule III, IV, or V, whoever violates division (A) of this section is guilty of trafficking in drugs. The penalty for the offense shall be determined as follows:~~ 803
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~~(a) Except as otherwise provided in division (C) (2) (b), (c), (d), or (e) of this section, trafficking in drugs is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 808
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~~(b) Except as otherwise provided in division (C) (2) (c), (d), or (e) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 813
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~~(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, trafficking in drugs is a felony of the fourth degree, and division (B) of~~ 819
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~~section 2929.13 of the Revised Code applies in determining 823
whether to impose a prison term for the offense. If the amount 824
of the drug involved is within that range and if the offense was 825
committed in the vicinity of a school or in the vicinity of a 826
juvenile, trafficking in drugs is a felony of the third degree, 827
and there is a presumption for a prison term for the offense. 828~~

~~(d) Except as otherwise provided in this division, if the 829
amount of the drug involved equals or exceeds five times the 830
bulk amount but is less than fifty times the bulk amount, 831
trafficking in drugs is a felony of the third degree, and there 832
is a presumption for a prison term for the offense. If the 833
amount of the drug involved is within that range and if the 834
offense was committed in the vicinity of a school or in the 835
vicinity of a juvenile, trafficking in drugs is a felony of the 836
second degree, and there is a presumption for a prison term for 837
the offense. 838~~

~~(e) Except as otherwise provided in this division, if the 839
amount of the drug involved equals or exceeds fifty times the 840
bulk amount, trafficking in drugs is a felony of the second 841
degree, and the court shall impose as a mandatory prison term a 842
second degree felony mandatory prison term. If the amount of the 843
drug involved equals or exceeds fifty times the bulk amount and 844
if the offense was committed in the vicinity of a school or in 845
the vicinity of a juvenile, trafficking in drugs is a felony of 846
the first degree, and the court shall impose as a mandatory 847
prison term a first degree felony mandatory prison term. 848~~

~~(3) If the drug involved in the violation is marihuana or 849
a compound, mixture, preparation, or substance containing 850
marihuana other than hashish, whoever violates division (A) of 851
this section is guilty of trafficking in marihuana. The penalty 852~~

~~for the offense shall be determined as follows:—~~ 853

~~(a) Except as otherwise provided in division (C) (3) (b),— 854
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 855
marihuana is a felony of the fifth degree, and division (B) of 856
section 2929.13 of the Revised Code applies in determining 857
whether to impose a prison term on the offender.— 858~~

~~(b) Except as otherwise provided in division (C) (3) (c),— 859
(d), (e), (f), (g), or (h) of this section, if the offense was 860
committed in the vicinity of a school or in the vicinity of a 861
juvenile, trafficking in marihuana is a felony of the fourth 862
degree, and division (B) of section 2929.13 of the Revised Code 863
applies in determining whether to impose a prison term on the 864
offender.— 865~~

~~(c) Except as otherwise provided in this division, if the 866
amount of the drug involved equals or exceeds two hundred grams 867
but is less than one thousand grams, trafficking in marihuana is 868
a felony of the fourth degree, and division (B) of section 869
2929.13 of the Revised Code applies in determining whether to 870
impose a prison term on the offender. If the amount of the drug 871
involved is within that range and if the offense was committed 872
in the vicinity of a school or in the vicinity of a juvenile, 873
trafficking in marihuana is a felony of the third degree, and 874
division (C) of section 2929.13 of the Revised Code applies in 875
determining whether to impose a prison term on the offender.— 876~~

~~(d) Except as otherwise provided in this division, if the 877
amount of the drug involved equals or exceeds one thousand grams 878
but is less than five thousand grams, trafficking in marihuana 879
is a felony of the third degree, and division (C) of section 880
2929.13 of the Revised Code applies in determining whether to 881
impose a prison term on the offender. If the amount of the drug 882~~

~~involved is within that range and if the offense was committed~~ 883
~~in the vicinity of a school or in the vicinity of a juvenile,~~ 884
~~trafficking in marihuana is a felony of the second degree, and~~ 885
~~there is a presumption that a prison term shall be imposed for~~ 886
~~the offense.~~ 887

~~(e) Except as otherwise provided in this division, if the~~ 888
~~amount of the drug involved equals or exceeds five thousand~~ 889
~~grams but is less than twenty thousand grams, trafficking in~~ 890
~~marihuana is a felony of the third degree, and there is a~~ 891
~~presumption that a prison term shall be imposed for the offense.~~ 892
~~If the amount of the drug involved is within that range and if~~ 893
~~the offense was committed in the vicinity of a school or in the~~ 894
~~vicinity of a juvenile, trafficking in marihuana is a felony of~~ 895
~~the second degree, and there is a presumption that a prison term~~ 896
~~shall be imposed for the offense.~~ 897

~~(f) Except as otherwise provided in this division, if the~~ 898
~~amount of the drug involved equals or exceeds twenty thousand~~ 899
~~grams but is less than forty thousand grams, trafficking in~~ 900
~~marihuana is a felony of the second degree, and the court shall~~ 901
~~impose as a mandatory prison term a second degree felony~~ 902
~~mandatory prison term of five, six, seven, or eight years. If~~ 903
~~the amount of the drug involved is within that range and if the~~ 904
~~offense was committed in the vicinity of a school or in the~~ 905
~~vicinity of a juvenile, trafficking in marihuana is a felony of~~ 906
~~the first degree, and the court shall impose as a mandatory~~ 907
~~prison term a maximum first degree felony mandatory prison term.~~ 908

~~(g) Except as otherwise provided in this division, if the~~ 909
~~amount of the drug involved equals or exceeds forty thousand~~ 910
~~grams, trafficking in marihuana is a felony of the second~~ 911
~~degree, and the court shall impose as a mandatory prison term a~~ 912

~~maximum second degree felony mandatory prison term. If the amount of the drug involved equals or exceeds forty thousand grams and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the first degree, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~ 913-919

~~(h) Except as otherwise provided in this division, if the offense involves a gift of twenty grams or less of marihuana, trafficking in marihuana is a minor misdemeanor upon a first offense and a misdemeanor of the third degree upon a subsequent offense. If the offense involves a gift of twenty grams or less of marihuana and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a misdemeanor of the third degree.~~ 920-927

~~(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 trafficking in cocaine. The penalty for the offense shall be determined as follows:-~~ 928-932

~~(a) Except as otherwise provided in division (C) (4) (b), (c), (d), (e), (f), or (g) of this section, trafficking in 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.~~ 933-937

~~(b) Except as otherwise provided in division (C) (4) (c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code~~ 938-942

~~applies in determining whether to impose a prison term on the
offender.~~ 943
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~~(c) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds five grams but is
less than ten grams of cocaine, trafficking in cocaine is a
felony of the fourth degree, and division (B) of section 2929.13
of the Revised Code applies in determining whether to impose a
prison term for the offense. If the amount of the drug involved
is within that range and if the offense was committed in the
vicinity of a school or in the vicinity of a juvenile,
trafficking in cocaine is a felony of the third degree, and
there is a presumption for a prison term for the offense.~~ 945
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~~(d) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds ten grams but is
less than twenty grams of cocaine, trafficking in cocaine is a
felony of the third degree, and, except as otherwise provided in
this division, there is a presumption for a prison term for the
offense. If trafficking in cocaine is a felony of the third
degree under this division and if the offender two or more times
previously has been convicted of or pleaded guilty to a felony
drug abuse offense, the court shall impose as a mandatory prison
term one of the prison terms prescribed for a felony of the
third degree. If the amount of the drug involved is within that
range and if the offense was committed in the vicinity of a
school or in the vicinity of a juvenile, trafficking in cocaine
is a felony of the second degree, and the court shall impose as
a mandatory prison term a second degree felony mandatory prison
term.~~ 955
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~~(e) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds twenty grams but~~ 971
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~~is less than twenty seven grams of cocaine, trafficking in 973
cocaine is a felony of the second degree, and the court shall 974
impose as a mandatory prison term a second degree felony 975
mandatory prison term. If the amount of the drug involved is 976
within that range and if the offense was committed in the 977
vicinity of a school or in the vicinity of a juvenile, 978
trafficking in cocaine is a felony of the first degree, and the 979
court shall impose as a mandatory prison term a first degree 980
felony mandatory prison term. 981~~

~~(f) If the amount of the drug involved equals or exceeds 982
twenty seven grams but is less than one hundred grams of cocaine 983
and regardless of whether the offense was committed in the 984
vicinity of a school or in the vicinity of a juvenile, 985
trafficking in cocaine is a felony of the first degree, and the 986
court shall impose as a mandatory prison term a first degree 987
felony mandatory prison term. 988~~

~~(g) If the amount of the drug involved equals or exceeds 989
one hundred grams of cocaine and regardless of whether the 990
offense was committed in the vicinity of a school or in the 991
vicinity of a juvenile, trafficking in cocaine is a felony of 992
the first degree, the offender is a major drug offender, and the 993
court shall impose as a mandatory prison term a maximum first 994
degree felony mandatory prison term. 995~~

~~(5) If the drug involved in the violation is L.S.D. or a 996
compound, mixture, preparation, or substance containing L.S.D., 997
whoever violates division (A) of this section is guilty of 998
trafficking in L.S.D. The penalty for the offense shall be 999
determined as follows: 1000~~

~~(a) Except as otherwise provided in division (C) (5) (b), 1001
(c), (d), (e), (f), or (g) of this section, trafficking in 1002~~

~~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.~~ 1003
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~~(b) Except as otherwise provided in division (C) (5) (e), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in 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.~~ 1006
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~~(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the third degree, and there is a presumption for a prison term for the offense.~~ 1013
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~~(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than two hundred fifty unit doses of L.S.D. in a 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~~ 1026
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~~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 felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~

~~(f) If the amount of the drug involved equals or exceeds one thousand unit doses but is less than five thousand unit doses of L.S.D. in a solid form or equals or exceeds one hundred grams but is less than five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form and regardless of whether the offense was committed in the vicinity~~

~~of a school or in the vicinity of a juvenile, trafficking in
L.S.D. is a felony of the first degree, and the court shall
impose as a mandatory prison term a first degree felony
mandatory prison term.~~ 1064
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~~(g) If the amount of the drug involved equals or exceeds
five thousand unit doses of L.S.D. in a solid form or equals or
exceeds five hundred grams of L.S.D. in a liquid concentrate,
liquid extract, or liquid distillate form and regardless of
whether the offense was committed in the vicinity of a school or
in the vicinity of a juvenile, trafficking in L.S.D. is a felony
of the first degree, the offender is a major drug offender, and
the court shall impose as a mandatory prison term a maximum
first degree felony mandatory prison term.~~ 1068
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~~(6) If the drug involved in the violation is heroin or a
compound, mixture, preparation, or substance containing heroin,
whoever violates division (A) of this section is guilty of
trafficking in heroin. The penalty for the offense shall be
determined as follows:~~ 1077
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~~(a) Except as otherwise provided in division (C) (6) (b),
(c), (d), (e), (f), or (g) of this section, trafficking in
heroin is a felony of the fifth degree, and division (B) of
section 2929.13 of the Revised Code applies in determining
whether to impose a prison term on the offender.~~ 1082
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~~(b) Except as otherwise provided in division (C) (6) (c),
(d), (e), (f), or (g) of this section, if the offense was
committed in the vicinity of a school or in the vicinity of a
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.~~ 1087
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~~(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in 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 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 second degree, and there is a presumption for a prison term for the offense.~~

~~(e) Except as otherwise provided in this division, 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, trafficking in 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. 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 first degree, and the~~

~~court shall impose as a mandatory prison term a first degree
felony mandatory prison term.~~ 1125
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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 and regardless of whether 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 first degree, and the
court shall impose as a mandatory prison term a first degree
felony mandatory prison term.~~ 1127
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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
and regardless of whether 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 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.~~ 1135
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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
trafficking in hashish. The penalty for the offense shall be
determined as follows:~~ 1143
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~~(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.~~ 1148
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~~(b) Except as otherwise provided in division (C) (7) (c),~~ 1153

~~(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.~~ 1154
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~~(c) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds ten grams but is
less than fifty grams of hashish in a solid form or equals or
exceeds two grams but is less than ten grams of hashish in a
liquid concentrate, liquid extract, or liquid distillate form,
trafficking in hashish is a felony of the fourth degree, and
division (B) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender. If
the amount of the drug involved is within that range and if the
offense was committed in the vicinity of a school or in the
vicinity of a juvenile, trafficking in hashish is a felony of
the third degree, and division (C) of section 2929.13 of the
Revised Code applies in determining whether to impose a prison
term on the offender.~~ 1160
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~~(d) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds fifty grams but is
less than two hundred fifty grams of hashish in a solid form or
equals or exceeds ten grams but is less than fifty grams of
hashish in a liquid concentrate, liquid extract, or liquid
distillate form, trafficking in hashish is a felony of the third
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~~ 1174
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~~is a felony of the second degree, and there is a presumption
that a prison term shall be imposed for the offense.~~ 1185
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~~(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.~~ 1187
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~~(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.~~ 1200
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~~(g) Except as otherwise provided in this division, if the~~ 1214

~~amount of the drug involved equals or exceeds two thousand grams 1215
of hashish in a solid form or equals or exceeds four hundred 1216
grams of hashish in a liquid concentrate, liquid extract, or 1217
liquid distillate form, trafficking in hashish is a felony of 1218
the second degree, and the court shall impose as a mandatory 1219
prison term a maximum second degree felony mandatory prison 1220
term. If the amount of the drug involved equals or exceeds two 1221
thousand grams of hashish in a solid form or equals or exceeds 1222
four hundred grams of hashish in a liquid concentrate, liquid 1223
extract, or liquid distillate form and if the offense was 1224
committed in the vicinity of a school or in the vicinity of a 1225
juvenile, trafficking in hashish is a felony of the first 1226
degree, and the court shall impose as a mandatory prison term a 1227
maximum first degree felony mandatory prison term. 1228~~

~~(8) If the drug involved in the violation is a controlled 1229
substance analog or compound, mixture, preparation, or substance 1230
that contains a controlled substance analog, whoever violates 1231
division (A) of this section is guilty of trafficking in a 1232
controlled substance analog. The penalty for the offense shall 1233
be determined as follows: 1234~~

~~(a) Except as otherwise provided in division (C) (8) (b), 1235
(c), (d), (e), (f), or (g) of this section, trafficking in a 1236
controlled substance analog is a felony of the fifth degree, and 1237
division (C) of section 2929.13 of the Revised Code applies in 1238
determining whether to impose a prison term on the offender. 1239~~

~~(b) Except as otherwise provided in division (C) (8) (c), 1240
(d), (e), (f), or (g) of this section, if the offense was 1241
committed in the vicinity of a school or in the vicinity of a 1242
juvenile, trafficking in a controlled substance analog is a 1243
felony of the fourth degree, and division (C) of section 2929.13 1244~~

~~of the Revised Code applies in determining whether to impose a
prison term on the offender.~~ 1245
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~~(c) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds ten grams but is
less than 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.~~ 1247
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~~(d) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds twenty grams but
is less than thirty grams, trafficking in a controlled substance
analog is a felony of the third degree, and there is a
presumption for a prison term for the offense. If the amount of
the drug involved is within that range and if the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, trafficking in a controlled substance analog is a
felony of the second degree, and there is a presumption for a
prison term for the offense.~~ 1258
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~~(e) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds thirty grams but
is less than forty grams, trafficking in a controlled substance
analog is a felony of the second degree, and the court shall
impose as a mandatory prison term a second degree felony
mandatory prison term. If the amount of the drug involved is
within that range and if the offense was committed in the~~ 1268
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~~vicinity of a school or in the vicinity of a juvenile,~~ 1275
~~trafficking in a controlled substance analog is a felony of the~~ 1276
~~first degree, and the court shall impose as a mandatory prison a~~ 1277
~~first degree felony mandatory prison term.~~ 1278

~~(f) If the amount of the drug involved equals or exceeds~~ 1279
~~forty grams but is less than fifty grams and regardless of~~ 1280
~~whether the offense was committed in the vicinity of a school or~~ 1281
~~in the vicinity of a juvenile, trafficking in a controlled~~ 1282
~~substance analog is a felony of the first degree, and the court~~ 1283
~~shall impose as a mandatory prison term a first degree felony~~ 1284
~~mandatory prison term.~~ 1285

~~(g) If the amount of the drug involved equals or exceeds~~ 1286
~~fifty grams and regardless of whether the offense was committed~~ 1287
~~in the vicinity of a school or in the vicinity of a juvenile,~~ 1288
~~trafficking in a controlled substance analog is a felony of the~~ 1289
~~first degree, the offender is a major drug offender, and the~~ 1290
~~court shall impose as a mandatory prison term a maximum first~~ 1291
~~degree felony mandatory prison term.~~ 1292

~~(9) If the drug involved in the violation is a fentanyl-~~ 1293
~~related compound or a compound, mixture, preparation, or~~ 1294
~~substance containing a fentanyl-related compound and division~~ 1295
~~(C)(10)(a) of this section does not apply to the drug involved,~~ 1296
~~whoever violates division (A) Whoever violates division (A)(1)~~ 1297
~~of this section based on an amount specified in division (A)(2)~~ 1298
~~(a) of this section is guilty of aggravated trafficking in~~ 1299
~~drugs. The penalty for the offense shall be determined as~~ 1300
~~follows:~~ 1301

~~(1) Except as otherwise provided in division (C)(2) of~~ 1302
~~this section, aggravated trafficking in drugs is one of the~~ 1303
~~following:~~ 1304

(a) If the amount of the drug involved equals or exceeds 1305
fifty times the bulk amount but is less than one hundred times 1306
the bulk amount, aggravated trafficking in drugs is a felony of 1307
the second degree, and the court shall impose as a mandatory 1308
prison term a second degree felony mandatory prison term. 1309

(b) If the amount of the drug involved equals or exceeds 1310
one hundred times the bulk amount, aggravated trafficking in 1311
drugs is a felony of the first degree, and the court shall 1312
impose as a mandatory prison term a first degree felony 1313
mandatory prison term. 1314

(2) If the drug involved is a sexual assault-enabling drug 1315
or a compound, mixture, preparation, or substance containing a 1316
sexual assault-enabling drug, aggravated trafficking in drugs is 1317
one of the following: 1318

(a) If the amount of the drug involved equals or exceeds 1319
fifty times the bulk amount but is less than one hundred times 1320
the bulk amount, aggravated trafficking in drugs is a felony of 1321
the first degree, and the court shall impose as a mandatory 1322
prison term a first degree felony mandatory prison term. 1323

(b) If the amount of the drug involved equals or exceeds 1324
one hundred times the bulk amount, aggravated trafficking in 1325
drugs is a felony of the first degree, the offender is a major 1326
drug offender, and the court shall impose as a mandatory prison 1327
term a maximum first degree felony mandatory prison term. 1328

(D) Whoever violates division (A) (1) of this section based 1329
on an amount specified in division (A) (2) (b) of this section is 1330
guilty of aggravated trafficking in cocaine. The penalty for the 1331
offense shall be determined as follows: 1332

(1) If the amount of the drug involved equals or exceeds 1333

fifty grams but is less than one hundred grams, aggravated 1334
trafficking in cocaine is a felony of the second degree, and the 1335
court shall impose as a mandatory prison term a second degree 1336
felony mandatory prison term. 1337

(2) If the amount of the drug involved equals or exceeds 1338
one hundred grams but is less than two hundred fifty grams, 1339
aggravated trafficking in cocaine is a felony of the first 1340
degree, and the court shall impose as a mandatory prison term a 1341
first degree felony mandatory prison term. 1342

(3) If the amount of the drug involved equals or exceeds 1343
two hundred fifty grams, aggravated trafficking in cocaine is a 1344
felony of the first degree, the offender is a major drug 1345
offender, and the court shall impose as a mandatory prison term 1346
a first degree felony mandatory prison term of ten or eleven 1347
years. 1348

(E) Whoever violates division (A) (1) of this section based 1349
on an amount specified in division (A) (2) (c) of this section is 1350
guilty of aggravated trafficking in L.S.D. The penalty for the 1351
offense shall be determined as follows: 1352

(1) If the amount of the drug involved equals or exceeds 1353
five hundred unit doses but is less than five thousand unit 1354
doses in a solid form or equals or exceeds fifty grams but is 1355
less than five hundred grams in a liquid concentrate, liquid 1356
extract, or liquid distillate form, aggravated trafficking in 1357
L.S.D. is a felony of the second degree, and the court shall 1358
impose as a mandatory prison term a second degree felony 1359
mandatory prison term. 1360

(2) If the amount of the drug involved equals or exceeds 1361
five thousand unit doses in a solid form or equals or exceeds 1362

five hundred grams in a liquid concentrate, liquid extract, or 1363
liquid distillate form, aggravated trafficking in L.S.D. is a 1364
felony of the first degree, and the court shall impose as a 1365
mandatory prison term a first degree felony mandatory prison 1366
term. 1367

(F) Whoever violates division (A) (1) of this section based 1368
on an amount specified in division (A) (2) (d) of this section is 1369
guilty of aggravated trafficking in heroin. The penalty for the 1370
offense shall be determined as follows: 1371

(1) If the amount of the drug involved equals or exceeds 1372
three hundred unit doses or thirty grams but is less than five 1373
hundred unit doses or fifty grams, aggravated trafficking in 1374
heroin is a felony of the second degree, and the court shall 1375
impose as a mandatory prison term a second degree felony 1376
mandatory prison term. 1377

(2) If the amount of the drug involved equals or exceeds 1378
five hundred unit doses or fifty grams but is less than one 1379
thousand unit doses or one hundred grams, aggravated trafficking 1380
in heroin is a felony of the first degree, and the court shall 1381
impose as a mandatory prison term a first degree felony 1382
mandatory prison term. 1383

(3) If the amount of the drug involved equals or exceeds 1384
one thousand unit doses or equals or exceeds one hundred grams, 1385
aggravated trafficking in heroin is a felony of the first 1386
degree, the offender is a major drug offender, and the court 1387
shall impose as a mandatory prison term a first degree felony 1388
mandatory prison term of ten or eleven years. 1389

(G) Whoever violates division (A) (1) of this section based 1390
on an amount specified in division (A) (2) (e) of this section, 1391

subject to division (H) of this section, is guilty of aggravated 1392
trafficking in a fentanyl-related compound. The penalty for the 1393
offense shall be determined as follows: 1394

~~(a) Except as otherwise provided in division (C) (9) (b),~~ 1395
~~(c), (d), (e), (f), (g), or (h) of this section, trafficking in~~ 1396
~~a fentanyl-related compound is a felony of the fifth degree, and~~ 1397
~~division (B) of section 2929.13 of the Revised Code applies in~~ 1398
~~determining whether to impose a prison term on the offender.~~ 1399

~~(b) Except as otherwise provided in division (C) (9) (c),~~ 1400
~~(d), (e), (f), (g), or (h) of this section, if the offense was~~ 1401
~~committed in the vicinity of a school or in the vicinity of a~~ 1402
~~juvenile, trafficking in a fentanyl-related compound is a felony~~ 1403
~~of the fourth degree, and division (C) of section 2929.13 of the~~ 1404
~~Revised Code applies in determining whether to impose a prison~~ 1405
~~term on the offender.~~ 1406

~~(c) Except as otherwise provided in this division, if the~~ 1407
~~amount of the drug involved equals or exceeds ten unit doses but~~ 1408
~~is less than fifty unit doses or equals or exceeds one gram but~~ 1409
~~is less than five grams, trafficking in a fentanyl-related~~ 1410
~~compound is a felony of the fourth degree, and division (B) of~~ 1411
~~section 2929.13 of the Revised Code applies in determining~~ 1412
~~whether to impose a prison term for the offense. If the amount~~ 1413
~~of the drug involved is within that range and if the offense was~~ 1414
~~committed in the vicinity of a school or in the vicinity of a~~ 1415
~~juvenile, trafficking in a fentanyl-related compound is a felony~~ 1416
~~of the third degree, and there is a presumption for a prison~~ 1417
~~term for the offense.~~ 1418

~~(d) Except as otherwise provided in this division, if the~~ 1419
~~amount of the drug involved equals or exceeds fifty unit doses~~ 1420
~~but is less than one hundred unit doses or equals or exceeds~~ 1421

~~five grams but is less than ten grams, trafficking in a~~ 1422
~~fentanyl related compound is a felony of the third degree, and~~ 1423
~~there is a presumption for a prison term for the offense. If the~~ 1424
~~amount of the drug involved is within that range and if the~~ 1425
~~offense was committed in the vicinity of a school or in the~~ 1426
~~vicinity of a juvenile, trafficking in a fentanyl related~~ 1427
~~compound is a felony of the second degree, and there is a~~ 1428
~~presumption for a prison term for the offense.~~ 1429

~~(e) Except as otherwise provided in this division, if (1)~~ 1430
If the amount of the drug involved equals or exceeds one hundred 1431
unit doses but is less than two hundred unit doses or equals or 1432
exceeds ten grams but is less than twenty grams, one of the 1433
following applies: 1434

(a) Except as otherwise provided in division (G) (1) (b) of 1435
this section, aggravated trafficking in a fentanyl-related 1436
compound is a felony of the second degree, and the court shall 1437
impose as a mandatory prison term one of the prison terms 1438
prescribed for a felony of the a second degree felony mandatory 1439
prison term. 1440

~~(b) If the amount of the drug involved is within that~~ 1441
~~range and if the offense was committed in the vicinity of a~~ 1442
~~school or in the vicinity of a juvenile, aggravated trafficking~~ 1443
~~in a fentanyl-related compound is a felony of the first degree,~~ 1444
~~and the court shall impose as a mandatory prison term one of the~~ 1445
~~prison terms prescribed for a felony of the a first degree~~ 1446
~~felony mandatory prison term.~~ 1447

~~(f) (2) If the amount of the drug involved equals or~~ 1448
~~exceeds two hundred unit doses but is less than five hundred~~ 1449
~~unit doses or equals or exceeds twenty grams but is less than~~ 1450
~~fifty grams and regardless of whether the offense was committed~~ 1451

~~in the vicinity of a school or in the vicinity of a juvenile,~~ 1452
aggravated trafficking in a fentanyl-related compound is a 1453
felony of the first degree, and the court shall impose as a 1454
mandatory prison term ~~one of the prison terms prescribed for a~~ 1455
~~felony of the~~ a first degree felony mandatory prison term. 1456

~~(g)~~ (3) If the amount of the drug involved equals or 1457
exceeds five hundred unit doses but is less than one thousand 1458
unit doses or equals or exceeds fifty grams but is less than one 1459
hundred grams ~~and regardless of whether the offense was~~ 1460
~~committed in the vicinity of a school or in the vicinity of a~~ 1461
~~juvenile,~~ aggravated trafficking in a fentanyl-related compound 1462
is a felony of the first degree, and the court shall impose as a 1463
mandatory prison term ~~the a maximum prison term prescribed for a~~ 1464
~~felony of the first degree~~ felony mandatory prison term. 1465

~~(h)~~ (4) If the amount of the drug involved equals or 1466
exceeds one thousand unit doses or equals or exceeds one hundred 1467
grams ~~and regardless of whether the offense was committed in the~~ 1468
~~vicinity of a school or in the vicinity of a juvenile,~~ 1469
aggravated trafficking in a fentanyl-related compound is a 1470
felony of the first degree, the offender is a major drug 1471
offender, and the court shall impose as a mandatory prison term 1472
~~the a maximum prison term prescribed for a felony of the first~~ 1473
degree felony mandatory prison term. 1474

~~(10)~~ (H) If the drug involved in the violation of division 1475
(A) (1) of this section is a compound, mixture, preparation, or 1476
substance that is a combination of a fentanyl-related compound 1477
and marihuana, one of the following applies: 1478

~~(a)~~ (1) Except as otherwise provided in division ~~(C) (10) (b)~~ 1479
(H) (2) of this section, the offender is guilty of aggravated 1480
trafficking in marihuana or major trafficking in drugs and shall 1481

be punished under division ~~(C) (3)~~ (I) of this section, or under 1482
division (C) of section 2925.031 of the Revised Code, as 1483
appropriate by the amount of the drug involved. The offender is 1484
not guilty of aggravated trafficking in a fentanyl-related 1485
compound and shall not be charged with, convicted of, or 1486
punished under division ~~(C) (9)~~ (G) of this section for aggravated 1487
trafficking in a fentanyl-related compound. 1488

~~(b)~~ (2) If the offender knows or has reason to know that 1489
the compound, mixture, preparation, or substance that is the 1490
drug involved contains a fentanyl-related compound, the offender 1491
is guilty of aggravated trafficking in a fentanyl-related 1492
compound and shall be punished under division ~~(C) (9)~~ (G) of this 1493
section. 1494

~~(D)~~ (I) Whoever violates division (A) (1) of this section 1495
based on an amount specified in division (A) (2) (f) of this 1496
section is guilty of aggravated trafficking in marihuana, a 1497
felony of the second degree, and the court shall impose as a 1498
mandatory prison term a second degree felony mandatory prison 1499
term. 1500

(J) Whoever violates division (A) (1) of this section based 1501
on an amount specified in division (A) (2) (g) of this section is 1502
guilty of aggravated trafficking in hashish, a felony of the 1503
second degree, and the court shall impose as a mandatory prison 1504
term a second degree felony mandatory prison term. 1505

(K) Whoever violates division (A) (1) of this section based 1506
on an amount specified in division (A) (2) (h) of this section is 1507
guilty of aggravated trafficking in a controlled substance 1508
analog. The penalty for the offense shall be determined as 1509
follows: 1510

(1) If the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, aggravated trafficking in a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. 1511
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(2) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams, aggravated trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term. 1516
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(3) If the amount of the drug involved equals or exceeds fifty grams, aggravated trafficking in a controlled substance analog is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term of ten or eleven years. 1521
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(L) In addition to any prison term authorized or required by ~~division~~ divisions (C) to (K) 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) (1) of this section may suspend the driver's or commercial driver's license or permit of the offender in accordance with division ~~(G)~~ (O) of this section. 1527
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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 in 1541
accordance with division ~~(G)~~(O) of this section. If applicable, 1542
the court also shall do the following: 1543

(1) If the violation of division (A)(1) of this section is 1544
a felony of the first, second, or third degree, the court shall 1545
impose upon the offender the mandatory fine specified for the 1546
offense under division (B)(1) of section 2929.18 of the Revised 1547
Code unless, as specified in that division, the court determines 1548
that the offender is indigent. Except as otherwise provided in 1549
division ~~(H)~~(P)(1) of this section, a mandatory fine or any 1550
other fine imposed for a violation of this section is subject to 1551
division ~~(F)~~(N) of this section. If a person is charged with a 1552
violation of this section that is a felony of the first, second, 1553
or third degree, posts bail, and forfeits the bail, the clerk of 1554
the court shall pay the forfeited bail pursuant to divisions ~~(D)~~ 1555
(L)(1) and ~~(F)~~(N) of this section, as if the forfeited bail was 1556
a fine imposed for a violation of this section. If any amount of 1557
the forfeited bail remains after that payment and if a fine is 1558
imposed under division ~~(H)~~(P)(1) of this section, the clerk of 1559
the court shall pay the remaining amount of the forfeited bail 1560
pursuant to divisions ~~(H)~~(P)(2) and (3) of this section, as if 1561
that remaining amount was a fine imposed under division ~~(H)~~(P) 1562
(1) of this section. 1563

(2) If the offender is a professionally licensed person, 1564
the court immediately shall comply with section 2925.38 of the 1565
Revised Code. 1566

~~(E)~~(M) When a person is charged with the sale of or offer 1567
to sell a bulk amount or a multiple of a bulk amount of a 1568
controlled substance, the jury, or the court trying the accused, 1569
shall determine the amount of the controlled substance involved 1570

at the time of the offense and, if a guilty verdict is returned, 1571
shall return the findings as part of the verdict. In any such 1572
case, it is unnecessary to find and return the exact amount of 1573
the controlled substance involved, and it is sufficient if the 1574
finding and return is to the effect that the amount of the 1575
controlled substance involved is the requisite amount, or that 1576
the amount of the controlled substance involved is less than the 1577
requisite amount. 1578

~~(F)~~(N) (1) Notwithstanding any contrary provision of 1579
section 3719.21 of the Revised Code and except as provided in 1580
division ~~(H)~~(P) of this section, the clerk of the court shall 1581
pay any mandatory fine imposed pursuant to division ~~(D)~~(L) (1) of 1582
this section and any fine other than a mandatory fine that is 1583
imposed for a violation of this section pursuant to division (A) 1584
or (B) (5) of section 2929.18 of the Revised Code to the county, 1585
township, municipal corporation, park district, as created 1586
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1587
state law enforcement agencies in this state that primarily were 1588
responsible for or involved in making the arrest of, and in 1589
prosecuting, the offender. However, the clerk shall not pay a 1590
mandatory fine so imposed to a law enforcement agency unless the 1591
agency has adopted a written internal control policy under 1592
division ~~(F)~~(N) (2) of this section that addresses the use of the 1593
fine moneys that it receives. Each agency shall use the 1594
mandatory fines so paid to subsidize the agency's law 1595
enforcement efforts that pertain to drug offenses, in accordance 1596
with the written internal control policy adopted by the 1597
recipient agency under division ~~(F)~~(N) (2) of this section. 1598

(2) Prior to receiving any fine moneys under division ~~(F)~~ 1599
(N) (1) of this section or division (B) of section 2925.42 of the 1600
Revised Code, a law enforcement agency shall adopt a written 1601

internal control policy that addresses the agency's use and 1602
disposition of all fine moneys so received and that provides for 1603
the keeping of detailed financial records of the receipts of 1604
those fine moneys, the general types of expenditures made out of 1605
those fine moneys, and the specific amount of each general type 1606
of expenditure. The policy shall not provide for or permit the 1607
identification of any specific expenditure that is made in an 1608
ongoing investigation. All financial records of the receipts of 1609
those fine moneys, the general types of expenditures made out of 1610
those fine moneys, and the specific amount of each general type 1611
of expenditure by an agency are public records open for 1612
inspection under section 149.43 of the Revised Code. 1613
Additionally, a written internal control policy adopted under 1614
this division is such a public record, and the agency that 1615
adopted it shall comply with it. 1616

(3) As used in division ~~(F)~~(N) of this section: 1617

(a) "Law enforcement agencies" includes, but is not 1618
limited to, the state board of pharmacy and the office of a 1619
prosecutor. 1620

(b) "Prosecutor" has the same meaning as in section 1621
2935.01 of the Revised Code. 1622

~~(G)~~(O) (1) If the sentencing court suspends the offender's 1623
driver's or commercial driver's license or permit under division 1624
~~(D)~~(L) of this section or any other provision of this chapter, 1625
the court shall suspend the license, by order, for not more than 1626
five years. If an offender's driver's or commercial driver's 1627
license or permit is suspended pursuant to this division, the 1628
offender, at any time after the expiration of two years from the 1629
day on which the offender's sentence was imposed or from the day 1630
on which the offender finally was released from a prison term 1631

under the sentence, whichever is later, may file a motion with 1632
the sentencing court requesting termination of the suspension; 1633
upon the filing of such a motion and the court's finding of good 1634
cause for the termination, the court may terminate the 1635
suspension. 1636

(2) Any offender who received a mandatory suspension of 1637
the offender's driver's or commercial driver's license or permit 1638
under this section prior to September 13, 2016, may file a 1639
motion with the sentencing court requesting the termination of 1640
the suspension. However, an offender who pleaded guilty to or 1641
was convicted of a violation of section 4511.19 of the Revised 1642
Code or a substantially similar municipal ordinance or law of 1643
another state or the United States that arose out of the same 1644
set of circumstances as the violation for which the offender's 1645
license or permit was suspended under this section shall not 1646
file such a motion. 1647

Upon the filing of a motion under division ~~(G)~~(O) (2) of 1648
this section, the sentencing court, in its discretion, may 1649
terminate the suspension. 1650

~~(H)~~(P) (1) In addition to any prison term authorized or 1651
required by ~~division~~ divisions (C) to (K) of this section and 1652
sections 2929.13 and 2929.14 of the Revised Code, in addition to 1653
any other penalty or sanction imposed for the offense under this 1654
section or sections 2929.11 to 2929.18 of the Revised Code, and 1655
in addition to the forfeiture of property in connection with the 1656
offense as prescribed in Chapter 2981. of the Revised Code, the 1657
court that sentences an offender who is convicted of or pleads 1658
guilty to a violation of division (A) (1) of this section may 1659
impose upon the offender an additional fine specified for the 1660
offense in division (B) (4) of section 2929.18 of the Revised 1661

Code. A fine imposed under division ~~(H)~~(P)(1) of this section is 1662
not subject to division ~~(F)~~(N) of this section and shall be used 1663
solely for the support of one or more eligible community 1664
addiction services providers in accordance with divisions ~~(H)~~(P) 1665
(2) and (3) of this section. 1666

(2) The court that imposes a fine under division ~~(H)~~(P)(1) 1667
of this section shall specify in the judgment that imposes the 1668
fine one or more eligible community addiction services providers 1669
for the support of which the fine money is to be used. No 1670
community addiction services provider shall receive or use money 1671
paid or collected in satisfaction of a fine imposed under 1672
division ~~(H)~~(P)(1) of this section unless the services provider 1673
is specified in the judgment that imposes the fine. No community 1674
addiction services provider shall be specified in the judgment 1675
unless the services provider is an eligible community addiction 1676
services provider and, except as otherwise provided in division 1677
~~(H)~~(P)(2) of this section, unless the services provider is 1678
located in the county in which the court that imposes the fine 1679
is located or in a county that is immediately contiguous to the 1680
county in which that court is located. If no eligible community 1681
addiction services provider is located in any of those counties, 1682
the judgment may specify an eligible community addiction 1683
services provider that is located anywhere within this state. 1684

(3) Notwithstanding any contrary provision of section 1685
3719.21 of the Revised Code, the clerk of the court shall pay 1686
any fine imposed under division ~~(H)~~(P)(1) of this section to the 1687
eligible community addiction services provider specified 1688
pursuant to division ~~(H)~~(P)(2) of this section in the judgment. 1689
The eligible community addiction services provider that receives 1690
the fine moneys shall use the moneys only for the alcohol and 1691
drug addiction services identified in the application for 1692

certification of services under section 5119.36 of the Revised 1693
Code or in the application for a license under section 5119.391 1694
of the Revised Code filed with the department of mental health 1695
and addiction services by the community addiction services 1696
provider specified in the judgment. 1697

(4) Each community addiction services provider that 1698
receives in a calendar year any fine moneys under division ~~(H)~~ 1699
(P)(3) of this section shall file an annual report covering that 1700
calendar year with the court of common pleas and the board of 1701
county commissioners of the county in which the services 1702
provider is located, with the court of common pleas and the 1703
board of county commissioners of each county from which the 1704
services provider received the moneys if that county is 1705
different from the county in which the services provider is 1706
located, and with the attorney general. The community addiction 1707
services provider shall file the report no later than the first 1708
day of March in the calendar year following the calendar year in 1709
which the services provider received the fine moneys. The report 1710
shall include statistics on the number of persons served by the 1711
community addiction services provider, identify the types of 1712
alcohol and drug addiction services provided to those persons, 1713
and include a specific accounting of the purposes for which the 1714
fine moneys received were used. No information contained in the 1715
report shall identify, or enable a person to determine the 1716
identity of, any person served by the community addiction 1717
services provider. Each report received by a court of common 1718
pleas, a board of county commissioners, or the attorney general 1719
is a public record open for inspection under section 149.43 of 1720
the Revised Code. 1721

(5) As used in divisions ~~(H)~~(P)(1) to (5) of this section: 1722

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

(b) "Eligible community addiction services provider" means a community addiction services provider, as defined in section 5119.01 of the Revised Code, or a community addiction services provider that maintains a methadone treatment program licensed under section 5119.391 of the Revised Code.

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

~~(J)~~(R) It is an affirmative defense to a charge of aggravated trafficking in a controlled substance analog under division ~~(C)~~(8) (A) (1) of this section that the person charged with violating that offense sold or offered to sell, or prepared for shipment, shipped, transported, delivered, prepared for distribution, or distributed an item described in division (HH) (2) (a), (b), or (c) of section 3719.01 of the Revised Code.

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

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

(2) Division (A)(1) of this section applies to conduct 1752
involving any of the following: 1753

(a) If the drug involved in the conduct described in 1754
division (A)(1) of this section is any compound, mixture, 1755
preparation, or substance included in schedule I or schedule II, 1756
other than marihuana, cocaine, L.S.D., heroin, a fentanyl- 1757
related compound, hashish, or a controlled substance analog, an 1758
amount of the drug so involved that equals or exceeds the bulk 1759
amount but is less than fifty times the bulk amount; 1760

(b) If the drug involved in the conduct described in 1761
division (A)(1) of this section is any compound, mixture, 1762
preparation, or substance included in schedule III, schedule IV, 1763
or schedule V, an amount of the drug so involved that equals or 1764
exceeds five times the bulk amount; 1765

(c) If the drug involved in the conduct described in 1766
division (A)(1) of this section is cocaine or a compound, 1767
mixture, preparation, or substance containing cocaine, an amount 1768
of the drug so involved that equals or exceeds ten grams but is 1769
less than fifty grams; 1770

(d) If the drug involved in the conduct described in 1771
division (A)(1) of this section is L.S.D. or a compound, 1772
mixture, preparation, or substance containing L.S.D., an amount 1773
of the drug so involved that equals or exceeds fifty unit doses 1774
but is less than five hundred unit doses of L.S.D. in solid form 1775
or equals or exceeds five grams but is less than fifty grams of 1776
L.S.D. in liquid concentrate, liquid extract, or liquid 1777
distillate form; 1778

(e) If the drug involved in the conduct described in 1779
division (A)(1) of this section is heroin or a compound, 1780

mixture, preparation, or substance containing heroin, an amount 1781
of the drug so involved that equals or exceeds fifty unit doses 1782
or five grams but is less than three hundred unit doses or 1783
thirty grams; 1784

(f) If the drug involved in the conduct described in 1785
division (A) (1) of this section is a fentanyl-related compound 1786
or a compound, mixture, preparation, or substance containing a 1787
fentanyl-related compound, an amount of the drug so involved 1788
that equals or exceeds fifty unit doses or five grams but is 1789
less than one hundred unit doses or ten grams; 1790

(g) If the drug involved in the conduct described in 1791
division (A) (1) of this section is marihuana other than hashish 1792
or a compound, mixture, preparation, or substance containing 1793
marihuana other than hashish, an amount of the drug so involved 1794
that equals or exceeds one thousand grams but is less than forty 1795
thousand grams; 1796

(h) If the drug involved in the conduct described in 1797
division (A) (1) of this section is hashish or a compound, 1798
mixture, preparation, or substance containing hashish, an amount 1799
of the drug so involved that equals or exceeds fifty grams but 1800
is less than two thousand grams; 1801

(i) If the drug involved in the conduct described in 1802
division (A) (1) of this section is a controlled substance analog 1803
or a compound, mixture, preparation, or substance containing a 1804
controlled substance analog, an amount of the drug so involved 1805
that equals or exceeds twenty grams but is less than thirty 1806
grams. 1807

(B) This section does not apply to any of the following: 1808

(1) Manufacturers, licensed health professionals 1809

authorized to prescribe drugs, pharmacists, owners of 1810
pharmacies, and other persons whose conduct is in accordance 1811
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1812
4741. of the Revised Code; 1813

(2) If the offense involves an anabolic steroid, any 1814
person who is conducting or participating in a research project 1815
involving the use of an anabolic steroid if the project has been 1816
approved by the United States food and drug administration; 1817

(3) Any person who sells, offers for sale, prescribes, 1818
dispenses, or administers for livestock or other nonhuman 1819
species an anabolic steroid that is expressly intended for 1820
administration through implants to livestock or other nonhuman 1821
species and approved for that purpose under the "Federal Food, 1822
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, as 1823
amended, and is sold, offered for sale, prescribed, dispensed, 1824
or administered for that purpose in accordance with that act. 1825

(4) Any person who obtained the controlled substance under 1826
a lawful prescription issued by a licensed health professional 1827
authorized to prescribe drugs. 1828

(C) Whoever violates division (A)(1) of this section is 1829
guilty of major trafficking in drugs and shall be punished as 1830
follows: 1831

(1) Except as otherwise provided in division (C) (2), (3), 1832
(4), or (5) of this section, major trafficking in drugs is a 1833
felony of the third degree, and division (C) of section 2929.13 1834
of the Revised Code applies. 1835

(2) If the drug involved is a compound, mixture, 1836
preparation, or substance included in schedule I or schedule II 1837
that is a sexual assault-enabling drug, one of the following 1838

applies: 1839

(a) Except as otherwise provided in division (C) (2) (b), 1840
(c), or (d) of this section, major trafficking in drugs 1841
committed in those circumstances is a felony of the third degree 1842
and one of the following applies: 1843

(i) Except as otherwise provided in division (C) (2) (a) (ii) 1844
of this section, there is a presumption for a prison term for 1845
the offense. 1846

(ii) If the offender two or more times previously has been 1847
convicted of or pleaded guilty to a felony drug abuse offense, 1848
the court shall impose as a mandatory prison term a third degree 1849
felony mandatory prison term. 1850

(b) If the offense was committed in the vicinity of a 1851
school or in the vicinity of a juvenile, except as otherwise 1852
provided in divisions (C) (2) (c) or (d) of this section, major 1853
trafficking in drugs committed in those circumstances is a 1854
felony of the second degree, and the court shall impose as a 1855
mandatory prison term a second degree felony mandatory prison 1856
term. 1857

(c) If the amount of the drug involved equals or exceeds 1858
five times the bulk amount but is less than fifty times the bulk 1859
amount, except as otherwise provided in division (C) (2) (d) of 1860
this section, major trafficking in drugs committed in those 1861
circumstances is a felony of the second degree, and the court 1862
shall impose as a mandatory prison term a second degree felony 1863
mandatory prison term. 1864

(d) If the amount of the drug involved is within the range 1865
specified in division (C) (2) (c) of this section and the offense 1866
was committed in the vicinity of a school or in the vicinity of 1867

a juvenile, major trafficking in drugs committed in those 1868
circumstances is a felony of the first degree, and the court 1869
shall impose as a mandatory prison term a first degree felony 1870
mandatory prison term. 1871

(3) If the drug involved is a compound, mixture, 1872
preparation, or substance included in schedule III, schedule IV, 1873
or schedule V that is a sexual assault-enabling drug, one of the 1874
following applies: 1875

(a) Except as otherwise provided in divisions (C) (3) (b), 1876
(c), or (d) of this section, major trafficking in drugs 1877
committed in those circumstances is a felony of the third 1878
degree, and there is a presumption for a prison term for the 1879
offense; 1880

(b) If the offense was committed in the vicinity of a 1881
school or in the vicinity of a juvenile, except as otherwise 1882
provided in division (C) (3) (c) or (d) of this section, major 1883
trafficking in drugs committed in those circumstances is a 1884
felony of the second degree and there is a presumption for a 1885
prison term for the offense; 1886

(c) If the amount of the drug involved equals or exceeds 1887
fifty times the bulk amount, except as otherwise provided in 1888
division (C) (3) (d) of this section, major trafficking in drugs 1889
committed in those circumstances is a felony of the second 1890
degree, and the court shall impose as a mandatory prison term a 1891
second degree felony mandatory prison term. 1892

(d) If the amount of the drug involved is within the range 1893
specified in division (C) (3) (c) of this section and the offense 1894
was committed in the vicinity of a school or in the vicinity of 1895
a juvenile, major trafficking in drugs committed in those 1896

circumstances is a felony of the first degree, and the court 1897
shall impose as a mandatory prison term a first degree felony 1898
mandatory prison term. 1899

(4) If the drug involved is a fentanyl-related compound or 1900
a compound, mixture, preparation, or substance containing a 1901
fentanyl-related compound, one of the following applies: 1902

(a) Except as otherwise provided in division (C) (4) (b) of 1903
this section, major trafficking in drugs committed in those 1904
circumstances is a felony of the third degree, and there is a 1905
presumption for a prison term for the offense. 1906

(b) If the offense was committed in the vicinity of a 1907
school or in the vicinity of a juvenile, major trafficking in 1908
drugs committed in those circumstances is a felony of the second 1909
degree, and there is a presumption for a prison term for the 1910
offense. 1911

(5) If the drug involved in the violation is a compound, 1912
mixture, preparation, or substance that is a combination of a 1913
fentanyl-related compound and marihuana, one of the following 1914
applies: 1915

(a) Except as otherwise provided in division (C) (5) (b) of 1916
this section, the offender is guilty of major trafficking in 1917
drugs, involving marihuana, and shall be punished under division 1918
(C) (1) of this section. The offender is not guilty of major 1919
trafficking in drugs, involving a fentanyl-related compound, and 1920
shall not be punished as described in division (C) (5) (b) of this 1921
section for major trafficking in drugs, involving a fentanyl- 1922
related compound. 1923

(b) If the offender knows or has reason to know that the 1924
compound, mixture, preparation, or substance that is the drug 1925

involved contains a fentanyl-related compound, the offender is 1926
guilty of major trafficking in drugs, involving a fentanyl- 1927
related compound, and shall be punished under division (C) (4) of 1928
this section. 1929

(D) If the offender is a professionally licensed person, 1930
in addition to any other sanction imposed for a violation of 1931
this section, the court immediately shall comply with section 1932
2925.38 of the Revised Code. 1933

(E) Divisions (L) to (Q) of section 2925.03 of the Revised 1934
Code apply with respect to a charge or conviction of, or guilty 1935
plea to, a violation of division (A) of this section or a 1936
sentence imposed for such a violation, except to the extent that 1937
by their terms they clearly are inapplicable. Any reference in 1938
divisions (L) to (Q) of section 2925.03 of the Revised Code to a 1939
charge or conviction of, or guilty plea to, a violation of that 1940
section or to a sentence imposed for a violation of that section 1941
shall be construed for purposes of this section as a reference 1942
to a charge or conviction of, or guilty plea to, a violation of 1943
this section or to a sentence imposed for such a violation. 1944

(F) It is an affirmative defense to a charge of major 1945
trafficking in drugs, involving a controlled substance analog, 1946
under this section that the person charged with committing that 1947
offense sold or offered to sell, or prepared for shipment, 1948
shipped, transported, delivered, prepared for distribution, or 1949
distributed an item described in division (HH) (2) (a), (b), or 1950
(c) of section 3719.01 of the Revised Code. 1951

Sec. 2925.032. (A) (1) (a) Except as otherwise provided in 1952
division (C) of this section, no person shall knowingly sell or 1953
offer to sell a controlled substance or controlled substance 1954
analog in an amount listed in division (A) (2) of this section. 1955

(b) Except as otherwise provided in division (C) of this section, no person shall obtain or possess, with purpose to distribute or sell, a controlled substance or controlled substance analog in an amount listed in division (A) (2) of this section. 1956
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(c) Except as otherwise provided in division (C) of this section, no person shall prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance or controlled substance analog in an amount listed in division (A) (2) of this section when the person knows or has reasonable cause to believe that the controlled substance or controlled substance analog is intended for sale or resale. 1961
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(2) Division (A) (1) of this section applies to conduct involving all of the following: 1968
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(a) If the drug involved in the conduct described in division (A) (1) of this section is any compound, mixture, preparation, or substance included in schedule I or schedule II, other than marihuana, cocaine, L.S.D., heroin, a fentanyl-related compound, hashish, or a controlled substance analog, an amount of the drug so involved that equals or exceeds twenty-five one-thousandths of one gram but is less than the bulk amount; 1970
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(b) If the drug involved in the conduct described in division (A) (1) of this section is any compound, mixture, preparation, or substance included in schedule III, schedule IV, or schedule V, an amount of the drug so involved that equals or exceeds twenty-five one-thousandths of one gram but is less than five times the bulk amount; 1978
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1983

(c) If the drug involved in the conduct described in 1984

division (A) (1) of this section is cocaine or a compound, 1985
mixture, preparation, or substance containing cocaine, an amount 1986
of the drug so involved that equals or exceeds twenty-five one- 1987
thousandths of one gram but is less than ten grams; 1988

(d) If the drug involved in the conduct described in 1989
division (A) (1) of this section is L.S.D. or a compound, 1990
mixture, preparation, or substance containing L.S.D., an amount 1991
of the drug so involved that equals or exceeds one-fourth of one 1992
unit dose but is less than fifty unit doses, of L.S.D. in solid 1993
form, or equals or exceeds twenty-five one-thousandths of one 1994
gram but is less than five grams, of L.S.D. in liquid 1995
concentrate, liquid extract, or liquid distillate form; 1996

(e) If the drug involved in the conduct described in 1997
division (A) (1) of this section is heroin or a compound, 1998
mixture, preparation, or substance containing heroin, an amount 1999
of the drug so involved that equals or exceeds twenty-five one- 2000
thousandths of one gram, or one-fourth of one unit dose but is 2001
less than five grams or fifty unit doses; 2002

(f) If the drug involved in the conduct described in 2003
division (A) (1) of this section is a fentanyl-related compound 2004
or a compound, mixture, preparation, or substance containing a 2005
fentanyl-related compound, an amount of the drug so involved 2006
that equals or exceeds twenty-five one-thousandths of one gram, 2007
or one-fourth of one unit dose but is less than five grams or 2008
fifty unit doses; 2009

(g) If the drug involved in the conduct described in 2010
division (A) (1) of this section is marihuana other than hashish 2011
or a compound, mixture, preparation, or substance containing 2012
marihuana other than hashish, an amount of the drug so involved 2013
that equals or exceeds twenty-five one-thousandths of one gram 2014

but is less than one thousand grams; 2015

(h) If the drug involved in the conduct described in 2016
division (A) (1) of this section is hashish or a compound, 2017
mixture, preparation, or substance containing hashish, an amount 2018
of the drug so involved that equals or exceeds twenty-five one- 2019
thousandths of one gram but is less than fifty grams; 2020

(i) If the drug involved in the conduct described in 2021
division (A) (1) of this section is a controlled substance analog 2022
or a compound, mixture, preparation, or substance containing a 2023
controlled substance analog, an amount of the drug so involved 2024
that equals or exceeds twenty-five one-thousandths of one gram 2025
but is less than twenty grams. 2026

(B) (1) Whoever violates division (A) (1) of this section 2027
based on an amount specified in division (A) (2) (a) of this 2028
section is guilty of trafficking in schedule I or schedule II 2029
drugs. The penalty for the offense shall be determined as 2030
follows: 2031

(a) Except as otherwise provided in division (B) (1) (b) of 2032
this section, trafficking in schedule I or schedule II drugs is 2033
a felony of the fifth degree, and division (B) of section 2034
2929.13 of the Revised Code applies in determining whether to 2035
impose a prison term on the offender. 2036

(b) If the drug involved is a sexual assault-enabling drug 2037
or a compound, mixture, preparation, or substance containing a 2038
sexual assault-enabling drug, trafficking in schedule I or 2039
schedule II drugs is one of the following: 2040

(i) Except as otherwise provided in division (B) (1) (b) (ii) 2041
of this section, trafficking in schedule I or schedule II drugs 2042
is a felony of the fourth degree, and division (C) of section 2043

2929.13 of the Revised Code applies in determining whether to 2044
impose a prison term on the offender. 2045

(ii) If the offense was committed in the vicinity of a 2046
school or in the vicinity of a juvenile, trafficking in schedule 2047
I or schedule II drugs is a felony of the third degree, and 2048
division (C) of section 2929.13 of the Revised Code applies in 2049
determining whether to impose a prison term on the offender. 2050

(2) Whoever violates division (A) (1) of this section based 2051
on an amount specified in division (A) (2) (b) of this section is 2052
guilty of trafficking in drugs. The penalty for the offense 2053
shall be determined as follows: 2054

(a) Except as otherwise provided in division (B) (2) (b) of 2055
this section, trafficking in drugs is one of the following: 2056

(i) If the amount of the drug involved equals or exceeds 2057
the bulk amount but is less than five times the bulk amount, 2058
trafficking in drugs is a felony of the fourth degree, and 2059
division (C) of section 2929.13 of the Revised Code applies in 2060
determining whether to impose a prison term on the offender. 2061

(ii) If the amount of the drug involved equals or exceeds 2062
twenty-five one-thousandths of one gram but is less than the 2063
bulk amount, trafficking in drugs is a felony of the fifth 2064
degree, and division (B) of section 2929.13 of the Revised Code 2065
applies in determining whether to impose a prison term on the 2066
offender. 2067

(b) If the drug involved is a sexual assault-enabling drug 2068
or a compound, mixture, preparation, or substance containing a 2069
sexual assault-enabling drug, trafficking in drugs is one of the 2070
following: 2071

(i) If the amount of the drug involved equals or exceeds 2072

the bulk amount but is less than five times the bulk amount, 2073
except as otherwise provided in division (B) (2) (b) (ii) of this 2074
section, trafficking in drugs is a felony of the fourth degree, 2075
and division (B) of section 2929.13 of the Revised Code applies 2076
in determining whether to impose a prison term on the offender. 2077

(ii) If the amount of the drug involved is within the 2078
range specified in division (B) (2) (b) (i) of this section and the 2079
offense was committed in the vicinity of a school or in the 2080
vicinity of a juvenile, trafficking in drugs is a felony of the 2081
third degree, and there is a presumption for a prison term for 2082
the offense. 2083

(iii) If the amount of the drug involved equals or exceeds 2084
twenty-five one-thousandths of one gram but is less than the 2085
bulk amount, except as otherwise provided in division (B) (2) (b) 2086
(iv) of this section, trafficking in drugs is a felony of the 2087
fifth degree, and division (B) of section 2929.13 of the Revised 2088
Code applies in determining whether to impose a prison term on 2089
the offender. 2090

(iv) If the amount of the drug involved is within the 2091
range specified in division (B) (2) (b) (iii) of this section and 2092
the offense was committed in the vicinity of a school or in the 2093
vicinity of a juvenile, trafficking in drugs is a felony of the 2094
fourth degree, and division (C) of section 2929.13 of the 2095
Revised Code applies in determining whether to impose a prison 2096
term on the offender. 2097

(3) Whoever violates division (A) (1) of this section based 2098
on an amount specified in division (A) (2) (c) of this section is 2099
guilty of trafficking in cocaine. Trafficking in cocaine is a 2100
felony of the fifth degree, and division (B) of section 2929.13 2101
of the Revised Code applies in determining whether to impose a 2102

prison term on the offender. 2103

(4) Whoever violates division (A) (1) of this section based 2104
on an amount specified in division (A) (2) (d) of this section is 2105
guilty of trafficking in L.S.D. Trafficking in L.S.D. is a 2106
felony of the fifth degree, and division (B) of section 2929.13 2107
of the Revised Code applies in determining whether to impose a 2108
prison term on the offender. 2109

(5) Whoever violates division (A) (1) of this section based 2110
on an amount specified in division (A) (2) (e) of this section is 2111
guilty of trafficking in heroin. The penalty for the offense 2112
shall be determined as follows: 2113

(a) If the amount of the drug involved equals or exceeds 2114
one gram or ten unit doses but is less than five grams or fifty 2115
unit doses, trafficking in heroin is a felony of the fourth 2116
degree, and division (C) of section 2929.13 of the Revised Code 2117
applies in determining whether to impose a prison term on the 2118
offender. 2119

(b) If the amount of the drug involved equals or exceeds 2120
twenty-five one-thousandths of one gram or one-fourth of one 2121
unit dose but is less than one gram or ten unit doses, 2122
trafficking in heroin is a felony of the fifth degree, and 2123
division (B) of section 2929.13 of the Revised Code applies in 2124
determining whether to impose a prison term on the offender. 2125

(6) Whoever violates division (A) (1) of this section based 2126
on an amount specified in division (A) (2) (f) of this section, 2127
subject to division (B) (7) of this section, is guilty of 2128
trafficking in a fentanyl-related compound. The penalty for the 2129
offense shall be determined as follows: 2130

(a) Except as otherwise provided in division (B) (6) (b), 2131

(c), or (d) of this section, trafficking in a fentanyl-related compound 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. 2132
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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 (B)(6)(c) or (d) of this section, trafficking in a fentanyl-related compound is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 2136
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(c) 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, except as otherwise provided in division (B)(6)(d) of this section, trafficking in a fentanyl-related compound is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. 2143
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(d) If the amount of the drug involved is within the range specified in division (B)(6)(c) of this section and the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a fentanyl-related compound is a felony of the third degree, and there is a presumption for a prison term for the offense. 2151
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(7) If the drug involved in the violation of division (A)(1) of this section is a compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and marihuana, one of the following applies: 2157
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(a) Except as otherwise provided in division (B) (7) (b) of this section, the offender is guilty of trafficking in marihuana and shall be punished under division (B) (8) of this section. The offender is not guilty of trafficking in a fentanyl-related compound and shall not be charged with, convicted of, or punished under division (B) (6) of this section for trafficking in a fentanyl-related compound. 2161
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(b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of trafficking in a fentanyl-related compound and shall be punished under division (B) (6) of this section. 2168
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(8) Whoever violates division (A) (1) of this section based on an amount specified in division (A) (2) (g) of this section, subject to division (D) of this section, is guilty of trafficking in marihuana. The penalty for the offense shall be determined as follows: 2173
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(a) Except as otherwise provided in division (B) (8) (b) 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. 2178
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(b) If the amount of the drug involved is a gift of less than twenty grams, trafficking in marihuana is a minor misdemeanor on a first offense and a misdemeanor of the third degree on a subsequent offense. 2183
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(9) Whoever violates division (A) (1) of this section based on an amount specified in division (A) (2) (h) of this section is guilty of trafficking in hashish. Trafficking in hashish is a 2187
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felony of the fifth degree, and division (B) of section 2929.13 2190
of the Revised Code applies in determining whether to impose a 2191
prison term on the offender. 2192

(10) Whoever violates division (A)(1) of this section 2193
based on an amount specified in division (A)(2)(i) of this 2194
section is guilty of trafficking in a controlled substance 2195
analog. The penalty for the offense shall be determined as 2196
follows: 2197

(a) If the amount of the drug involved equals or exceeds 2198
ten grams but is less than twenty grams, trafficking in a 2199
controlled substance analog is a felony of the fourth degree, 2200
and division (C) of section 2929.13 of the Revised Code applies 2201
in determining whether to impose a prison term on the offender. 2202

(b) If the amount of the drug involved equals or exceeds 2203
twenty-five one-thousandths of one gram but is less than ten 2204
grams, trafficking in a controlled substance analog is a felony 2205
of the fifth degree, and division (B) of section 2929.13 of the 2206
Revised Code applies in determining whether to impose a prison 2207
term on the offender. 2208

(C) This section does not apply to any of the following: 2209

(1) Manufacturers, licensed health professionals 2210
authorized to prescribe drugs, pharmacists, owners of 2211
pharmacies, and other persons whose conduct is in accordance 2212
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 2213
4741. of the Revised Code; 2214

(2) If the offense involves an anabolic steroid, any 2215
person who is conducting or participating in a research project 2216
involving the use of an anabolic steroid if the project has been 2217
approved by the United States food and drug administration; 2218

(3) Any person who sells, offers for sale, prescribes, 2219
dispenses, or administers for livestock or other nonhuman 2220
species an anabolic steroid that is expressly intended for 2221
administration through implants to livestock or other nonhuman 2222
species and approved for that purpose under the "Federal Food, 2223
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, 2224
and is sold, offered for sale, prescribed, dispensed, or 2225
administered for that purpose in accordance with that act. 2226

(D) Notwithstanding division (B) of this section, a person 2227
who violates division (A) (1) of this section by gifting twenty 2228
grams or less of marihuana to another person shall be guilty 2229
only of a minor misdemeanor. 2230

(E) If the offender is a professionally licensed person, 2231
in addition to any other sanction imposed for a violation of 2232
this section, the court immediately shall comply with section 2233
2925.38 of the Revised Code. 2234

(F) Divisions (L) to (Q) of section 2925.03 of the Revised 2235
Code apply with respect to a charge or conviction of, or guilty 2236
plea to, a violation of division (A) of this section or a 2237
sentence imposed for such a violation, except to the extent that 2238
by their terms they clearly are inapplicable. Any reference in 2239
divisions (L) to (Q) of section 2925.03 of the Revised Code to a 2240
charge or conviction of, or guilty plea to, a violation of that 2241
section or to a sentence imposed for a violation of that section 2242
shall be construed for purposes of this section as a reference 2243
to a charge or conviction of, or guilty plea to, a violation of 2244
this section or to a sentence imposed for such a violation. 2245

(G) It is an affirmative defense to a charge of 2246
trafficking in a controlled substance analog under this section 2247
that the person charged with violating that offense sold or 2248

offered to sell, or prepared for shipment, shipped, transported, 2249
delivered, prepared for distribution, or distributed an item 2250
described in division (HH) (2) (a), (b), or (c) of section 3719.01 2251
of the Revised Code. 2252

Sec. 2925.11. (A) ~~No~~ (1) Except as provided in division 2253
(B) of this section, no person shall knowingly obtain, possess, 2254
or use a controlled substance or a controlled substance analog 2255
in an amount listed in division (A) (2) of this section. 2256

(2) Division (A) (1) of this section applies to conduct 2257
involving all of the following: 2258

(a) If the drug involved in the conduct described in 2259
division (A) (1) of this section is any compound, mixture, 2260
preparation, or substance included in schedule I or schedule II, 2261
other than marihuana, cocaine, L.S.D., heroin, a fentanyl- 2262
related compound, hashish, a controlled substance analog, or a 2263
sexual assault-enhancing drug, subject to division (A) (2) (g) of 2264
this section, an amount of the drug so involved that equals or 2265
exceeds twenty-five one-thousandths of one gram but is less than 2266
the bulk amount; 2267

(b) If the drug involved in the conduct described in 2268
division (A) (1) of this section is any compound, mixture, 2269
preparation, or substance included in schedule III, schedule IV, 2270
or schedule V, subject to division (A) (2) (g) of this section, an 2271
amount of the drug so involved that equals or exceeds twenty- 2272
five one-thousandths of one gram but is less than five times the 2273
bulk amount; 2274

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

of the drug so involved that equals or exceeds twenty-five one- 2278
thousandths of one gram but is less than ten grams; 2279

(d) If the drug involved in the conduct described in 2280
division (A) (1) of this section is L.S.D. or a compound, 2281
mixture, preparation, or substance containing L.S.D., an amount 2282
of the drug so involved that equals or exceeds one-fourth of one 2283
unit dose but is less than fifty unit doses, of L.S.D. in solid 2284
form or equals or exceeds twenty-five one-thousandths of one 2285
gram but is less than five grams, of L.S.D. in liquid 2286
concentrate, liquid extract, or liquid distillate form; 2287

(e) If the drug involved in the conduct described in 2288
division (A) (1) of this section is heroin or a compound, 2289
mixture, preparation, or substance containing heroin, an amount 2290
of the drug so involved that equals or exceeds twenty-five one- 2291
thousandths of one gram or one-fourth of one unit dose but is 2292
less than five grams or fifty unit doses; 2293

(f) If the drug involved in the conduct described in 2294
division (A) (1) of this section is a controlled substance analog 2295
or a compound, mixture, preparation, or substance containing a 2296
controlled substance analog, an amount of the drug so involved 2297
that equals or exceeds twenty-five one-thousandths of one gram 2298
but is less than twenty grams; 2299

(g) If the drug involved in the conduct described in 2300
division (A) (1) of this section is a sexual assault-enabling 2301
drug or a compound, mixture, preparation, or substance 2302
containing a sexual assault-enabling drug, an amount of the drug 2303
so involved that is one of the following: 2304

(i) If the sexual assault-enabling drug is a schedule I or 2305
schedule II controlled substance, an amount of the drug so 2306

involved that is less than the bulk amount; 2307

(ii) If the sexual assault-enabling drug is a schedule 2308
III, schedule IV, or schedule V controlled substance, an amount 2309
of the drug that is less than five times the bulk amount. 2310

(h) If the drug involved in the conduct described in 2311
division (A)(1) of this section is a fentanyl-related compound 2312
or a compound, mixture, preparation, or substance containing a 2313
fentanyl-related compound, an amount of the drug so involved 2314
that is less than fifty unit doses or five grams. 2315

(B)(1) This section does not apply to any of the 2316
following: 2317

(a) Manufacturers, licensed health professionals 2318
authorized to prescribe drugs, pharmacists, owners of 2319
pharmacies, and other persons whose conduct was in accordance 2320
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 2321
4741. of the Revised Code; 2322

(b) If the offense involves an anabolic steroid, any 2323
person who is conducting or participating in a research project 2324
involving the use of an anabolic steroid if the project has been 2325
approved by the United States food and drug administration; 2326

(c) Any person who sells, offers for sale, prescribes, 2327
dispenses, or administers for livestock or other nonhuman 2328
species an anabolic steroid that is expressly intended for 2329
administration through implants to livestock or other nonhuman 2330
species and approved for that purpose under the "Federal Food, 2331
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 2332
as amended, and is sold, offered for sale, prescribed, 2333
dispensed, or administered for that purpose in accordance with 2334
that act; 2335

(d) Any person who obtained the controlled substance 2336
pursuant to a prescription issued by a licensed health 2337
professional authorized to prescribe drugs if the prescription 2338
was issued for a legitimate medical purpose and not altered, 2339
forged, or obtained through deception or commission of a theft 2340
offense. 2341

As used in division (B) (1) (d) of this section, "deception" 2342
and "theft offense" have the same meanings as in section 2913.01 2343
of the Revised Code. 2344

(2) (a) As used in division (B) (2) of this section: 2345

(i) "Community addiction services provider" has the same 2346
meaning as in section 5119.01 of the Revised Code. 2347

(ii) "Community control sanction" and "drug treatment 2348
program" have the same meanings as in section 2929.01 of the 2349
Revised Code. 2350

(iii) "Health care facility" has the same meaning as in 2351
section 2919.16 of the Revised Code. 2352

(iv) "Minor drug possession offense" ~~means a violation of~~ 2353
~~this section that is a misdemeanor or a felony of the fifth~~ 2354
~~degree~~ has the same meaning as in section 2925.01 of the Revised 2355
Code. 2356

(v) "Post-release control sanction" has the same meaning 2357
as in section 2967.28 of the Revised Code. 2358

(vi) "Peace officer" has the same meaning as in section 2359
2935.01 of the Revised Code. 2360

(vii) "Public agency" has the same meaning as in section 2361
2930.01 of the Revised Code. 2362

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

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

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

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

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

(iii) Subject to division (B) (2) (g) of this section, the qualified individual who obtains a screening and receives a

referral for treatment under division (B) (2) (b) (ii) of this 2392
section, upon the request of any prosecuting attorney, submits 2393
documentation to the prosecuting attorney that verifies that the 2394
qualified individual satisfied the requirements of that 2395
division. The documentation shall be limited to the date and 2396
time of the screening obtained and referral received. 2397

(c) If a person is found to be in violation of any 2398
community control sanction and if the violation is a result of 2399
either of the following, the court shall first consider ordering 2400
the person's participation or continued participation in a drug 2401
treatment program or mitigating the penalty specified in section 2402
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 2403
applicable, after which the court has the discretion either to 2404
order the person's participation or continued participation in a 2405
drug treatment program or to impose the penalty with the 2406
mitigating factor specified in any of those applicable sections: 2407

(i) Seeking or obtaining medical assistance in good faith 2408
for another person who is experiencing a drug overdose; 2409

(ii) Experiencing a drug overdose and seeking medical 2410
assistance for that overdose or being the subject of another 2411
person seeking or obtaining medical assistance for that overdose 2412
as described in division (B) (2) (b) of this section. 2413

(d) If a person is found to be in violation of any post- 2414
release control sanction and if the violation is a result of 2415
either of the following, the court or the parole board shall 2416
first consider ordering the person's participation or continued 2417
participation in a drug treatment program or mitigating the 2418
penalty specified in section 2929.141 or 2967.28 of the Revised 2419
Code, whichever is applicable, after which the court or the 2420
parole board has the discretion either to order the person's 2421

participation or continued participation in a drug treatment 2422
program or to impose the penalty with the mitigating factor 2423
specified in either of those applicable sections: 2424

(i) Seeking or obtaining medical assistance in good faith 2425
for another person who is experiencing a drug overdose; 2426

(ii) Experiencing a drug overdose and seeking medical 2427
assistance for that emergency or being the subject of another 2428
person seeking or obtaining medical assistance for that overdose 2429
as described in division (B) (2) (b) of this section. 2430

(e) Nothing in division (B) (2) (b) of this section shall be 2431
construed to do any of the following: 2432

(i) Limit the admissibility of any evidence in connection 2433
with the investigation or prosecution of a crime with regards to 2434
a defendant who does not qualify for the protections of division 2435
(B) (2) (b) of this section or with regards to any crime other 2436
than a minor drug possession offense committed by a person who 2437
qualifies for protection pursuant to division (B) (2) (b) of this 2438
section for a minor drug possession offense; 2439

(ii) Limit any seizure of evidence or contraband otherwise 2440
permitted by law; 2441

(iii) Limit or abridge the authority of a peace officer to 2442
detain or take into custody a person in the course of an 2443
investigation or to effectuate an arrest for any offense except 2444
as provided in that division; 2445

(iv) Limit, modify, or remove any immunity from liability 2446
available pursuant to law in effect prior to September 13, 2016, 2447
to any public agency or to an employee of any public agency. 2448

(f) Division (B) (2) (b) of this section does not apply to 2449

any person who twice previously has been granted an immunity 2450
under division (B) (2) (b) of this section. No person shall be 2451
granted an immunity under division (B) (2) (b) of this section 2452
more than two times. 2453

(g) Nothing in this section shall compel any qualified 2454
individual to disclose protected health information in a way 2455
that conflicts with the requirements of the "Health Insurance 2456
Portability and Accountability Act of 1996," 104 Pub. L. No. 2457
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 2458
regulations promulgated by the United States department of 2459
health and human services to implement the act or the 2460
requirements of 42 C.F.R. Part 2. 2461

~~(C) Whoever violates division (A) of this section is~~ 2462
~~guilty of one of the following:~~ 2463

~~(1) If the drug involved in the violation is a compound,~~ 2464
~~mixture, preparation, or substance included in schedule I or II,~~ 2465
~~with the exception of marihuana, cocaine, L.S.D., heroin, any~~ 2466
~~fentanyl related compound, hashish, and any controlled substance~~ 2467
~~analog, whoever violates division (A) of this section is guilty~~ 2468
~~of aggravated possession of drugs. The penalty for the offense~~ 2469
~~shall be determined as follows:~~ 2470

~~(a) Except as otherwise provided in division (C) (1) (b),~~ 2471
~~(c), (d), or (e) of this section, aggravated possession of drugs~~ 2472
~~is a felony of the fifth degree, and division (B) of section~~ 2473
~~2929.13 of the Revised Code applies in determining whether to~~ 2474
~~impose a prison term on the offender.~~ 2475

~~(b) If the amount of the drug involved equals or exceeds~~ 2476
~~the bulk amount but is less than five times the bulk amount,~~ 2477
~~aggravated possession of drugs is a felony of the third degree,~~ 2478

~~and there is a presumption for a prison term for the offense.~~ 2479

~~(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.~~ 2480
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~~(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount but is less than one hundred times the bulk amount, aggravated possession of drugs is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 2485
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~~(e) If the amount of the drug involved equals or exceeds one hundred times the bulk amount, aggravated possession of drugs is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~ 2490
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~~(2) If the drug involved in the violation is a compound, mixture, preparation, or substance included in schedule III, IV, or V, whoever violates division (A) of this section is guilty of possession of drugs. The penalty for the offense shall be determined as follows:~~ 2495
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~~(a) Except as otherwise provided in division (C) (2) (b), (c), or (d) of this section, possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony of the fifth degree.~~ 2500
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~~(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, possession of drugs is a felony of the fourth degree, and~~ 2505
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~~division (C) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.~~ 2508
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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, possession of drugs is a felony of the third degree, and
there is a presumption for a prison term for the offense.~~ 2510
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~~(d) If the amount of the drug involved equals or exceeds
fifty times the bulk amount, possession of drugs is a felony of
the second degree, and the court shall impose upon the offender
as a mandatory prison term a second degree felony mandatory
prison term.~~ 2514
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~~(3) If the drug involved in the violation is marihuana or
a compound, mixture, preparation, or substance containing
marihuana other than hashish, whoever violates division (A) of
this section is guilty of possession of marihuana. The penalty
for the offense shall be determined as follows:~~ 2519
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~~(a) Except as otherwise provided in division (C) (3) (b),
(c), (d), (e), (f), or (g) of this section, possession of
marihuana is a minor misdemeanor.~~ 2524
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~~(b) If the amount of the drug involved equals or exceeds
one hundred grams but is less than two hundred grams, possession
of marihuana is a misdemeanor of the fourth degree.~~ 2527
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~~(c) If the amount of the drug involved equals or exceeds
two hundred grams but is less than one thousand grams,
possession of marihuana is a felony of the fifth degree, and
division (B) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.~~ 2530
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~~(d) If the amount of the drug involved equals or exceeds
one thousand grams but is less than five thousand grams,~~ 2535
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~~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.~~ 2537
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~~(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.~~ 2540
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~~(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.~~ 2545
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~~(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.~~ 2551
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~~(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:-~~ 2555
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~~(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.~~ 2560
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~~(b) If the amount of the drug involved equals or exceeds-~~ 2565

~~five grams but is less than ten grams of cocaine, possession of 2566
cocaine is a felony of the fourth degree, and division (B) of 2567
section 2929.13 of the Revised Code applies in determining 2568
whether to impose a prison term on the offender. 2569~~

~~(c) If the amount of the drug involved equals or exceeds 2570
ten grams but is less than twenty grams of cocaine, possession 2571
of cocaine is a felony of the third degree, and, except as 2572
otherwise provided in this division, there is a presumption for 2573
a prison term for the offense. If possession of cocaine is a 2574
felony of the third degree under this division and if the 2575
offender two or more times previously has been convicted of or 2576
pleaded guilty to a felony drug abuse offense, the court shall 2577
impose as a mandatory prison term one of the prison terms 2578
prescribed for a felony of the third degree. 2579~~

~~(d) If the amount of the drug involved equals or exceeds 2580
twenty grams but is less than twenty-seven grams of cocaine, 2581
possession of cocaine is a felony of the second degree, and the 2582
court shall impose as a mandatory prison term a second degree 2583
felony mandatory prison term. 2584~~

~~(e) If the amount of the drug involved equals or exceeds 2585
twenty-seven grams but is less than one hundred grams of 2586
cocaine, possession of cocaine is a felony of the first degree, 2587
and the court shall impose as a mandatory prison term a first 2588
degree felony mandatory prison term. 2589~~

~~(f) If the amount of the drug involved equals or exceeds 2590
one hundred grams of cocaine, possession of cocaine is a felony 2591
of the first degree, the offender is a major drug offender, and 2592
the court shall impose as a mandatory prison term a maximum 2593
first degree felony mandatory prison term. 2594~~

~~(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:—~~ 2595
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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.—~~ 2599
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~~(b) If the amount of L.S.D. involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.—~~ 2604
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~~(c) If the amount of L.S.D. involved equals or exceeds fifty unit doses, but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the third degree, and there is a presumption for a prison term for the offense.—~~ 2612
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~~(d) If the amount of L.S.D. involved equals or exceeds two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty-five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the second degree, and the—~~ 2619
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~~court shall impose as a mandatory prison term a second degree
felony mandatory prison term.~~ 2625
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~~(e) If the amount of L.S.D. involved equals or exceeds one
thousand unit doses but is less than five thousand unit doses of
L.S.D. in a solid form or equals or exceeds one hundred grams
but is less than five hundred grams of L.S.D. in a liquid
concentrate, liquid extract, or liquid distillate form,
possession of L.S.D. is a felony of the first degree, and the
court shall impose as a mandatory prison term a first degree
felony mandatory prison term.~~ 2627
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~~(f) If the amount of L.S.D. involved equals or exceeds
five thousand unit doses of L.S.D. in a solid form or equals or
exceeds five hundred grams of L.S.D. in a liquid concentrate,
liquid extract, or liquid distillate form, possession of L.S.D.
is a felony of the first degree, the offender is a major drug
offender, and the court shall impose as a mandatory prison term
a maximum first degree felony mandatory prison term.~~ 2635
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~~(6) If the drug involved in the violation is heroin or a
compound, mixture, preparation, or substance containing heroin,
whoever violates division (A) of this section is guilty of
possession of heroin. The penalty for the offense shall be
determined as follows:-~~ 2642
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2646

~~(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.~~ 2647
2648
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~~(b) If the amount of the drug involved equals or exceeds
ten unit doses but is less than fifty unit doses or equals or~~ 2652
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~~exceeds one gram but is less than five grams, possession of 2654
heroin is a felony of the fourth degree, and division (C) of 2655
section 2929.13 of the Revised Code applies in determining 2656
whether to impose a prison term on the offender. 2657~~

~~(c) If the amount of the drug involved equals or exceeds 2658
fifty unit doses but is less than one hundred unit doses or 2659
equals or exceeds five grams but is less than ten grams, 2660
possession of heroin is a felony of the third degree, and there 2661
is a presumption for a prison term for the offense. 2662~~

~~(d) If the amount of the drug involved equals or exceeds 2663
one hundred unit doses but is less than five hundred unit doses 2664
or equals or exceeds ten grams but is less than fifty grams, 2665
possession of heroin is a felony of the second degree, and the 2666
court shall impose as a mandatory prison term a second degree 2667
felony mandatory prison term. 2668~~

~~(e) If the amount of the drug involved equals or exceeds 2669
five hundred unit doses but is less than one thousand unit doses 2670
or equals or exceeds fifty grams but is less than one hundred 2671
grams, possession of heroin is a felony of the first degree, and 2672
the court shall impose as a mandatory prison term a first degree 2673
felony mandatory prison term. 2674~~

~~(f) If the amount of the drug involved equals or exceeds 2675
one thousand unit doses or equals or exceeds one hundred grams, 2676
possession of heroin is a felony of the first degree, the 2677
offender is a major drug offender, and the court shall impose as 2678
a mandatory prison term a maximum first degree felony mandatory 2679
prison term. 2680~~

~~(7) If the drug involved in the violation is hashish or a 2681
compound, mixture, preparation, or substance containing hashish, 2682~~

~~whoever violates division (A) of this section is guilty of possession of hashish. The penalty for the offense shall be determined as follows:—~~ 2683
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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.—~~ 2686
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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.—~~ 2689
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~~(c) If the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.—~~ 2695
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~~(d) If the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.—~~ 2703
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~~(e) If the amount of the drug involved equals or exceeds—~~ 2711

~~two hundred fifty grams but is less than one thousand grams of
hashish in a solid form or equals or exceeds fifty grams but is
less than two hundred grams of hashish in a liquid concentrate,
liquid extract, or liquid distillate form, possession of hashish
is a felony of the third degree, and there is a presumption that
a prison term shall be imposed for the offense.~~ 2712
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~~(f) If the amount of the drug involved equals or exceeds
one thousand grams but is less than two thousand grams of
hashish in a solid form or equals or exceeds two hundred grams
but is less than four hundred grams of hashish in a liquid
concentrate, liquid extract, or liquid distillate form,
possession of hashish is a felony of the second degree, and the
court shall impose as a mandatory prison term a second degree
felony mandatory prison term of five, six, seven, or eight
years.~~ 2718
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~~(g) If the amount of the drug involved equals or exceeds
two thousand grams of hashish in a solid form or equals or
exceeds four hundred grams of hashish in a liquid concentrate,
liquid extract, or liquid distillate form, possession of hashish
is a felony of the second degree, and the court shall impose as
a mandatory prison term a maximum second degree felony mandatory
prison term.~~ 2727
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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:~~ 2734
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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~~ 2740
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~~controlled substance analog is a felony of the fifth degree, and 2742
division (B) of section 2929.13 of the Revised Code applies in 2743
determining whether to impose a prison term on the offender. 2744~~

~~(b) If the amount of the drug involved equals or exceeds 2745
ten grams but is less than twenty grams, possession of a 2746
controlled substance analog is a felony of the fourth degree, 2747
and there is a presumption for a prison term for the offense. 2748~~

~~(c) If the amount of the drug involved equals or exceeds 2749
twenty grams but is less than thirty grams, possession of a 2750
controlled substance analog is a felony of the third degree, and 2751
there is a presumption for a prison term for the offense. 2752~~

~~(d) If the amount of the drug involved equals or exceeds 2753
thirty grams but is less than forty grams, possession of a 2754
controlled substance analog is a felony of the second degree, 2755
and the court shall impose as a mandatory prison term a second- 2756
degree felony mandatory prison term. 2757~~

~~(e) If the amount of the drug involved equals or exceeds 2758
forty grams but is less than fifty grams, possession of a 2759
controlled substance analog is a felony of the first degree, and 2760
the court shall impose as a mandatory prison term a first degree 2761
felony mandatory prison term. 2762~~

~~(f) If the amount of the drug involved equals or exceeds 2763
fifty grams, possession of a controlled substance analog is a 2764
felony of the first degree, the offender is a major drug 2765
offender, and the court shall impose as a mandatory prison term 2766
a maximum first degree felony mandatory prison term. 2767~~

~~(9) Whoever violates division (A) (1) of this section is 2768
guilty of possession of a controlled substance and shall be 2769
penalized as follows: 2770~~

(1) If the violation is based on an amount specified in 2771
division (A) (2) (a), (b), (c), (d), (e), or (f) of this section, 2772
except as otherwise provided in this division, possession of a 2773
controlled substance is an unclassified misdemeanor and division 2774
(C) (7) of this section applies. If the offender twice previously 2775
has been convicted of or pleaded guilty to a violation of this 2776
section or a substantially equivalent law of this state or 2777
municipal ordinance in the three years immediately preceding the 2778
offense date, possession of a controlled substance is a felony 2779
of the fifth degree and division (B) of section 2929.13 of the 2780
Revised Code applies in determining whether to impose a prison 2781
term on the offender. 2782

(2) If the violation is based on an amount specified in 2783
division (A) (2) (g) (i) of this section, possession of a 2784
controlled substance committed in those circumstances is a 2785
felony of the fifth degree, and division (B) of section 2929.13 2786
of the Revised Code applies in determining whether to impose a 2787
prison term on the offender. 2788

(3) If the violation is based on an amount specified in 2789
division (A) (2) (g) (ii) of this section, the penalty for the 2790
offense shall be determined as follows: 2791

(a) Except as otherwise provided in division (C) (3) (b) or 2792
(c) of this section, possession of a controlled substance 2793
committed in those circumstances is a misdemeanor of the first 2794
degree. 2795

(b) If the offender previously has been convicted of or 2796
pleaded guilty to a drug abuse offense, except as provided in 2797
division (C) (3) (c) of this section, possession of a controlled 2798
substance committed in those circumstances is a felony of the 2799
fifth degree, and division (B) of section 2929.13 of the Revised 2800

Code applies in determining whether to impose a prison term on
the offender; 2801
2802

(c) If the amount of the drug involved equals or exceeds
the bulk amount but is less than five times the bulk amount,
possession of a controlled substance 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. 2803
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(4) If the drug involved in the violation is a compound,
mixture, preparation, or substance that is a combination of a
fentanyl-related compound and marihuana, one of the following
applies: 2809
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(a) Except as otherwise provided in division (C) ~~(9)~~ (4) (b)
of this section, the offender is guilty of possession of
marihuana and shall be punished as provided in ~~division (C) (3)~~
~~of this section 2925.111 of the Revised Code.~~ Except as
otherwise provided in division (C) ~~(9)~~ (4) (b) of this section, the
offender is not guilty of possession of a controlled substance
requiring sentencing for a fentanyl-related compound under
division (C) ~~(11)~~ (6) of this section and shall not be ~~charged
with, convicted of, or punished under~~ division (C) ~~(11)~~ (6) of
this section for possession of a fentanyl-related compound. 2813
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(b) If the offender knows or has reason to know that the
compound, mixture, preparation, or substance that is the drug
involved contains a fentanyl-related compound, the offender is
guilty of possession of a controlled substance requiring
sentencing for a fentanyl-related compound and shall be punished
under division (C) ~~(11)~~ (6) of this section. 2823
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~~(10)~~ (5) If the drug involved in the violation is a 2829

compound, mixture, preparation, or substance that is a 2830
combination of a fentanyl-related compound and any schedule III, 2831
schedule IV, or schedule V controlled substance that is not a 2832
fentanyl-related compound, one of the following applies: 2833

(a) Except as otherwise provided in division (C) ~~(10)~~ (5) (b) 2834
of this section, the offender is guilty of possession of ~~drugs~~ 2835
~~and shall be punished as provided in a controlled substance~~ 2836
~~requiring sentencing under~~ division (C) ~~(2)~~ (1) of this section. 2837
Except as otherwise provided in division (C) ~~(10)~~ (5) (b) of this 2838
section, the offender is not guilty of possession of a 2839
controlled substance requiring sentencing for a fentanyl-related 2840
compound under division (C) ~~(11)~~ (6) of this section and shall not 2841
be ~~charged with, convicted of, or punished under~~ division (C) 2842
~~(11)~~ (6) of this section ~~for possession of a fentanyl-related~~ 2843
~~compound.~~ 2844

(b) If the offender knows or has reason to know that the 2845
compound, mixture, preparation, or substance that is the drug 2846
involved contains a fentanyl-related compound, the offender is 2847
guilty of possession of a controlled substance requiring 2848
sentencing for a fentanyl-related compound and shall be punished 2849
under division (C) ~~(11)~~ (6) of this section. 2850

~~(11)~~ (6) If the drug involved in the violation is a 2851
fentanyl-related compound and neither division (C) ~~(9)~~ (4) (a) nor 2852
division (C) ~~(10)~~ (5) (a) of this section applies to the drug 2853
involved, or is a compound, mixture, preparation, or substance 2854
that contains a fentanyl-related compound or is a combination of 2855
a fentanyl-related compound and any other controlled substance 2856
and neither division (C) ~~(9)~~ (4) (a) nor division (C) ~~(10)~~ (5) (a) of 2857
this section applies to the drug involved, ~~whoever violates~~ 2858
~~division (A) of this section is guilty of possession of a~~ 2859

~~fentanyl related compound. The~~ the penalty for the offense shall 2860
be determined as follows: 2861

(a) Except as otherwise provided in division (C) ~~(11)~~ (6) 2862
~~(b), (c), (d), (e), (f), or (g)~~ of this section, possession of a 2863
~~fentanyl related compound~~ controlled substance in those 2864
circumstances is a felony of the fifth degree, and division (B) 2865
of section 2929.13 of the Revised Code applies in determining 2866
whether to impose a prison term on the offender. 2867

(b) If the amount of the drug involved equals or exceeds 2868
ten unit doses but is less than fifty unit doses or equals or 2869
exceeds one gram but is less than five grams, possession of a 2870
~~fentanyl related compound~~ controlled substance in those 2871
circumstances is a felony of the fourth 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. 2874

~~(c) If the amount of the drug involved equals or exceeds~~ 2875
~~fifty unit doses but is less than one hundred unit doses or~~ 2876
~~equals or exceeds five grams but is less than ten grams,~~ 2877
~~possession of a fentanyl related compound is a felony of the~~ 2878
~~third degree, and there is a presumption for a prison term for~~ 2879
~~the offense.~~ 2880

~~(d) If the amount of the drug involved equals or exceeds~~ 2881
~~one hundred unit doses but is less than two hundred unit doses~~ 2882
~~or equals or exceeds ten grams but is less than twenty grams,~~ 2883
~~possession of a fentanyl related compound is a felony of the~~ 2884
~~second degree, and the court shall impose as a mandatory prison~~ 2885
~~term one of the prison terms prescribed for a felony of the~~ 2886
~~second degree.~~ 2887

~~(e) If the amount of the drug involved equals or exceeds~~ 2888

~~two hundred unit doses but is less than five hundred unit doses— 2889
or equals or exceeds twenty grams but is less than fifty grams,— 2890
possession of a fentanyl-related compound is a felony of the— 2891
first degree, and the court shall impose as a mandatory prison— 2892
term one of the prison terms prescribed for a felony of the— 2893
first degree.— 2894~~

~~(f) If the amount of the drug involved equals or exceeds— 2895
five hundred unit doses but is less than one thousand unit doses 2896
or equals or exceeds fifty grams but is less than one hundred— 2897
grams, possession of a fentanyl-related compound is a felony of— 2898
the first degree, and the court shall impose as a mandatory— 2899
prison term the maximum prison term prescribed for a felony of— 2900
the first degree.— 2901~~

~~(g) If the amount of the drug involved equals or exceeds— 2902
one thousand unit doses or equals or exceeds one hundred grams,— 2903
possession of a fentanyl-related compound is a felony of the— 2904
first degree, the offender is a major drug offender, and the— 2905
court shall impose as a mandatory prison term the maximum prison— 2906
term prescribed for a felony of the first degree.— 2907~~

(7) When possession of a controlled substance is an 2908
unclassified misdemeanor under division (C) (1) of this section, 2909
it shall be presumed that the offender shall be sentenced to 2910
treatment under section 2929.26 or 2929.27 of the Revised Code. 2911
If the court determines that the offender, in committing the 2912
offense or related in any way to the offense, has made threats 2913
of violence to any person, the presumption does not apply and 2914
the court may sentence the offender pursuant to any sanction or 2915
combination of sanctions under sections 2929.21 to 2929.28 of 2916
the Revised Code, except that: 2917

(a) Notwithstanding section 2929.24 of the Revised Code, 2918

the court may impose on the offender a jail term of not more 2919
than three hundred sixty-four days; 2920

(b) Notwithstanding division (A) (2) (a) of section 2929.28 2921
of the Revised Code, the court may fine the offender not more 2922
than one thousand dollars; 2923

(c) Notwithstanding sections 2929.26 and 2929.27 of the 2924
Revised Code, the court may impose on the offender a term of not 2925
more than six months in a community-based correctional facility. 2926

~~(D) Arrest or conviction for a minor misdemeanor violation~~ 2927
~~of this section does not constitute a criminal record and need~~ 2928
~~not be reported by the person so arrested or convicted in~~ 2929
~~response to any inquiries about the person's criminal record,~~ 2930
~~including any inquiries contained in any application for~~ 2931
~~employment, license, or other right or privilege, or made in~~ 2932
~~connection with the person's appearance as a witness. (1) If a~~ 2933
person is charged with a misdemeanor violation of division (A) 2934
(1) of this section or a misdemeanor violation of section 2935
2925.111 of the Revised Code other than a minor misdemeanor 2936
violation of that section, the court may hold the prosecution in 2937
abeyance and stay all criminal proceedings with respect to the 2938
violation if all of the following apply: 2939

(a) The person has not previously been convicted of or 2940
pleaded guilty to a violation of division (A) (1) of this section 2941
or of section 2925.03, 2925.031, 2925.032, or 2925.111 of the 2942
Revised Code. 2943

(b) The person agrees to a drug treatment program 2944
determined by the court to be appropriate, to comply with all 2945
terms and conditions of treatment imposed by the court, and to 2946
complete the program. 2947

(c) The person waives the person's right to a speedy trial 2948
and any other rights with respect to the time of proceedings 2949
related to the violation that otherwise would apply. 2950

(2) If the court, under division (D)(1) of this section, 2951
holds a prosecution in abeyance and stays all criminal 2952
proceedings against a person with respect to a violation, all of 2953
the following apply: 2954

(a) The court shall issue an order that establishes terms 2955
and conditions of the drug treatment program and requires the 2956
person to complete the program, and shall place the offender 2957
under the general control and supervision of the county 2958
probation department, the adult parole authority, or another 2959
appropriate local probation or court services agency, if one 2960
exists, as if the offender was subject to a community control 2961
sanction imposed under section 2929.25 of the Revised Code. 2962

(b) If the court finds that the person has successfully 2963
completed the drug treatment program, the court shall dismiss 2964
the proceedings against the person. Successful completion of the 2965
program shall be without adjudication of guilt and is not a 2966
criminal conviction for purposes of any disqualification or 2967
disability imposed by law upon conviction of a crime, the court 2968
may order the sealing of records related to the offense in 2969
question in the manner provided in sections 2953.51 to 2953.56 2970
of the Revised Code, and the court shall inform the person that 2971
the person may apply for the sealing of the records under those 2972
sections and of the procedure for making such an application. 2973

(c) If the person fails to comply with any term or 2974
condition imposed as part of the treatment program for the 2975
person, the supervising authority for the person promptly shall 2976
advise the court of this failure, and the court shall hold a 2977

hearing to determine whether the person failed to comply with 2978
any such term or condition. If the court determines that the 2979
person has failed to comply with any of those terms and 2980
conditions, it shall do one of the following: 2981

(i) Issue an order that continues the person under the 2982
same drug treatment program, with the same terms and conditions 2983
of the program; 2984

(ii) Issue an order that continues the person under the 2985
same drug treatment program, with different terms and conditions 2986
of the program; 2987

(iii) Issue an order that subjects the person to a 2988
different treatment program and establishes terms and conditions 2989
of the program; 2990

(iv) Continue with the prosecution of the violation that 2991
was held in abeyance. 2992

(3) If a court issues an order under division (D) (2) (c) 2993
(i), (ii), or (iii) of this section, the court shall place the 2994
offender under the general control and supervision of an entity 2995
as specified in division (D) (2) (a) of this section, and 2996
divisions (D) (2) (b) and (c) of this section apply with respect 2997
to the order so issued. 2998

(4) A person shall not be required to enter a guilty plea 2999
to a misdemeanor violation of division (A) (1) of this section or 3000
a misdemeanor violation of section 2925.111 of the Revised Code 3001
in order for a court to hold the prosecution in abeyance and 3002
stay all criminal proceedings with respect to the violation 3003
under division (D) of this section. 3004

(E) In addition to any prison term or jail term authorized 3005
or required by division (C) of this section and sections 3006

2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in addition to any other sanction that is imposed for the offense under this section, sections 2929.11 to 2929.18, or sections 2929.21 to 2929.28 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) (1) of this section may suspend the offender's driver's or commercial driver's license or permit for not more than five years. 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 applicable, the court also shall do the following:

(1) (a) If the violation is a felony of the first, second, or third degree, 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.

(b) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section pursuant to 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.

(c) If a person is charged with a violation of this

section that is a felony of the first, second, or third degree, 3037
posts bail, and forfeits the bail, the clerk shall pay the 3038
forfeited bail pursuant to division (E) (1) (b) of this section as 3039
if it were a mandatory fine imposed under division (E) (1) (a) of 3040
this section. 3041

(2) If the offender is a professionally licensed person, 3042
in addition to any other sanction imposed for a violation of 3043
this section, the court immediately shall comply with section 3044
2925.38 of the Revised Code. 3045

(F) It is an affirmative defense, as provided in section 3046
2901.05 of the Revised Code, to a charge of a fourth degree 3047
felony violation under this section that the controlled 3048
substance that gave rise to the charge is in an amount, is in a 3049
form, is prepared, compounded, or mixed with substances that are 3050
not controlled substances in a manner, or is possessed under any 3051
other circumstances, that indicate that the substance was 3052
possessed solely for personal use. Notwithstanding any contrary 3053
provision of this section, if, in accordance with section 3054
2901.05 of the Revised Code, an accused who is charged with a 3055
fourth degree felony violation ~~of division (C) (2), (4), (5), or~~ 3056
~~(6) of under~~ this section sustains the burden of going forward 3057
with evidence of and establishes by a preponderance of the 3058
evidence the affirmative defense described in this division, the 3059
accused may be prosecuted for and may plead guilty to or be 3060
convicted of a misdemeanor violation ~~of division (C) (2) of this~~ 3061
~~section or a fifth degree felony violation of division (C) (4),~~ 3062
~~(5), or (6) of under~~ this section ~~respectively.~~ 3063

(G) When a person is charged with possessing a bulk amount 3064
or multiple of a bulk amount, division ~~(E)~~ (M) of section 2925.03 3065
of the Revised Code applies regarding the determination of the 3066

amount of the controlled substance involved at the time of the offense. 3067
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(H) It is an affirmative defense to a charge of possession of a controlled substance involving a controlled substance analog under ~~division (C) (8) of~~ this section that the person charged with ~~violating~~ that offense obtained, possessed, or used one of the following items that are excluded from the meaning of "controlled substance analog" under section 3719.01 of the Revised Code: 3069
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(1) A controlled substance; 3076

(2) Any substance for which there is an approved new drug application; 3077
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(3) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption. 3079
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(I) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion. 3083
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Upon the filing of a motion under division (I) of this section, the sentencing court, in its discretion, may terminate 3094
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the suspension.

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

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

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

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

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

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

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

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(1) If the amount of the drug involved is equal or exceeds

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twenty-five one-thousandths of one gram, but is less than ten 3124
grams, possession of hashish is a minor misdemeanor; 3125

(2) If the amount of the drug involved is at least ten 3126
grams but is less than twenty grams, possession of hashish is a 3127
misdemeanor of the fourth degree; 3128

(3) If the amount of the drug involved is at least twenty 3129
grams but is less than fifty grams, possession of hashish is a 3130
misdemeanor of the first degree. 3131

(E) If the offender is a professionally licensed person, 3132
in addition to any other sanction imposed for a violation of 3133
this section, the court immediately shall comply with section 3134
2925.38 of the Revised Code. 3135

(F) An arrest or a conviction for a minor misdemeanor 3136
violation of division (A) or (B) of this section does not 3137
constitute a criminal record and need not be reported by the 3138
person so arrested or found guilty in response to any inquiries 3139
about the person's criminal record, including any inquiries 3140
contained in any application for employment, license, or other 3141
right or privilege, or made in connection with the person's 3142
appearance as a witness. 3143

(G) Division (B) (2) of section 2925.11 of the Revised Code 3144
applies with respect to a violation of division (A) or (B) of 3145
this section that is a minor drug possession offense. 3146

Divisions (E), (F), and (I) of section 2925.11 of the 3147
Revised Code apply with respect to a charge or conviction of, or 3148
guilty plea to, a violation of division (A) or (B) of this 3149
section or a sentence imposed for such a violation, except to 3150
the extent that by their terms they clearly are inapplicable. 3151
Any reference in divisions (E), (F), and (I) of section 2925.11 3152

of the Revised Code to a charge or conviction of, or guilty plea 3153
to, a violation of that section or to a sentence imposed for a 3154
violation of that section shall be construed for purposes of 3155
this section as a reference to a charge or conviction of, or 3156
guilty plea to, a violation of this section or to a sentence 3157
imposed for such a violation. 3158

(H) If a person is charged with a violation of division 3159
(A) or (B) of this section, the court may hold the prosecution 3160
in abeyance and stay all criminal proceedings with respect to 3161
the violation if the person has not previously been convicted of 3162
or pleaded guilty to a violation of division (A) or (B) of this 3163
section or of section 2925.03, 2925.031, 2925.032, or 2925.11 of 3164
the Revised Code and if divisions (D) (1) (b) and (c) of section 3165
2925.11 of the Revised Code apply. If the court, under this 3166
division, holds a prosecution in abeyance and stays all criminal 3167
proceedings against a person with respect to a violation, 3168
divisions (D) (2) (a) to (c) of section 2925.11 of the Revised 3169
Code apply. 3170

Sec. 2929.01. As used in this chapter: 3171

(A) (1) "Alternative residential facility" means, subject 3172
to division (A) (2) of this section, any facility other than an 3173
offender's home or residence in which an offender is assigned to 3174
live and that satisfies all of the following criteria: 3175

(a) It provides programs through which the offender may 3176
seek or maintain employment or may receive education, training, 3177
treatment, or habilitation. 3178

(b) It has received the appropriate license or certificate 3179
for any specialized education, training, treatment, 3180
habilitation, or other service that it provides from the 3181

government agency that is responsible for licensing or 3182
certifying that type of education, training, treatment, 3183
habilitation, or service. 3184

(2) "Alternative residential facility" does not include a 3185
community-based correctional facility, jail, halfway house, or 3186
prison. 3187

(B) "Basic probation supervision" means a requirement that 3188
the offender maintain contact with a person appointed to 3189
supervise the offender in accordance with sanctions imposed by 3190
the court or imposed by the parole board pursuant to section 3191
2967.28 of the Revised Code. "Basic probation supervision" 3192
includes basic parole supervision and basic post-release control 3193
supervision. 3194

(C) "Cocaine," "fentanyl-related compound," "hashish," 3195
"L.S.D.," and "unit dose" have the same meanings as in section 3196
2925.01 of the Revised Code. 3197

(D) "Community-based correctional facility" means a 3198
community-based correctional facility and program or district 3199
community-based correctional facility and program developed 3200
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 3201

(E) "Community control sanction" means a sanction that is 3202
not a prison term and that is described in section 2929.15, 3203
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 3204
that is not a jail term and that is described in section 3205
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 3206
control sanction" includes probation if the sentence involved 3207
was imposed for a felony that was committed prior to July 1, 3208
1996, or if the sentence involved was imposed for a misdemeanor 3209
that was committed prior to January 1, 2004. 3210

(F) "Controlled substance," "marihuana," "schedule I," and 3211
"schedule II" have the same meanings as in section 3719.01 of 3212
the Revised Code. 3213

(G) "Curfew" means a requirement that an offender during a 3214
specified period of time be at a designated place. 3215

(H) "Day reporting" means a sanction pursuant to which an 3216
offender is required each day to report to and leave a center or 3217
other approved reporting location at specified times in order to 3218
participate in work, education or training, treatment, and other 3219
approved programs at the center or outside the center. 3220

(I) "Deadly weapon" has the same meaning as in section 3221
2923.11 of the Revised Code. 3222

(J) "Drug and alcohol use monitoring" means a program 3223
under which an offender agrees to submit to random chemical 3224
analysis of the offender's blood, breath, or urine to determine 3225
whether the offender has ingested any alcohol or other drugs. 3226

(K) "Drug treatment program" means any program under which 3227
a person undergoes assessment and treatment designed to reduce 3228
or completely eliminate the person's physical or emotional 3229
reliance upon alcohol, another drug, or alcohol and another drug 3230
and under which the person may be required to receive assessment 3231
and treatment on an outpatient basis or may be required to 3232
reside at a facility other than the person's home or residence 3233
while undergoing assessment and treatment. 3234

(L) "Economic loss" means any economic detriment suffered 3235
by a victim as a direct and proximate result of the commission 3236
of an offense and includes any loss of income due to lost time 3237
at work because of any injury caused to the victim, and any 3238
property loss, medical cost, or funeral expense incurred as a 3239

result of the commission of the offense. "Economic loss" does 3240
not include non-economic loss or any punitive or exemplary 3241
damages. 3242

(M) "Education or training" includes study at, or in 3243
conjunction with a program offered by, a university, college, or 3244
technical college or vocational study and also includes the 3245
completion of primary school, secondary school, and literacy 3246
curricula or their equivalent. 3247

(N) "Firearm" has the same meaning as in section 2923.11 3248
of the Revised Code. 3249

(O) "Halfway house" means a facility licensed by the 3250
division of parole and community services of the department of 3251
rehabilitation and correction pursuant to section 2967.14 of the 3252
Revised Code as a suitable facility for the care and treatment 3253
of adult offenders. 3254

(P) "House arrest" means a period of confinement of an 3255
offender that is in the offender's home or in other premises 3256
specified by the sentencing court or by the parole board 3257
pursuant to section 2967.28 of the Revised Code and during which 3258
all of the following apply: 3259

(1) The offender is required to remain in the offender's 3260
home or other specified premises for the specified period of 3261
confinement, except for periods of time during which the 3262
offender is at the offender's place of employment or at other 3263
premises as authorized by the sentencing court or by the parole 3264
board. 3265

(2) The offender is required to report periodically to a 3266
person designated by the court or parole board. 3267

(3) The offender is subject to any other restrictions and 3268

requirements that may be imposed by the sentencing court or by 3269
the parole board. 3270

(Q) "Intensive probation supervision" means a requirement 3271
that an offender maintain frequent contact with a person 3272
appointed by the court, or by the parole board pursuant to 3273
section 2967.28 of the Revised Code, to supervise the offender 3274
while the offender is seeking or maintaining necessary 3275
employment and participating in training, education, and 3276
treatment programs as required in the court's or parole board's 3277
order. "Intensive probation supervision" includes intensive 3278
parole supervision and intensive post-release control 3279
supervision. 3280

(R) "Jail" means a jail, workhouse, minimum security jail, 3281
or other residential facility used for the confinement of 3282
alleged or convicted offenders that is operated by a political 3283
subdivision or a combination of political subdivisions of this 3284
state. 3285

(S) "Jail term" means the term in a jail that a sentencing 3286
court imposes or is authorized to impose pursuant to section 3287
2929.24 or 2929.25 of the Revised Code or pursuant to any other 3288
provision of the Revised Code that authorizes a term in a jail 3289
for a misdemeanor conviction. 3290

(T) "Mandatory jail term" means the term in a jail that a 3291
sentencing court is required to impose pursuant to division (G) 3292
of section 1547.99 of the Revised Code, division (E) of section 3293
2903.06 or division (D) of section 2903.08 of the Revised Code, 3294
division (E) or (G) of section 2929.24 of the Revised Code, 3295
division (B) of section 4510.14 of the Revised Code, or division 3296
(G) of section 4511.19 of the Revised Code or pursuant to any 3297
other provision of the Revised Code that requires a term in a 3298

jail for a misdemeanor conviction. 3299

(U) "Delinquent child" has the same meaning as in section 3300
2152.02 of the Revised Code. 3301

(V) "License violation report" means a report that is made 3302
by a sentencing court, or by the parole board pursuant to 3303
section 2967.28 of the Revised Code, to the regulatory or 3304
licensing board or agency that issued an offender a professional 3305
license or a license or permit to do business in this state and 3306
that specifies that the offender has been convicted of or 3307
pleaded guilty to an offense that may violate the conditions 3308
under which the offender's professional license or license or 3309
permit to do business in this state was granted or an offense 3310
for which the offender's professional license or license or 3311
permit to do business in this state may be revoked or suspended. 3312

(W) "Major drug offender" means ~~an~~ any of the following: 3313

(1) An offender who is convicted of or pleads guilty to a 3314
violation of section 2925.03 or 2925.11 of the Revised Code, or 3315
a violation of any prohibition in any section in Chapter 3719. 3316
or 4729. of the Revised Code who the section, or the section 3317
containing the penalty for the violation, classifies as a major 3318
drug offender; 3319

(2) An offender who is convicted of or pleads guilty, 3320
other than as described in division (W)(1) of this section, to 3321
the possession of, sale of, or offer to sell any drug, compound, 3322
mixture, preparation, or substance that consists of or contains 3323
at least one thousand grams of hashish; at least one hundred 3324
grams of cocaine; at least one thousand unit doses or one 3325
hundred grams of heroin; at least five thousand unit doses of 3326
L.S.D. or five hundred grams of L.S.D. in a liquid concentrate, 3327

liquid extract, or liquid distillate form; at least fifty grams 3328
of a controlled substance analog; at least one thousand unit 3329
doses or one hundred grams of a fentanyl-related compound; or at 3330
least one hundred times the amount of any other schedule I or II 3331
controlled substance other than marihuana that is necessary to 3332
commit a felony of the third degree pursuant to section ~~2925.03,~~ 3333
~~2925.04,~~ or ~~2925.05,~~ ~~or~~ ~~2925.11~~ of the Revised Code that is 3334
based on the possession of, sale of, or offer to sell the 3335
controlled substance. 3336

(X) "Mandatory prison term" means any of the following: 3337

(1) Subject to division (X)(2) of this section, the term 3338
in prison that must be imposed for the offenses or circumstances 3339
set forth in divisions (F)(1) to (8) or (F)(12) to (21) of 3340
section 2929.13 and division (B) of section 2929.14 of the 3341
Revised Code. Except as provided in sections 2925.02, 2925.03, 3342
2925.031, 2925.032, 2925.04, 2925.05, and 2925.11 of the Revised 3343
Code, unless the maximum or another specific term is required 3344
under section 2929.14 or 2929.142 of the Revised Code, a 3345
mandatory prison term described in this division may be any 3346
prison term authorized for the level of offense except that if 3347
the offense is a felony of the first or second degree committed 3348
on or after the effective date of this amendment, a mandatory 3349
prison term described in this division may be one of the terms 3350
prescribed in division (A)(1)(a) or (2)(a) of section 2929.14 of 3351
the Revised Code, whichever is applicable, that is authorized as 3352
the minimum term for the offense. 3353

(2) The term of sixty or one hundred twenty days in prison 3354
that a sentencing court is required to impose for a third or 3355
fourth degree felony OVI offense pursuant to division (G)(2) of 3356
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 3357

of the Revised Code or the term of one, two, three, four, or 3358
five years in prison that a sentencing court is required to 3359
impose pursuant to division (G) (2) of section 2929.13 of the 3360
Revised Code. 3361

(3) The term in prison imposed pursuant to division (A) of 3362
section 2971.03 of the Revised Code for the offenses and in the 3363
circumstances described in division (F) (11) of section 2929.13 3364
of the Revised Code or pursuant to division (B) (1) (a), (b), or 3365
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 3366
section 2971.03 of the Revised Code and that term as modified or 3367
terminated pursuant to section 2971.05 of the Revised Code. 3368

(Y) "Monitored time" means a period of time during which 3369
an offender continues to be under the control of the sentencing 3370
court or parole board, subject to no conditions other than 3371
leading a law-abiding life. 3372

(Z) "Offender" means a person who, in this state, is 3373
convicted of or pleads guilty to a felony or a misdemeanor. 3374

(AA) "Prison" means a residential facility used for the 3375
confinement of convicted felony offenders that is under the 3376
control of the department of rehabilitation and correction and 3377
includes a violation sanction center operated under authority of 3378
section 2967.141 of the Revised Code. 3379

(BB) (1) "Prison term" includes either of the following 3380
sanctions for an offender: 3381

(a) A stated prison term; 3382

(b) A term in a prison shortened by, or with the approval 3383
of, the sentencing court pursuant to section 2929.143, 2929.20, 3384
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 3385

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

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

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

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

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

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

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

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

(FF) (1) "Stated prison term" means the prison term, 3414
mandatory prison term, or combination of all prison terms and 3415
mandatory prison terms imposed by the sentencing court pursuant 3416
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 3417
under section 2919.25 of the Revised Code. "Stated prison term" 3418
includes any credit received by the offender for time spent in 3419
jail awaiting trial, sentencing, or transfer to prison for the 3420
offense and any time spent under house arrest or house arrest 3421
with electronic monitoring imposed after earning credits 3422
pursuant to section 2967.193 of the Revised Code. If an offender 3423
is serving a prison term as a risk reduction sentence under 3424
sections 2929.143 and 5120.036 of the Revised Code, "stated 3425
prison term" includes any period of time by which the prison 3426
term imposed upon the offender is shortened by the offender's 3427
successful completion of all assessment and treatment or 3428
programming pursuant to those sections. 3429

(2) As used in the definition of "stated prison term" set 3430
forth in division (FF) (1) of this section, a prison term is a 3431
definite prison term imposed under section 2929.14 of the 3432
Revised Code or any other provision of law, is the minimum and 3433
maximum prison terms under a non-life felony indefinite prison 3434
term, or is a term of life imprisonment except to the extent 3435
that the use of that definition in a section of the Revised Code 3436
clearly is not intended to include a term of life imprisonment. 3437
With respect to an offender sentenced to a non-life felony 3438
indefinite prison term, references in section 2967.191 or 3439
2967.193 of the Revised Code or any other provision of law to a 3440
reduction of, or deduction from, the offender's stated prison 3441
term or to release of the offender before the expiration of the 3442
offender's stated prison term mean a reduction in, or deduction 3443
from, the minimum term imposed as part of the indefinite term or 3444

a release of the offender before the expiration of that minimum 3445
term, references in section 2929.19 or 2967.28 of the Revised 3446
Code to a stated prison term with respect to a prison term 3447
imposed for a violation of a post-release control sanction mean 3448
the minimum term so imposed, and references in any provision of 3449
law to an offender's service of the offender's stated prison 3450
term or the expiration of the offender's stated prison term mean 3451
service or expiration of the minimum term so imposed plus any 3452
additional period of incarceration under the sentence that is 3453
required under section 2967.271 of the Revised Code. 3454

(GG) "Victim-offender mediation" means a reconciliation or 3455
mediation program that involves an offender and the victim of 3456
the offense committed by the offender and that includes a 3457
meeting in which the offender and the victim may discuss the 3458
offense, discuss restitution, and consider other sanctions for 3459
the offense. 3460

(HH) "Fourth degree felony OVI offense" means a violation 3461
of division (A) of section 4511.19 of the Revised Code that, 3462
under division (G) of that section, is a felony of the fourth 3463
degree. 3464

(II) "Mandatory term of local incarceration" means the 3465
term of sixty or one hundred twenty days in a jail, a community- 3466
based correctional facility, a halfway house, or an alternative 3467
residential facility that a sentencing court may impose upon a 3468
person who is convicted of or pleads guilty to a fourth degree 3469
felony OVI offense pursuant to division (G) (1) of section 3470
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 3471
section 4511.19 of the Revised Code. 3472

(JJ) "Designated homicide, assault, or kidnapping 3473
offense," "violent sex offense," "sexual motivation 3474

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

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

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

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

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

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

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

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

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

(SS) "Body armor" has the same meaning as in section 3503
2941.1411 of the Revised Code. 3504

(TT) "Electronic monitoring" means monitoring through the 3505
use of an electronic monitoring device. 3506

(UU) "Electronic monitoring device" means any of the 3507
following: 3508

(1) Any device that can be operated by electrical or 3509
battery power and that conforms with all of the following: 3510

(a) The device has a transmitter that can be attached to a 3511
person, that will transmit a specified signal to a receiver of 3512
the type described in division (UU) (1) (b) of this section if the 3513
transmitter is removed from the person, turned off, or altered 3514
in any manner without prior court approval in relation to 3515
electronic monitoring or without prior approval of the 3516
department of rehabilitation and correction in relation to the 3517
use of an electronic monitoring device for an inmate on 3518
transitional control or otherwise is tampered with, that can 3519
transmit continuously and periodically a signal to that receiver 3520
when the person is within a specified distance from the 3521
receiver, and that can transmit an appropriate signal to that 3522
receiver if the person to whom it is attached travels a 3523
specified distance from that receiver. 3524

(b) The device has a receiver that can receive 3525
continuously the signals transmitted by a transmitter of the 3526
type described in division (UU) (1) (a) of this section, can 3527
transmit continuously those signals by a wireless or landline 3528
telephone connection to a central monitoring computer of the 3529
type described in division (UU) (1) (c) of this section, and can 3530
transmit continuously an appropriate signal to that central 3531

monitoring computer if the device has been turned off or altered 3532
without prior court approval or otherwise tampered with. The 3533
device is designed specifically for use in electronic 3534
monitoring, is not a converted wireless phone or another 3535
tracking device that is clearly not designed for electronic 3536
monitoring, and provides a means of text-based or voice 3537
communication with the person. 3538

(c) The device has a central monitoring computer that can 3539
receive continuously the signals transmitted by a wireless or 3540
landline telephone connection by a receiver of the type 3541
described in division (UU) (1) (b) of this section and can monitor 3542
continuously the person to whom an electronic monitoring device 3543
of the type described in division (UU) (1) (a) of this section is 3544
attached. 3545

(2) Any device that is not a device of the type described 3546
in division (UU) (1) of this section and that conforms with all 3547
of the following: 3548

(a) The device includes a transmitter and receiver that 3549
can monitor and determine the location of a subject person at 3550
any time, or at a designated point in time, through the use of a 3551
central monitoring computer or through other electronic means. 3552

(b) The device includes a transmitter and receiver that 3553
can determine at any time, or at a designated point in time, 3554
through the use of a central monitoring computer or other 3555
electronic means the fact that the transmitter is turned off or 3556
altered in any manner without prior approval of the court in 3557
relation to the electronic monitoring or without prior approval 3558
of the department of rehabilitation and correction in relation 3559
to the use of an electronic monitoring device for an inmate on 3560
transitional control or otherwise is tampered with. 3561

(3) Any type of technology that can adequately track or 3562
determine the location of a subject person at any time and that 3563
is approved by the director of rehabilitation and correction, 3564
including, but not limited to, any satellite technology, voice 3565
tracking system, or retinal scanning system that is so approved. 3566

(VV) "Non-economic loss" means nonpecuniary harm suffered 3567
by a victim of an offense as a result of or related to the 3568
commission of the offense, including, but not limited to, pain 3569
and suffering; loss of society, consortium, companionship, care, 3570
assistance, attention, protection, advice, guidance, counsel, 3571
instruction, training, or education; mental anguish; and any 3572
other intangible loss. 3573

(WW) "Prosecutor" has the same meaning as in section 3574
2935.01 of the Revised Code. 3575

(XX) "Continuous alcohol monitoring" means the ability to 3576
automatically test and periodically transmit alcohol consumption 3577
levels and tamper attempts at least every hour, regardless of 3578
the location of the person who is being monitored. 3579

(YY) A person is "adjudicated a sexually violent predator" 3580
if the person is convicted of or pleads guilty to a violent sex 3581
offense and also is convicted of or pleads guilty to a sexually 3582
violent predator specification that was included in the 3583
indictment, count in the indictment, or information charging 3584
that violent sex offense or if the person is convicted of or 3585
pleads guilty to a designated homicide, assault, or kidnapping 3586
offense and also is convicted of or pleads guilty to both a 3587
sexual motivation specification and a sexually violent predator 3588
specification that were included in the indictment, count in the 3589
indictment, or information charging that designated homicide, 3590
assault, or kidnapping offense. 3591

(ZZ) An offense is "committed in proximity to a school" if 3592
the offender commits the offense in a school safety zone or 3593
within five hundred feet of any school building or the 3594
boundaries of any school premises, regardless of whether the 3595
offender knows the offense is being committed in a school safety 3596
zone or within five hundred feet of any school building or the 3597
boundaries of any school premises. 3598

(AAA) "Human trafficking" means a scheme or plan to which 3599
all of the following apply: 3600

(1) Its object is one or more of the following: 3601

(a) To subject a victim or victims to involuntary 3602
servitude, as defined in section 2905.31 of the Revised Code or 3603
to compel a victim or victims to engage in sexual activity for 3604
hire, to engage in a performance that is obscene, sexually 3605
oriented, or nudity oriented, or to be a model or participant in 3606
the production of material that is obscene, sexually oriented, 3607
or nudity oriented; 3608

(b) To facilitate, encourage, or recruit a victim who is 3609
less than sixteen years of age or is a person with a 3610
developmental disability, or victims who are less than sixteen 3611
years of age or are persons with developmental disabilities, for 3612
any purpose listed in divisions (A) (2) (a) to (c) of section 3613
2905.32 of the Revised Code; 3614

(c) To facilitate, encourage, or recruit a victim who is 3615
sixteen or seventeen years of age, or victims who are sixteen or 3616
seventeen years of age, for any purpose listed in divisions (A) 3617
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 3618
circumstances described in division (A) (5), (6), (7), (8), (9), 3619
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 3620

apply with respect to the person engaging in the conduct and the 3621
victim or victims. 3622

(2) It involves at least two felony offenses, whether or 3623
not there has been a prior conviction for any of the felony 3624
offenses, to which all of the following apply: 3625

(a) Each of the felony offenses is a violation of section 3626
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 3627
division (A) (1) or (2) of section 2907.323, or division (B) (1), 3628
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 3629
is a violation of a law of any state other than this state that 3630
is substantially similar to any of the sections or divisions of 3631
the Revised Code identified in this division. 3632

(b) At least one of the felony offenses was committed in 3633
this state. 3634

(c) The felony offenses are related to the same scheme or 3635
plan and are not isolated instances. 3636

(BBB) "Material," "nudity," "obscene," "performance," and 3637
"sexual activity" have the same meanings as in section 2907.01 3638
of the Revised Code. 3639

(CCC) "Material that is obscene, sexually oriented, or 3640
nudity oriented" means any material that is obscene, that shows 3641
a person participating or engaging in sexual activity, 3642
masturbation, or bestiality, or that shows a person in a state 3643
of nudity. 3644

(DDD) "Performance that is obscene, sexually oriented, or 3645
nudity oriented" means any performance that is obscene, that 3646
shows a person participating or engaging in sexual activity, 3647
masturbation, or bestiality, or that shows a person in a state 3648
of nudity. 3649

(EEE) "Accelerant" means a fuel or oxidizing agent, such 3650
as an ignitable liquid, used to initiate a fire or increase the 3651
rate of growth or spread of a fire. 3652

(FFF) "Permanent disabling harm" means serious physical 3653
harm that results in permanent injury to the intellectual, 3654
physical, or sensory functions and that permanently and 3655
substantially impairs a person's ability to meet one or more of 3656
the ordinary demands of life, including the functions of caring 3657
for one's self, performing manual tasks, walking, seeing, 3658
hearing, speaking, breathing, learning, and working. 3659

(GGG) "Non-life felony indefinite prison term" means a 3660
prison term imposed under division (A) (1) (a) or (2) (a) of 3661
section 2929.14 and section 2929.144 of the Revised Code for a 3662
felony of the first or second degree committed on or after the 3663
effective date of this amendment. 3664

Sec. 2929.13. (A) Except as provided in division (E), (F), 3665
or (G) of this section and unless a specific sanction is 3666
required to be imposed or is precluded from being imposed 3667
pursuant to law, a court that imposes a sentence upon an 3668
offender for a felony may impose any sanction or combination of 3669
sanctions on the offender that are provided in sections 2929.14 3670
to 2929.18 of the Revised Code. 3671

If the offender is eligible to be sentenced to community 3672
control sanctions, the court shall consider the appropriateness 3673
of imposing a financial sanction pursuant to section 2929.18 of 3674
the Revised Code or a sanction of community service pursuant to 3675
section 2929.17 of the Revised Code as the sole sanction for the 3676
offense. Except as otherwise provided in this division, if the 3677
court is required to impose a mandatory prison term for the 3678
offense for which sentence is being imposed, the court also 3679

shall impose any financial sanction pursuant to section 2929.18 3680
of the Revised Code that is required for the offense and may 3681
impose any other financial sanction pursuant to that section but 3682
may not impose any additional sanction or combination of 3683
sanctions under section 2929.16 or 2929.17 of the Revised Code. 3684

If the offender is being sentenced for a fourth degree 3685
felony OVI offense or for a third degree felony OVI offense, in 3686
addition to the mandatory term of local incarceration or the 3687
mandatory prison term required for the offense by division (G) 3688
(1) or (2) of this section, the court shall impose upon the 3689
offender a mandatory fine in accordance with division (B) (3) of 3690
section 2929.18 of the Revised Code and may impose whichever of 3691
the following is applicable: 3692

(1) For a fourth degree felony OVI offense for which 3693
sentence is imposed under division (G) (1) of this section, an 3694
additional community control sanction or combination of 3695
community control sanctions under section 2929.16 or 2929.17 of 3696
the Revised Code. If the court imposes upon the offender a 3697
community control sanction and the offender violates any 3698
condition of the community control sanction, the court may take 3699
any action prescribed in division (B) of section 2929.15 of the 3700
Revised Code relative to the offender, including imposing a 3701
prison term on the offender pursuant to that division. 3702

(2) For a third or fourth degree felony OVI offense for 3703
which sentence is imposed under division (G) (2) of this section, 3704
an additional prison term as described in division (B) (4) of 3705
section 2929.14 of the Revised Code or a community control 3706
sanction as described in division (G) (2) of this section. 3707

(B) (1) (a) Except as provided in division (B) (1) (b) of this 3708
section, if an offender is convicted of or pleads guilty to a 3709

felony of the fourth or fifth degree that is not an offense of 3710
violence or that is a qualifying assault offense, the court 3711
shall sentence the offender to a community control sanction or 3712
combination of community control sanctions if all of the 3713
following apply: 3714

(i) The offender previously has not been convicted of or 3715
pleaded guilty to a felony offense. 3716

(ii) The most serious charge against the offender at the 3717
time of sentencing is a felony of the fourth or fifth degree. 3718

(iii) If the court made a request of the department of 3719
rehabilitation and correction pursuant to division (B)(1)(c) of 3720
this section, the department, within the forty-five-day period 3721
specified in that division, provided the court with the names 3722
of, contact information for, and program details of one or more 3723
community control sanctions that are available for persons 3724
sentenced by the court. 3725

(iv) The offender previously has not been convicted of or 3726
pleaded guilty to a misdemeanor offense of violence that the 3727
offender committed within two years prior to the offense for 3728
which sentence is being imposed. 3729

(b) The court has discretion to impose a prison term upon 3730
an offender who is convicted of or pleads guilty to a felony of 3731
the fourth or fifth degree that is not an offense of violence or 3732
that is a qualifying assault offense if any of the following 3733
apply: 3734

(i) The offender committed the offense while having a 3735
firearm on or about the offender's person or under the 3736
offender's control. 3737

(ii) If the offense is a qualifying assault offense, the 3738

offender caused serious physical harm to another person while 3739
committing the offense, and, if the offense is not a qualifying 3740
assault offense, the offender caused physical harm to another 3741
person while committing the offense. 3742

(iii) The offender violated a term of the conditions of 3743
bond as set by the court. 3744

(iv) The court made a request of the department of 3745
rehabilitation and correction pursuant to division (B)(1)(c) of 3746
this section, and the department, within the forty-five-day 3747
period specified in that division, did not provide the court 3748
with the name of, contact information for, and program details 3749
of any community control sanction that is available for persons 3750
sentenced by the court. 3751

(v) The offense is a sex offense that is a fourth or fifth 3752
degree felony violation of any provision of Chapter 2907. of the 3753
Revised Code. 3754

(vi) In committing the offense, the offender attempted to 3755
cause or made an actual threat of physical harm to a person with 3756
a deadly weapon. 3757

(vii) In committing the offense, the offender attempted to 3758
cause or made an actual threat of physical harm to a person, and 3759
the offender previously was convicted of an offense that caused 3760
physical harm to a person. 3761

(viii) The offender held a public office or position of 3762
trust, and the offense related to that office or position; the 3763
offender's position obliged the offender to prevent the offense 3764
or to bring those committing it to justice; or the offender's 3765
professional reputation or position facilitated the offense or 3766
was likely to influence the future conduct of others. 3767

(ix) The offender committed the offense for hire or as 3768
part of an organized criminal activity. 3769

(x) The offender at the time of the offense was serving, 3770
or the offender previously had served, a prison term. 3771

(xi) The offender committed the offense while under a 3772
community control sanction, while on probation, or while 3773
released from custody on a bond or personal recognizance. 3774

(c) If a court that is sentencing an offender who is 3775
convicted of or pleads guilty to a felony of the fourth or fifth 3776
degree that is not an offense of violence or that is a 3777
qualifying assault offense believes that no community control 3778
sanctions are available for its use that, if imposed on the 3779
offender, will adequately fulfill the overriding principles and 3780
purposes of sentencing, the court shall contact the department 3781
of rehabilitation and correction and ask the department to 3782
provide the court with the names of, contact information for, 3783
and program details of one or more community control sanctions 3784
that are available for persons sentenced by the court. Not later 3785
than forty-five days after receipt of a request from a court 3786
under this division, the department shall provide the court with 3787
the names of, contact information for, and program details of 3788
one or more community control sanctions that are available for 3789
persons sentenced by the court, if any. Upon making a request 3790
under this division that relates to a particular offender, a 3791
court shall defer sentencing of that offender until it receives 3792
from the department the names of, contact information for, and 3793
program details of one or more community control sanctions that 3794
are available for persons sentenced by the court or for forty- 3795
five days, whichever is the earlier. 3796

If the department provides the court with the names of, 3797

contact information for, and program details of one or more 3798
community control sanctions that are available for persons 3799
sentenced by the court within the forty-five-day period 3800
specified in this division, the court shall impose upon the 3801
offender a community control sanction under division (B)(1)(a) 3802
of this section, except that the court may impose a prison term 3803
under division (B)(1)(b) of this section if a factor described 3804
in division (B)(1)(b)(i) or (ii) of this section applies. If the 3805
department does not provide the court with the names of, contact 3806
information for, and program details of one or more community 3807
control sanctions that are available for persons sentenced by 3808
the court within the forty-five-day period specified in this 3809
division, the court may impose upon the offender a prison term 3810
under division (B)(1)(b)(iv) of this section. 3811

(d) A sentencing court may impose an additional penalty 3812
under division (B) of section 2929.15 of the Revised Code upon 3813
an offender sentenced to a community control sanction under 3814
division (B)(1)(a) of this section if the offender violates the 3815
conditions of the community control sanction, violates a law, or 3816
leaves the state without the permission of the court or the 3817
offender's probation officer. 3818

(2) If division (B)(1) of this section does not apply, 3819
except as provided in division (E), (F), or (G) of this section, 3820
in determining whether to impose a prison term as a sanction for 3821
a felony of the fourth or fifth degree, the sentencing court 3822
shall comply with the purposes and principles of sentencing 3823
under section 2929.11 of the Revised Code and with section 3824
2929.12 of the Revised Code. 3825

(C) Except as provided in division (D), (E), (F), or (G) 3826
of this section, in determining whether to impose a prison term 3827

as a sanction for a felony of the third degree or a felony drug 3828
offense that is a violation of a provision of Chapter 2925. of 3829
the Revised Code and that is specified as being subject to this 3830
division for purposes of sentencing, the sentencing court shall 3831
comply with the purposes and principles of sentencing under 3832
section 2929.11 of the Revised Code and with section 2929.12 of 3833
the Revised Code. 3834

(D) (1) Except as provided in division (E) or (F) of this 3835
section, for a felony of the first or second degree, for a 3836
felony drug offense that is a violation of any provision of 3837
Chapter 2925., 3719., or 4729. of the Revised Code for which a 3838
presumption in favor of a prison term is specified as being 3839
applicable, and for a violation of division (A) (4) or (B) of 3840
section 2907.05 of the Revised Code for which a presumption in 3841
favor of a prison term is specified as being applicable, it is 3842
presumed that a prison term is necessary in order to comply with 3843
the purposes and principles of sentencing under section 2929.11 3844
of the Revised Code. Division (D) (2) of this section does not 3845
apply to a presumption established under this division for a 3846
violation of division (A) (4) of section 2907.05 of the Revised 3847
Code. 3848

(2) Notwithstanding the presumption established under 3849
division (D) (1) of this section for the offenses listed in that 3850
division other than a violation of division (A) (4) or (B) of 3851
section 2907.05 of the Revised Code, the sentencing court may 3852
impose a community control sanction or a combination of 3853
community control sanctions instead of a prison term on an 3854
offender for a felony of the first or second degree or for a 3855
felony drug offense that is a violation of any provision of 3856
Chapter 2925., 3719., or 4729. of the Revised Code for which a 3857
presumption in favor of a prison term is specified as being 3858

applicable if it makes both of the following findings: 3859

(a) A community control sanction or a combination of 3860
community control sanctions would adequately punish the offender 3861
and protect the public from future crime, because the applicable 3862
factors under section 2929.12 of the Revised Code indicating a 3863
lesser likelihood of recidivism outweigh the applicable factors 3864
under that section indicating a greater likelihood of 3865
recidivism. 3866

(b) A community control sanction or a combination of 3867
community control sanctions would not demean the seriousness of 3868
the offense, because one or more factors under section 2929.12 3869
of the Revised Code that indicate that the offender's conduct 3870
was less serious than conduct normally constituting the offense 3871
are applicable, and they outweigh the applicable factors under 3872
that section that indicate that the offender's conduct was more 3873
serious than conduct normally constituting the offense. 3874

(E) (1) Except as provided in division (F) of this section, 3875
for any drug offense that is a violation of any provision of 3876
Chapter 2925. of the Revised Code and that is a felony of the 3877
third, fourth, or fifth degree, the applicability of a 3878
presumption under division (D) of this section in favor of a 3879
prison term or of division (B) or (C) of this section in 3880
determining whether to impose a prison term for the offense 3881
shall be determined as specified in section 2925.02, 2925.03, 3882
2925.031, 2925.032, 2925.04, 2925.05, 2925.06, 2925.11, 3883
2925.111, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 3884
Revised Code, whichever is applicable regarding the violation. 3885

(2) If an offender who was convicted of or pleaded guilty 3886
to a felony violates the conditions of a community control 3887
sanction imposed for the offense solely by reason of producing 3888

positive results on a drug test or by acting pursuant to 3889
division (B) (2) (b) of section 2925.11 or section 2925.111 of the 3890
Revised Code with respect to a minor drug possession offense, 3891
the court, as punishment for the violation of the sanction, 3892
shall not order that the offender be imprisoned unless the court 3893
determines on the record either of the following: 3894

(a) The offender had been ordered as a sanction for the 3895
felony to participate in a drug treatment program, in a drug 3896
education program, or in narcotics anonymous or a similar 3897
program, and the offender continued to use illegal drugs after a 3898
reasonable period of participation in the program. 3899

(b) The imprisonment of the offender for the violation is 3900
consistent with the purposes and principles of sentencing set 3901
forth in section 2929.11 of the Revised Code. 3902

(3) A court that sentences an offender for a drug abuse 3903
offense that is a felony of the third, fourth, or fifth degree 3904
may require that the offender be assessed by a properly 3905
credentialed professional within a specified period of time. The 3906
court shall require the professional to file a written 3907
assessment of the offender with the court. If the offender is 3908
eligible for a community control sanction and after considering 3909
the written assessment, the court may impose a community control 3910
sanction that includes addiction services and recovery supports 3911
included in a community-based continuum of care established 3912
under section 340.032 of the Revised Code. If the court imposes 3913
addiction services and recovery supports as a community control 3914
sanction, the court shall direct the level and type of addiction 3915
services and recovery supports after considering the assessment 3916
and recommendation of community addiction services providers. 3917

(F) Notwithstanding divisions (A) to (E) of this section, 3918

the court shall impose a prison term or terms under sections 3919
2929.02 to 2929.06, section 2929.14, section 2929.142, or 3920
section 2971.03 of the Revised Code and except as specifically 3921
provided in section 2929.20, divisions (C) to (I) of section 3922
2967.19, or section 2967.191 of the Revised Code or when parole 3923
is authorized for the offense under section 2967.13 of the 3924
Revised Code shall not reduce the term or terms pursuant to 3925
section 2929.20, section 2967.19, section 2967.193, or any other 3926
provision of Chapter 2967. or Chapter 5120. of the Revised Code 3927
for any of the following offenses: 3928

(1) Aggravated murder when death is not imposed or murder; 3929

(2) Any rape, regardless of whether force was involved and 3930
regardless of the age of the victim, or an attempt to commit 3931
rape if, had the offender completed the rape that was attempted, 3932
the offender would have been guilty of a violation of division 3933
(A) (1) (b) of section 2907.02 of the Revised Code and would be 3934
sentenced under section 2971.03 of the Revised Code; 3935

(3) Gross sexual imposition or sexual battery, if the 3936
victim is less than thirteen years of age and if any of the 3937
following applies: 3938

(a) Regarding gross sexual imposition, the offender 3939
previously was convicted of or pleaded guilty to rape, the 3940
former offense of felonious sexual penetration, gross sexual 3941
imposition, or sexual battery, and the victim of the previous 3942
offense was less than thirteen years of age; 3943

(b) Regarding gross sexual imposition, the offense was 3944
committed on or after August 3, 2006, and evidence other than 3945
the testimony of the victim was admitted in the case 3946
corroborating the violation. 3947

(c) Regarding sexual battery, either of the following 3948
applies: 3949

(i) The offense was committed prior to August 3, 2006, the 3950
offender previously was convicted of or pleaded guilty to rape, 3951
the former offense of felonious sexual penetration, or sexual 3952
battery, and the victim of the previous offense was less than 3953
thirteen years of age. 3954

(ii) The offense was committed on or after August 3, 2006. 3955

(4) A felony violation of section 2903.04, 2903.06, 3956
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 3957
or 2923.132 of the Revised Code if the section requires the 3958
imposition of a prison term; 3959

(5) A first, second, or third degree felony drug offense 3960
for which section 2925.02, 2925.03, 2925.031, 2925.032, 2925.04, 3961
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 3962
2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is 3963
applicable regarding the violation, requires the imposition of a 3964
mandatory prison term; 3965

(6) Any offense that is a first or second degree felony 3966
and that is not set forth in division (F) (1), (2), (3), or (4) 3967
of this section, if the offender previously was convicted of or 3968
pleaded guilty to aggravated murder, murder, any first or second 3969
degree felony, or an offense under an existing or former law of 3970
this state, another state, or the United States that is or was 3971
substantially equivalent to one of those offenses; 3972

(7) Any offense that is a third degree felony and either 3973
is a violation of section 2903.04 of the Revised Code or an 3974
attempt to commit a felony of the second degree that is an 3975
offense of violence and involved an attempt to cause serious 3976

physical harm to a person or that resulted in serious physical 3977
harm to a person if the offender previously was convicted of or 3978
pleaded guilty to any of the following offenses: 3979

(a) Aggravated murder, murder, involuntary manslaughter, 3980
rape, felonious sexual penetration as it existed under section 3981
2907.12 of the Revised Code prior to September 3, 1996, a felony 3982
of the first or second degree that resulted in the death of a 3983
person or in physical harm to a person, or complicity in or an 3984
attempt to commit any of those offenses; 3985

(b) An offense under an existing or former law of this 3986
state, another state, or the United States that is or was 3987
substantially equivalent to an offense listed in division (F) (7) 3988
(a) of this section that resulted in the death of a person or in 3989
physical harm to a person. 3990

(8) Any offense, other than a violation of section 2923.12 3991
of the Revised Code, that is a felony, if the offender had a 3992
firearm on or about the offender's person or under the 3993
offender's control while committing the felony, with respect to 3994
a portion of the sentence imposed pursuant to division (B) (1) (a) 3995
of section 2929.14 of the Revised Code for having the firearm; 3996

(9) Any offense of violence that is a felony, if the 3997
offender wore or carried body armor while committing the felony 3998
offense of violence, with respect to the portion of the sentence 3999
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 4000
Revised Code for wearing or carrying the body armor; 4001

(10) Corrupt activity in violation of section 2923.32 of 4002
the Revised Code when the most serious offense in the pattern of 4003
corrupt activity that is the basis of the offense is a felony of 4004
the first degree; 4005

(11) Any violent sex offense or designated homicide, 4006
assault, or kidnapping offense if, in relation to that offense, 4007
the offender is adjudicated a sexually violent predator; 4008

(12) A violation of division (A) (1) or (2) of section 4009
2921.36 of the Revised Code, or a violation of division (C) of 4010
that section involving an item listed in division (A) (1) or (2) 4011
of that section, if the offender is an officer or employee of 4012
the department of rehabilitation and correction; 4013

(13) A violation of division (A) (1) or (2) of section 4014
2903.06 of the Revised Code if the victim of the offense is a 4015
peace officer, as defined in section 2935.01 of the Revised 4016
Code, or an investigator of the bureau of criminal 4017
identification and investigation, as defined in section 2903.11 4018
of the Revised Code, with respect to the portion of the sentence 4019
imposed pursuant to division (B) (5) of section 2929.14 of the 4020
Revised Code; 4021

(14) A violation of division (A) (1) or (2) of section 4022
2903.06 of the Revised Code if the offender has been convicted 4023
of or pleaded guilty to three or more violations of division (A) 4024
or (B) of section 4511.19 of the Revised Code or an equivalent 4025
offense, as defined in section 2941.1415 of the Revised Code, or 4026
three or more violations of any combination of those divisions 4027
and offenses, with respect to the portion of the sentence 4028
imposed pursuant to division (B) (6) of section 2929.14 of the 4029
Revised Code; 4030

(15) Kidnapping, in the circumstances specified in section 4031
2971.03 of the Revised Code and when no other provision of 4032
division (F) of this section applies; 4033

(16) Kidnapping, abduction, compelling prostitution, 4034

promoting prostitution, engaging in a pattern of corrupt 4035
activity, a violation of division (A) (1) or (2) of section 4036
2907.323 of the Revised Code that involves a minor, or 4037
endangering children in violation of division (B) (1), (2), (3), 4038
(4), or (5) of section 2919.22 of the Revised Code, if the 4039
offender is convicted of or pleads guilty to a specification as 4040
described in section 2941.1422 of the Revised Code that was 4041
included in the indictment, count in the indictment, or 4042
information charging the offense; 4043

(17) A felony violation of division (A) or (B) of section 4044
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 4045
that section, and division (D) (6) of that section, require the 4046
imposition of a prison term; 4047

(18) A felony violation of section 2903.11, 2903.12, or 4048
2903.13 of the Revised Code, if the victim of the offense was a 4049
woman that the offender knew was pregnant at the time of the 4050
violation, with respect to a portion of the sentence imposed 4051
pursuant to division (B) (8) of section 2929.14 of the Revised 4052
Code; 4053

(19) (a) Any violent felony offense if the offender is a 4054
violent career criminal and had a firearm on or about the 4055
offender's person or under the offender's control during the 4056
commission of the violent felony offense and displayed or 4057
brandished the firearm, indicated that the offender possessed a 4058
firearm, or used the firearm to facilitate the offense, with 4059
respect to the portion of the sentence imposed under division 4060
(K) of section 2929.14 of the Revised Code. 4061

(b) As used in division (F) (19) (a) of this section, 4062
"violent career criminal" and "violent felony offense" have the 4063
same meanings as in section 2923.132 of the Revised Code; 4064

(20) Any violation of division (A) (1) of section 2903.11 4065
of the Revised Code if the offender used an accelerant in 4066
committing the violation and the serious physical harm to 4067
another or another's unborn caused by the violation resulted in 4068
a permanent, serious disfigurement or permanent, substantial 4069
incapacity or any violation of division (A) (2) of that section 4070
if the offender used an accelerant in committing the violation, 4071
the violation caused physical harm to another or another's 4072
unborn, and the physical harm resulted in a permanent, serious 4073
disfigurement or permanent, substantial incapacity, with respect 4074
to a portion of the sentence imposed pursuant to division (B) (9) 4075
of section 2929.14 of the Revised Code. The provisions of this 4076
division and of division (D) (2) of section 2903.11, divisions 4077
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 4078
the Revised Code shall be known as "Judy's Law." 4079

(21) Any violation of division (A) of section 2903.11 of 4080
the Revised Code if the victim of the offense suffered permanent 4081
disabling harm as a result of the offense and the victim was 4082
under ten years of age at the time of the offense, with respect 4083
to a portion of the sentence imposed pursuant to division (B) 4084
(10) of section 2929.14 of the Revised Code. 4085

(22) A felony violation of section 2925.03, 2925.031, 4086
2925.032, 2925.05, or 2925.11 of the Revised Code, if the drug 4087
involved in the violation is a fentanyl-related compound or a 4088
compound, mixture, preparation, or substance containing a 4089
fentanyl-related compound and the offender is convicted of or 4090
pleads guilty to a specification of the type described in 4091
division (B) of section 2941.1410 of the Revised Code that was 4092
included in the indictment, count in the indictment, or 4093
information charging the offense, with respect to the portion of 4094
the sentence imposed under division (B) ~~(9)~~ (11) of section 4095

2929.14 of the Revised Code. 4096

(G) Notwithstanding divisions (A) to (E) of this section, 4097
if an offender is being sentenced for a fourth degree felony OVI 4098
offense or for a third degree felony OVI offense, the court 4099
shall impose upon the offender a mandatory term of local 4100
incarceration or a mandatory prison term in accordance with the 4101
following: 4102

(1) If the offender is being sentenced for a fourth degree 4103
felony OVI offense and if the offender has not been convicted of 4104
and has not pleaded guilty to a specification of the type 4105
described in section 2941.1413 of the Revised Code, the court 4106
may impose upon the offender a mandatory term of local 4107
incarceration of sixty days or one hundred twenty days as 4108
specified in division (G)(1)(d) of section 4511.19 of the 4109
Revised Code. The court shall not reduce the term pursuant to 4110
section 2929.20, 2967.193, or any other provision of the Revised 4111
Code. The court that imposes a mandatory term of local 4112
incarceration under this division shall specify whether the term 4113
is to be served in a jail, a community-based correctional 4114
facility, a halfway house, or an alternative residential 4115
facility, and the offender shall serve the term in the type of 4116
facility specified by the court. A mandatory term of local 4117
incarceration imposed under division (G)(1) of this section is 4118
not subject to any other Revised Code provision that pertains to 4119
a prison term except as provided in division (A)(1) of this 4120
section. 4121

(2) If the offender is being sentenced for a third degree 4122
felony OVI offense, or if the offender is being sentenced for a 4123
fourth degree felony OVI offense and the court does not impose a 4124
mandatory term of local incarceration under division (G)(1) of 4125

this section, the court shall impose upon the offender a 4126
mandatory prison term of one, two, three, four, or five years if 4127
the offender also is convicted of or also pleads guilty to a 4128
specification of the type described in section 2941.1413 of the 4129
Revised Code or shall impose upon the offender a mandatory 4130
prison term of sixty days or one hundred twenty days as 4131
specified in division (G)(1)(d) or (e) of section 4511.19 of the 4132
Revised Code if the offender has not been convicted of and has 4133
not pleaded guilty to a specification of that type. Subject to 4134
divisions (C) to (I) of section 2967.19 of the Revised Code, the 4135
court shall not reduce the term pursuant to section 2929.20, 4136
2967.19, 2967.193, or any other provision of the Revised Code. 4137
The offender shall serve the one-, two-, three-, four-, or five- 4138
year mandatory prison term consecutively to and prior to the 4139
prison term imposed for the underlying offense and consecutively 4140
to any other mandatory prison term imposed in relation to the 4141
offense. In no case shall an offender who once has been 4142
sentenced to a mandatory term of local incarceration pursuant to 4143
division (G)(1) of this section for a fourth degree felony OVI 4144
offense be sentenced to another mandatory term of local 4145
incarceration under that division for any violation of division 4146
(A) of section 4511.19 of the Revised Code. In addition to the 4147
mandatory prison term described in division (G)(2) of this 4148
section, the court may sentence the offender to a community 4149
control sanction under section 2929.16 or 2929.17 of the Revised 4150
Code, but the offender shall serve the prison term prior to 4151
serving the community control sanction. The department of 4152
rehabilitation and correction may place an offender sentenced to 4153
a mandatory prison term under this division in an intensive 4154
program prison established pursuant to section 5120.033 of the 4155
Revised Code if the department gave the sentencing judge prior 4156
notice of its intent to place the offender in an intensive 4157

program prison established under that section and if the judge 4158
did not notify the department that the judge disapproved the 4159
placement. Upon the establishment of the initial intensive 4160
program prison pursuant to section 5120.033 of the Revised Code 4161
that is privately operated and managed by a contractor pursuant 4162
to a contract entered into under section 9.06 of the Revised 4163
Code, both of the following apply: 4164

(a) The department of rehabilitation and correction shall 4165
make a reasonable effort to ensure that a sufficient number of 4166
offenders sentenced to a mandatory prison term under this 4167
division are placed in the privately operated and managed prison 4168
so that the privately operated and managed prison has full 4169
occupancy. 4170

(b) Unless the privately operated and managed prison has 4171
full occupancy, the department of rehabilitation and correction 4172
shall not place any offender sentenced to a mandatory prison 4173
term under this division in any intensive program prison 4174
established pursuant to section 5120.033 of the Revised Code 4175
other than the privately operated and managed prison. 4176

(H) If an offender is being sentenced for a sexually 4177
oriented offense or child-victim oriented offense that is a 4178
felony committed on or after January 1, 1997, the judge shall 4179
require the offender to submit to a DNA specimen collection 4180
procedure pursuant to section 2901.07 of the Revised Code. 4181

(I) If an offender is being sentenced for a sexually 4182
oriented offense or a child-victim oriented offense committed on 4183
or after January 1, 1997, the judge shall include in the 4184
sentence a summary of the offender's duties imposed under 4185
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 4186
Code and the duration of the duties. The judge shall inform the 4187

offender, at the time of sentencing, of those duties and of 4188
their duration. If required under division (A) (2) of section 4189
2950.03 of the Revised Code, the judge shall perform the duties 4190
specified in that section, or, if required under division (A) (6) 4191
of section 2950.03 of the Revised Code, the judge shall perform 4192
the duties specified in that division. 4193

(J) (1) Except as provided in division (J) (2) of this 4194
section, when considering sentencing factors under this section 4195
in relation to an offender who is convicted of or pleads guilty 4196
to an attempt to commit an offense in violation of section 4197
2923.02 of the Revised Code, the sentencing court shall consider 4198
the factors applicable to the felony category of the violation 4199
of section 2923.02 of the Revised Code instead of the factors 4200
applicable to the felony category of the offense attempted. 4201

(2) When considering sentencing factors under this section 4202
in relation to an offender who is convicted of or pleads guilty 4203
to an attempt to commit a drug abuse offense for which the 4204
penalty is determined by the amount or number of unit doses of 4205
the controlled substance involved in the drug abuse offense, the 4206
sentencing court shall consider the factors applicable to the 4207
felony category that the drug abuse offense attempted would be 4208
if that drug abuse offense had been committed and had involved 4209
an amount or number of unit doses of the controlled substance 4210
that is within the next lower range of controlled substance 4211
amounts than was involved in the attempt. 4212

(K) As used in this section: 4213

(1) "Community addiction services provider" has the same 4214
meaning as in section 5119.01 of the Revised Code. 4215

(2) "Drug abuse offense" has the same meaning as in 4216

section 2925.01 of the Revised Code. 4217

(3) "Minor drug possession offense" has the same meaning 4218
as in section ~~2925.11~~2925.01 of the Revised Code. 4219

(4) "Qualifying assault offense" means a violation of 4220
section 2903.13 of the Revised Code for which the penalty 4221
provision in division (C) (8) (b) or (C) (9) (b) of that section 4222
applies. 4223

(L) At the time of sentencing an offender for any sexually 4224
oriented offense, if the offender is a tier III sex 4225
offender/child-victim offender relative to that offense and the 4226
offender does not serve a prison term or jail term, the court 4227
may require that the offender be monitored by means of a global 4228
positioning device. If the court requires such monitoring, the 4229
cost of monitoring shall be borne by the offender. If the 4230
offender is indigent, the cost of compliance shall be paid by 4231
the crime victims reparations fund. 4232

Sec. 2929.14. (A) Except as provided in division (B) (1), 4233
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 4234
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 4235
in division (D) (6) of section 2919.25 of the Revised Code and 4236
except in relation to an offense for which a sentence of death 4237
or life imprisonment is to be imposed, if the court imposing a 4238
sentence upon an offender for a felony elects or is required to 4239
impose a prison term on the offender pursuant to this chapter, 4240
the court shall impose a prison term that shall be one of the 4241
following: 4242

(1) (a) For a felony of the first degree committed on or 4243
after the effective date of this amendment, the prison term 4244
shall be an indefinite prison term with a stated minimum term 4245

selected by the court of three, four, five, six, seven, eight, 4246
nine, ten, or eleven years and a maximum term that is determined 4247
pursuant to section 2929.144 of the Revised Code, except that if 4248
the section that criminalizes the conduct constituting the 4249
felony specifies a different minimum term or penalty for the 4250
offense, the specific language of that section shall control in 4251
determining the minimum term or otherwise sentencing the 4252
offender but the minimum term or sentence imposed under that 4253
specific language shall be considered for purposes of the 4254
Revised Code as if it had been imposed under this division. 4255

(b) For a felony of the first degree committed prior to 4256
the effective date of this amendment, the prison term shall be a 4257
definite prison term of three, four, five, six, seven, eight, 4258
nine, ten, or eleven years. 4259

(2) (a) For a felony of the second degree committed on or 4260
after the effective date of this amendment, the prison term 4261
shall be an indefinite prison term with a stated minimum term 4262
selected by the court of two, three, four, five, six, seven, or 4263
eight years and a maximum term that is determined pursuant to 4264
section 2929.144 of the Revised Code, except that if the section 4265
that criminalizes the conduct constituting the felony specifies 4266
a different minimum term or penalty for the offense, the 4267
specific language of that section shall control in determining 4268
the minimum term or otherwise sentencing the offender but the 4269
minimum term or sentence imposed under that specific language 4270
shall be considered for purposes of the Revised Code as if it 4271
had been imposed under this division. 4272

(b) For a felony of the second degree committed prior to 4273
the effective date of this amendment, the prison term shall be a 4274
definite term of two, three, four, five, six, seven, or eight 4275

years. 4276

(3) (a) For a felony of the third degree that is a 4277
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 4278
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 4279
Code or that is a violation of section 2911.02 or 2911.12 of the 4280
Revised Code if the offender previously has been convicted of or 4281
pleaded guilty in two or more separate proceedings to two or 4282
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 4283
of the Revised Code, the prison term shall be a definite term of 4284
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 4285
forty-eight, fifty-four, or sixty months. 4286

(b) For a felony of the third degree that is not an 4287
offense for which division (A) (3) (a) of this section applies, 4288
the prison term shall be a definite term of nine, twelve, 4289
eighteen, twenty-four, thirty, or thirty-six months. 4290

(4) For a felony of the fourth degree, the prison term 4291
shall be a definite term of six, seven, eight, nine, ten, 4292
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 4293
or eighteen months. 4294

(5) For a felony of the fifth degree, the prison term 4295
shall be a definite term of six, seven, eight, nine, ten, 4296
eleven, or twelve months. 4297

(B) (1) (a) Except as provided in division (B) (1) (e) of this 4298
section, if an offender who is convicted of or pleads guilty to 4299
a felony also is convicted of or pleads guilty to a 4300
specification of the type described in section 2941.141, 4301
2941.144, or 2941.145 of the Revised Code, the court shall 4302
impose on the offender one of the following prison terms: 4303

(i) A prison term of six years if the specification is of 4304

the type described in division (A) of section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense;

(ii) A prison term of three years if the specification is of the type described in division (A) of section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using it to facilitate the offense;

(iii) A prison term of one year if the specification is of the type described in division (A) of section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense;

(iv) A prison term of nine years if the specification is of the type described in division (D) of section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense and specifies that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code;

(v) A prison term of fifty-four months if the specification is of the type described in division (D) of section 2941.145 of the Revised Code that charges the offender

with having a firearm on or about the offender's person or under 4335
the offender's control while committing the offense and 4336
displaying the firearm, brandishing the firearm, indicating that 4337
the offender possessed the firearm, or using the firearm to 4338
facilitate the offense and that the offender previously has been 4339
convicted of or pleaded guilty to a specification of the type 4340
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 4341
2941.1412 of the Revised Code; 4342

(vi) A prison term of eighteen months if the specification 4343
is of the type described in division (D) of section 2941.141 of 4344
the Revised Code that charges the offender with having a firearm 4345
on or about the offender's person or under the offender's 4346
control while committing the offense and that the offender 4347
previously has been convicted of or pleaded guilty to a 4348
specification of the type described in section 2941.141, 4349
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 4350

(b) If a court imposes a prison term on an offender under 4351
division (B) (1) (a) of this section, the prison term shall not be 4352
reduced pursuant to section 2967.19, section 2929.20, section 4353
2967.193, or any other provision of Chapter 2967. or Chapter 4354
5120. of the Revised Code. Except as provided in division (B) (1) 4355
(g) of this section, a court shall not impose more than one 4356
prison term on an offender under division (B) (1) (a) of this 4357
section for felonies committed as part of the same act or 4358
transaction. 4359

(c) (i) Except as provided in division (B) (1) (e) of this 4360
section, if an offender who is convicted of or pleads guilty to 4361
a violation of section 2923.161 of the Revised Code or to a 4362
felony that includes, as an essential element, purposely or 4363
knowingly causing or attempting to cause the death of or 4364

physical harm to another, also is convicted of or pleads guilty 4365
to a specification of the type described in division (A) of 4366
section 2941.146 of the Revised Code that charges the offender 4367
with committing the offense by discharging a firearm from a 4368
motor vehicle other than a manufactured home, the court, after 4369
imposing a prison term on the offender for the violation of 4370
section 2923.161 of the Revised Code or for the other felony 4371
offense under division (A), (B) (2), or (B) (3) of this section, 4372
shall impose an additional prison term of five years upon the 4373
offender that shall not be reduced pursuant to section 2929.20, 4374
section 2967.19, section 2967.193, or any other provision of 4375
Chapter 2967. or Chapter 5120. of the Revised Code. 4376

(ii) Except as provided in division (B) (1) (e) of this 4377
section, if an offender who is convicted of or pleads guilty to 4378
a violation of section 2923.161 of the Revised Code or to a 4379
felony that includes, as an essential element, purposely or 4380
knowingly causing or attempting to cause the death of or 4381
physical harm to another, also is convicted of or pleads guilty 4382
to a specification of the type described in division (C) of 4383
section 2941.146 of the Revised Code that charges the offender 4384
with committing the offense by discharging a firearm from a 4385
motor vehicle other than a manufactured home and that the 4386
offender previously has been convicted of or pleaded guilty to a 4387
specification of the type described in section 2941.141, 4388
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 4389
the court, after imposing a prison term on the offender for the 4390
violation of section 2923.161 of the Revised Code or for the 4391
other felony offense under division (A), (B) (2), or (3) of this 4392
section, shall impose an additional prison term of ninety months 4393
upon the offender that shall not be reduced pursuant to section 4394
2929.20, 2967.19, 2967.193, or any other provision of Chapter 4395

2967. or Chapter 5120. of the Revised Code. 4396

(iii) A court shall not impose more than one additional 4397
prison term on an offender under division (B) (1) (c) of this 4398
section for felonies committed as part of the same act or 4399
transaction. If a court imposes an additional prison term on an 4400
offender under division (B) (1) (c) of this section relative to an 4401
offense, the court also shall impose a prison term under 4402
division (B) (1) (a) of this section relative to the same offense, 4403
provided the criteria specified in that division for imposing an 4404
additional prison term are satisfied relative to the offender 4405
and the offense. 4406

(d) If an offender who is convicted of or pleads guilty to 4407
an offense of violence that is a felony also is convicted of or 4408
pleads guilty to a specification of the type described in 4409
section 2941.1411 of the Revised Code that charges the offender 4410
with wearing or carrying body armor while committing the felony 4411
offense of violence, the court shall impose on the offender an 4412
additional prison term of two years. The prison term so imposed, 4413
subject to divisions (C) to (I) of section 2967.19 of the 4414
Revised Code, shall not be reduced pursuant to section 2929.20, 4415
section 2967.19, section 2967.193, or any other provision of 4416
Chapter 2967. or Chapter 5120. of the Revised Code. A court 4417
shall not impose more than one prison term on an offender under 4418
division (B) (1) (d) of this section for felonies committed as 4419
part of the same act or transaction. If a court imposes an 4420
additional prison term under division (B) (1) (a) or (c) of this 4421
section, the court is not precluded from imposing an additional 4422
prison term under division (B) (1) (d) of this section. 4423

(e) The court shall not impose any of the prison terms 4424
described in division (B) (1) (a) of this section or any of the 4425

additional prison terms described in division (B) (1) (c) of this 4426
section upon an offender for a violation of section 2923.12 or 4427
2923.123 of the Revised Code. The court shall not impose any of 4428
the prison terms described in division (B) (1) (a) or (b) of this 4429
section upon an offender for a violation of section 2923.122 4430
that involves a deadly weapon that is a firearm other than a 4431
dangerous ordnance, section 2923.16, or section 2923.121 of the 4432
Revised Code. The court shall not impose any of the prison terms 4433
described in division (B) (1) (a) of this section or any of the 4434
additional prison terms described in division (B) (1) (c) of this 4435
section upon an offender for a violation of section 2923.13 of 4436
the Revised Code unless all of the following apply: 4437

(i) The offender previously has been convicted of 4438
aggravated murder, murder, or any felony of the first or second 4439
degree. 4440

(ii) Less than five years have passed since the offender 4441
was released from prison or post-release control, whichever is 4442
later, for the prior offense. 4443

(f) (i) If an offender is convicted of or pleads guilty to 4444
a felony that includes, as an essential element, causing or 4445
attempting to cause the death of or physical harm to another and 4446
also is convicted of or pleads guilty to a specification of the 4447
type described in division (A) of section 2941.1412 of the 4448
Revised Code that charges the offender with committing the 4449
offense by discharging a firearm at a peace officer as defined 4450
in section 2935.01 of the Revised Code or a corrections officer, 4451
as defined in section 2941.1412 of the Revised Code, the court, 4452
after imposing a prison term on the offender for the felony 4453
offense under division (A), (B) (2), or (B) (3) of this section, 4454
shall impose an additional prison term of seven years upon the 4455

offender that shall not be reduced pursuant to section 2929.20, 4456
section 2967.19, section 2967.193, or any other provision of 4457
Chapter 2967. or Chapter 5120. of the Revised Code. 4458

(ii) If an offender is convicted of or pleads guilty to a 4459
felony that includes, as an essential element, causing or 4460
attempting to cause the death of or physical harm to another and 4461
also is convicted of or pleads guilty to a specification of the 4462
type described in division (B) of section 2941.1412 of the 4463
Revised Code that charges the offender with committing the 4464
offense by discharging a firearm at a peace officer, as defined 4465
in section 2935.01 of the Revised Code, or a corrections 4466
officer, as defined in section 2941.1412 of the Revised Code, 4467
and that the offender previously has been convicted of or 4468
pleaded guilty to a specification of the type described in 4469
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 4470
the Revised Code, the court, after imposing a prison term on the 4471
offender for the felony offense under division (A), (B) (2), or 4472
(3) of this section, shall impose an additional prison term of 4473
one hundred twenty-six months upon the offender that shall not 4474
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 4475
any other provision of Chapter 2967. or 5120. of the Revised 4476
Code. 4477

(iii) If an offender is convicted of or pleads guilty to 4478
two or more felonies that include, as an essential element, 4479
causing or attempting to cause the death or physical harm to 4480
another and also is convicted of or pleads guilty to a 4481
specification of the type described under division (B) (1) (f) of 4482
this section in connection with two or more of the felonies of 4483
which the offender is convicted or to which the offender pleads 4484
guilty, the sentencing court shall impose on the offender the 4485
prison term specified under division (B) (1) (f) of this section 4486

for each of two of the specifications of which the offender is 4487
convicted or to which the offender pleads guilty and, in its 4488
discretion, also may impose on the offender the prison term 4489
specified under that division for any or all of the remaining 4490
specifications. If a court imposes an additional prison term on 4491
an offender under division (B) (1) (f) of this section relative to 4492
an offense, the court shall not impose a prison term under 4493
division (B) (1) (a) or (c) of this section relative to the same 4494
offense. 4495

(g) If an offender is convicted of or pleads guilty to two 4496
or more felonies, if one or more of those felonies are 4497
aggravated murder, murder, attempted aggravated murder, 4498
attempted murder, aggravated robbery, felonious assault, or 4499
rape, and if the offender is convicted of or pleads guilty to a 4500
specification of the type described under division (B) (1) (a) of 4501
this section in connection with two or more of the felonies, the 4502
sentencing court shall impose on the offender the prison term 4503
specified under division (B) (1) (a) of this section for each of 4504
the two most serious specifications of which the offender is 4505
convicted or to which the offender pleads guilty and, in its 4506
discretion, also may impose on the offender the prison term 4507
specified under that division for any or all of the remaining 4508
specifications. 4509

(2) (a) If division (B) (2) (b) of this section does not 4510
apply, the court may impose on an offender, in addition to the 4511
longest prison term authorized or required for the offense or, 4512
for offenses for which division (A) (1) (a) or (2) (a) of this 4513
section applies, in addition to the longest minimum prison term 4514
authorized or required for the offense, an additional definite 4515
prison term of one, two, three, four, five, six, seven, eight, 4516
nine, or ten years if all of the following criteria are met: 4517

(i) The offender is convicted of or pleads guilty to a 4518
specification of the type described in section 2941.149 of the 4519
Revised Code that the offender is a repeat violent offender. 4520

(ii) The offense of which the offender currently is 4521
convicted or to which the offender currently pleads guilty is 4522
aggravated murder and the court does not impose a sentence of 4523
death or life imprisonment without parole, murder, terrorism and 4524
the court does not impose a sentence of life imprisonment 4525
without parole, any felony of the first degree that is an 4526
offense of violence and the court does not impose a sentence of 4527
life imprisonment without parole, or any felony of the second 4528
degree that is an offense of violence and the trier of fact 4529
finds that the offense involved an attempt to cause or a threat 4530
to cause serious physical harm to a person or resulted in 4531
serious physical harm to a person. 4532

(iii) The court imposes the longest prison term for the 4533
offense or the longest minimum prison term for the offense, 4534
whichever is applicable, that is not life imprisonment without 4535
parole. 4536

(iv) The court finds that the prison terms imposed 4537
pursuant to division (B) (2) (a) (iii) of this section and, if 4538
applicable, division (B) (1) or (3) of this section are 4539
inadequate to punish the offender and protect the public from 4540
future crime, because the applicable factors under section 4541
2929.12 of the Revised Code indicating a greater likelihood of 4542
recidivism outweigh the applicable factors under that section 4543
indicating a lesser likelihood of recidivism. 4544

(v) The court finds that the prison terms imposed pursuant 4545
to division (B) (2) (a) (iii) of this section and, if applicable, 4546
division (B) (1) or (3) of this section are demeaning to the 4547

seriousness of the offense, because one or more of the factors 4548
under section 2929.12 of the Revised Code indicating that the 4549
offender's conduct is more serious than conduct normally 4550
constituting the offense are present, and they outweigh the 4551
applicable factors under that section indicating that the 4552
offender's conduct is less serious than conduct normally 4553
constituting the offense. 4554

(b) The court shall impose on an offender the longest 4555
prison term authorized or required for the offense or, for 4556
offenses for which division (A) (1) (a) or (2) (a) of this section 4557
applies, the longest minimum prison term authorized or required 4558
for the offense, and shall impose on the offender an additional 4559
definite prison term of one, two, three, four, five, six, seven, 4560
eight, nine, or ten years if all of the following criteria are 4561
met: 4562

(i) The offender is convicted of or pleads guilty to a 4563
specification of the type described in section 2941.149 of the 4564
Revised Code that the offender is a repeat violent offender. 4565

(ii) The offender within the preceding twenty years has 4566
been convicted of or pleaded guilty to three or more offenses 4567
described in division (CC) (1) of section 2929.01 of the Revised 4568
Code, including all offenses described in that division of which 4569
the offender is convicted or to which the offender pleads guilty 4570
in the current prosecution and all offenses described in that 4571
division of which the offender previously has been convicted or 4572
to which the offender previously pleaded guilty, whether 4573
prosecuted together or separately. 4574

(iii) The offense or offenses of which the offender 4575
currently is convicted or to which the offender currently pleads 4576
guilty is aggravated murder and the court does not impose a 4577

sentence of death or life imprisonment without parole, murder, 4578
terrorism and the court does not impose a sentence of life 4579
imprisonment without parole, any felony of the first degree that 4580
is an offense of violence and the court does not impose a 4581
sentence of life imprisonment without parole, or any felony of 4582
the second degree that is an offense of violence and the trier 4583
of fact finds that the offense involved an attempt to cause or a 4584
threat to cause serious physical harm to a person or resulted in 4585
serious physical harm to a person. 4586

(c) For purposes of division (B) (2) (b) of this section, 4587
two or more offenses committed at the same time or as part of 4588
the same act or event shall be considered one offense, and that 4589
one offense shall be the offense with the greatest penalty. 4590

(d) A sentence imposed under division (B) (2) (a) or (b) of 4591
this section shall not be reduced pursuant to section 2929.20, 4592
section 2967.19, or section 2967.193, or any other provision of 4593
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 4594
shall serve an additional prison term imposed under division (B) 4595
(2) (a) or (b) of this section consecutively to and prior to the 4596
prison term imposed for the underlying offense. 4597

(e) When imposing a sentence pursuant to division (B) (2) 4598
(a) or (b) of this section, the court shall state its findings 4599
explaining the imposed sentence. 4600

(3) Except when an offender commits a violation of section 4601
2903.01 or 2907.02 of the Revised Code and the penalty imposed 4602
for the violation is life imprisonment or commits a violation of 4603
section 2903.02 of the Revised Code, if the offender commits a 4604
violation of section 2925.03, 2925.031, 2925.032, or 2925.11 of 4605
the Revised Code and that section classifies the offender as a 4606
major drug offender, if the offender commits a violation of 4607

section 2925.05 of the Revised Code and division (E) (1) of that 4608
section classifies the offender as a major drug offender, if the 4609
offender commits a felony violation of section 2925.02, 2925.04, 4610
2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, 4611
or 4729.61, division (C) or (D) of section 3719.172, division 4612
(E) of section 4729.51, or division (J) of section 4729.54 of 4613
the Revised Code that includes the sale, offer to sell, or 4614
possession of a schedule I or II controlled substance, with the 4615
exception of marihuana, and the court imposing sentence upon the 4616
offender finds that the offender is guilty of a specification of 4617
the type described in division (A) of section 2941.1410 of the 4618
Revised Code charging that the offender is a major drug 4619
offender, if the court imposing sentence upon an offender for a 4620
felony finds that the offender is guilty of corrupt activity 4621
with the most serious offense in the pattern of corrupt activity 4622
being a felony of the first degree, or if the offender is guilty 4623
of an attempted violation of section 2907.02 of the Revised Code 4624
and, had the offender completed the violation of section 2907.02 4625
of the Revised Code that was attempted, the offender would have 4626
been subject to a sentence of life imprisonment or life 4627
imprisonment without parole for the violation of section 2907.02 4628
of the Revised Code, the court shall impose upon the offender 4629
for the felony violation a mandatory prison term determined as 4630
described in this division that, subject to divisions (C) to (I) 4631
of section 2967.19 of the Revised Code, cannot be reduced 4632
pursuant to section 2929.20, section 2967.19, or any other 4633
provision of Chapter 2967. or 5120. of the Revised Code. The 4634
mandatory prison term shall be the maximum definite prison term 4635
prescribed in division (A) (1) (b) of this section for a felony of 4636
the first degree, except that for offenses for which division 4637
(A) (1) (a) of this section applies, the mandatory prison term 4638
shall be the longest minimum prison term prescribed in that 4639

division for the offense.

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(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
the offender is being sentenced for a third degree felony OVI
offense, the sentencing court may sentence the offender to an
additional prison term of any duration specified in division (A)
(3) of this section. In either case, the additional prison term
imposed shall be reduced by the sixty or one hundred twenty days
imposed upon the offender as the mandatory prison term. The
total of the additional prison term imposed under division (B)
(4) of this section plus the sixty or one hundred twenty days
imposed as the mandatory prison term shall equal a definite term
in the range of six months to thirty months for a fourth degree
felony OVI offense and shall equal one of the authorized prison
terms specified in division (A) (3) of this section for a third
degree felony OVI offense. If the court imposes an additional
prison term under division (B) (4) of this section, the offender
shall serve the additional prison term after the offender has
served the mandatory prison term required for the offense. In
addition to the mandatory prison term or mandatory and
additional prison term imposed as described in division (B) (4)
of this section, the court also may sentence the offender to a
community control sanction under section 2929.16 or 2929.17 of
the Revised Code, but the offender shall serve all of the prison

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terms so imposed prior to serving the community control 4671
sanction. 4672

If the offender is being sentenced for a fourth degree 4673
felony OVI offense under division (G) (1) of section 2929.13 of 4674
the Revised Code and the court imposes a mandatory term of local 4675
incarceration, the court may impose a prison term as described 4676
in division (A) (1) of that section. 4677

(5) If an offender is convicted of or pleads guilty to a 4678
violation of division (A) (1) or (2) of section 2903.06 of the 4679
Revised Code and also is convicted of or pleads guilty to a 4680
specification of the type described in section 2941.1414 of the 4681
Revised Code that charges that the victim of the offense is a 4682
peace officer, as defined in section 2935.01 of the Revised 4683
Code, or an investigator of the bureau of criminal 4684
identification and investigation, as defined in section 2903.11 4685
of the Revised Code, the court shall impose on the offender a 4686
prison term of five years. If a court imposes a prison term on 4687
an offender under division (B) (5) of this section, the prison 4688
term, subject to divisions (C) to (I) of section 2967.19 of the 4689
Revised Code, shall not be reduced pursuant to section 2929.20, 4690
section 2967.19, section 2967.193, or any other provision of 4691
Chapter 2967. or Chapter 5120. of the Revised Code. A court 4692
shall not impose more than one prison term on an offender under 4693
division (B) (5) of this section for felonies committed as part 4694
of the same act. 4695

(6) If an offender is convicted of or pleads guilty to a 4696
violation of division (A) (1) or (2) of section 2903.06 of the 4697
Revised Code and also is convicted of or pleads guilty to a 4698
specification of the type described in section 2941.1415 of the 4699
Revised Code that charges that the offender previously has been 4700

convicted of or pleaded guilty to three or more violations of 4701
division (A) or (B) of section 4511.19 of the Revised Code or an 4702
equivalent offense, as defined in section 2941.1415 of the 4703
Revised Code, or three or more violations of any combination of 4704
those divisions and offenses, the court shall impose on the 4705
offender a prison term of three years. If a court imposes a 4706
prison term on an offender under division (B) (6) of this 4707
section, the prison term, subject to divisions (C) to (I) of 4708
section 2967.19 of the Revised Code, shall not be reduced 4709
pursuant to section 2929.20, section 2967.19, section 2967.193, 4710
or any other provision of Chapter 2967. or Chapter 5120. of the 4711
Revised Code. A court shall not impose more than one prison term 4712
on an offender under division (B) (6) of this section for 4713
felonies committed as part of the same act. 4714

(7) (a) If an offender is convicted of or pleads guilty to 4715
a felony violation of section 2905.01, 2905.02, 2907.21, 4716
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 4717
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 4718
section 2919.22 of the Revised Code and also is convicted of or 4719
pleads guilty to a specification of the type described in 4720
section 2941.1422 of the Revised Code that charges that the 4721
offender knowingly committed the offense in furtherance of human 4722
trafficking, the court shall impose on the offender a mandatory 4723
prison term that is one of the following: 4724

(i) If the offense is a felony of the first degree, a 4725
definite prison term of not less than five years and not greater 4726
than eleven years, except that if the offense is a felony of the 4727
first degree committed on or after the effective date of this 4728
amendment, the court shall impose as the minimum prison term a 4729
mandatory term of not less than five years and not greater than 4730
eleven years; 4731

(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 allowed for the offense by division (A) of section 2929.14 of the Revised Code.

(b) Subject to divisions (C) to (I) of section 2967.19 of the Revised Code, the prison term imposed under division (B) (7) (a) of this section shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (7) (a) of this section for felonies committed as part of the same act, scheme, or plan.

(8) If an offender is convicted of or pleads guilty to a felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, notwithstanding the range prescribed in division (A) of this section as the definite prison term or minimum prison term for felonies of the same degree as the violation, the court shall impose on the offender a mandatory prison term that is

either a definite prison term of six months or one of the prison 4762
terms prescribed in division (A) of this section for felonies of 4763
the same degree as the violation, except that if the violation 4764
is a felony of the first or second degree committed on or after 4765
the effective date of this amendment, the court shall impose as 4766
the minimum prison term under division (A)(1)(a) or (2)(a) of 4767
this section a mandatory term that is one of the terms 4768
prescribed in that division, whichever is applicable, for the 4769
offense. 4770

(9)(a) If an offender is convicted of or pleads guilty to 4771
a violation of division (A)(1) or (2) of section 2903.11 of the 4772
Revised Code and also is convicted of or pleads guilty to a 4773
specification of the type described in section 2941.1425 of the 4774
Revised Code, the court shall impose on the offender a mandatory 4775
prison term of six years if either of the following applies: 4776

(i) The violation is a violation of division (A)(1) of 4777
section 2903.11 of the Revised Code and the specification 4778
charges that the offender used an accelerant in committing the 4779
violation and the serious physical harm to another or to 4780
another's unborn caused by the violation resulted in a 4781
permanent, serious disfigurement or permanent, substantial 4782
incapacity; 4783

(ii) The violation is a violation of division (A)(2) of 4784
section 2903.11 of the Revised Code and the specification 4785
charges that the offender used an accelerant in committing the 4786
violation, that the violation caused physical harm to another or 4787
to another's unborn, and that the physical harm resulted in a 4788
permanent, serious disfigurement or permanent, substantial 4789
incapacity. 4790

(b) If a court imposes a prison term on an offender under 4791

division (B) (9) (a) of this section, the prison term shall not be 4792
reduced pursuant to section 2929.20, section 2967.19, section 4793
2967.193, or any other provision of Chapter 2967. or Chapter 4794
5120. of the Revised Code. A court shall not impose more than 4795
one prison term on an offender under division (B) (9) of this 4796
section for felonies committed as part of the same act. 4797

(c) The provisions of divisions (B) (9) and (C) (6) of this 4798
section and of division (D) (2) of section 2903.11, division (F) 4799
(20) of section 2929.13, and section 2941.1425 of the Revised 4800
Code shall be known as "Judy's Law." 4801

(10) If an offender is convicted of or pleads guilty to a 4802
violation of division (A) of section 2903.11 of the Revised Code 4803
and also is convicted of or pleads guilty to a specification of 4804
the type described in section 2941.1426 of the Revised Code that 4805
charges that the victim of the offense suffered permanent 4806
disabling harm as a result of the offense and that the victim 4807
was under ten years of age at the time of the offense, 4808
regardless of whether the offender knew the age of the victim, 4809
the court shall impose upon the offender an additional definite 4810
prison term of six years. A prison term imposed on an offender 4811
under division (B) (10) of this section shall not be reduced 4812
pursuant to section 2929.20, section 2967.193, or any other 4813
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 4814
If a court imposes an additional prison term on an offender 4815
under this division relative to a violation of division (A) of 4816
section 2903.11 of the Revised Code, the court shall not impose 4817
any other additional prison term on the offender relative to the 4818
same offense. 4819

(11) If an offender is convicted of or pleads guilty to a 4820
felony violation of section 2925.03, 2925.031, 2925.032, or 4821

2925.05 of the Revised Code or a felony violation of section 4822
2925.11 of the Revised Code for which division (C) (11) of that 4823
section applies in determining the sentence for the violation, 4824
if the drug involved in the violation is a fentanyl-related 4825
compound or a compound, mixture, preparation, or substance 4826
containing a fentanyl-related compound, and if the offender also 4827
is convicted of or pleads guilty to a specification of the type 4828
described in division (B) of section 2941.1410 of the Revised 4829
Code that charges that the offender is a major drug offender, in 4830
addition to any other penalty imposed for the violation, the 4831
court shall impose on the offender a mandatory prison term of 4832
three, four, five, six, seven, or eight years. If a court 4833
imposes a prison term on an offender under division (B) (11) of 4834
this section, the prison term, subject to divisions (C) to (I) 4835
of section 2967.19 of the Revised Code, shall not be reduced 4836
pursuant to section 2929.20, 2967.19, or 2967.193, or any other 4837
provision of Chapter 2967. or 5120. of the Revised Code. A court 4838
shall not impose more than one prison term on an offender under 4839
division (B) (11) of this section for felonies committed as part 4840
of the same act. 4841

(C) (1) (a) Subject to division (C) (1) (b) of this section, 4842
if a mandatory prison term is imposed upon an offender pursuant 4843
to division (B) (1) (a) of this section for having a firearm on or 4844
about the offender's person or under the offender's control 4845
while committing a felony, if a mandatory prison term is imposed 4846
upon an offender pursuant to division (B) (1) (c) of this section 4847
for committing a felony specified in that division by 4848
discharging a firearm from a motor vehicle, or if both types of 4849
mandatory prison terms are imposed, the offender shall serve any 4850
mandatory prison term imposed under either division 4851
consecutively to any other mandatory prison term imposed under 4852

either division or under division (B) (1) (d) of this section, 4853
consecutively to and prior to any prison term imposed for the 4854
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 4855
this section or any other section of the Revised Code, and 4856
consecutively to any other prison term or mandatory prison term 4857
previously or subsequently imposed upon the offender. 4858

(b) If a mandatory prison term is imposed upon an offender 4859
pursuant to division (B) (1) (d) of this section for wearing or 4860
carrying body armor while committing an offense of violence that 4861
is a felony, the offender shall serve the mandatory term so 4862
imposed consecutively to any other mandatory prison term imposed 4863
under that division or under division (B) (1) (a) or (c) of this 4864
section, consecutively to and prior to any prison term imposed 4865
for the underlying felony under division (A), (B) (2), or (B) (3) 4866
of this section or any other section of the Revised Code, and 4867
consecutively to any other prison term or mandatory prison term 4868
previously or subsequently imposed upon the offender. 4869

(c) If a mandatory prison term is imposed upon an offender 4870
pursuant to division (B) (1) (f) of this section, the offender 4871
shall serve the mandatory prison term so imposed consecutively 4872
to and prior to any prison term imposed for the underlying 4873
felony under division (A), (B) (2), or (B) (3) of this section or 4874
any other section of the Revised Code, and consecutively to any 4875
other prison term or mandatory prison term previously or 4876
subsequently imposed upon the offender. 4877

(d) If a mandatory prison term is imposed upon an offender 4878
pursuant to division (B) (7) or (8) of this section, the offender 4879
shall serve the mandatory prison term so imposed consecutively 4880
to any other mandatory prison term imposed under that division 4881
or under any other provision of law and consecutively to any 4882

other prison term or mandatory prison term previously or 4883
subsequently imposed upon the offender. 4884

(e) If a mandatory prison term is imposed upon an offender 4885
pursuant to division (B) ~~(10)~~ (11) of this section, the offender 4886
shall serve the mandatory prison term consecutively to any other 4887
mandatory prison term imposed under that division, consecutively 4888
to and prior to any prison term imposed for the underlying 4889
felony, and consecutively to any other prison term or mandatory 4890
prison term previously or subsequently imposed upon the 4891
offender. 4892

(2) If an offender who is an inmate in a jail, prison, or 4893
other residential detention facility violates section 2917.02, 4894
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 4895
(2) of section 2921.34 of the Revised Code, if an offender who 4896
is under detention at a detention facility commits a felony 4897
violation of section 2923.131 of the Revised Code, or if an 4898
offender who is an inmate in a jail, prison, or other 4899
residential detention facility or is under detention at a 4900
detention facility commits another felony while the offender is 4901
an escapee in violation of division (A) (1) or (2) of section 4902
2921.34 of the Revised Code, any prison term imposed upon the 4903
offender for one of those violations shall be served by the 4904
offender consecutively to the prison term or term of 4905
imprisonment the offender was serving when the offender 4906
committed that offense and to any other prison term previously 4907
or subsequently imposed upon the offender. 4908

(3) If a prison term is imposed for a violation of 4909
division (B) of section 2911.01 of the Revised Code, a violation 4910
of division (A) of section 2913.02 of the Revised Code in which 4911
the stolen property is a firearm or dangerous ordnance, or a 4912

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 the following:

(a) The offender committed one or more of the multiple offenses while the offender was awaiting trial or sentencing, was under a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, or was under post-release control for a prior offense.

(b) At least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the offender's conduct.

(c) The offender's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender.

(5) If a mandatory prison term is imposed upon an offender pursuant to division (B) (5) or (6) of this section, the offender

shall serve the mandatory prison term consecutively to and prior 4942
to any prison term imposed for the underlying violation of 4943
division (A) (1) or (2) of section 2903.06 of the Revised Code 4944
pursuant to division (A) of this section or section 2929.142 of 4945
the Revised Code. If a mandatory prison term is imposed upon an 4946
offender pursuant to division (B) (5) of this section, and if a 4947
mandatory prison term also is imposed upon the offender pursuant 4948
to division (B) (6) of this section in relation to the same 4949
violation, the offender shall serve the mandatory prison term 4950
imposed pursuant to division (B) (5) of this section 4951
consecutively to and prior to the mandatory prison term imposed 4952
pursuant to division (B) (6) of this section and consecutively to 4953
and prior to any prison term imposed for the underlying 4954
violation of division (A) (1) or (2) of section 2903.06 of the 4955
Revised Code pursuant to division (A) of this section or section 4956
2929.142 of the Revised Code. 4957

(6) If a mandatory prison term is imposed on an offender 4958
pursuant to division (B) (9) of this section, the offender shall 4959
serve the mandatory prison term consecutively to and prior to 4960
any prison term imposed for the underlying violation of division 4961
(A) (1) or (2) of section 2903.11 of the Revised Code and 4962
consecutively to and prior to any other prison term or mandatory 4963
prison term previously or subsequently imposed on the offender. 4964

(7) If a mandatory prison term is imposed on an offender 4965
pursuant to division (B) (10) of this section, the offender shall 4966
serve that mandatory prison term consecutively to and prior to 4967
any prison term imposed for the underlying felonious assault. 4968
Except as otherwise provided in division (C) of this section, 4969
any other prison term or mandatory prison term previously or 4970
subsequently imposed upon the offender may be served 4971
concurrently with, or consecutively to, the prison term imposed 4972

pursuant to division (B)(10) of this section. 4973

(8) Any prison term imposed for a violation of section 4974
2903.04 of the Revised Code that is based on a violation of 4975
section 2925.03 ~~or, 2925.031, 2925.032, 2925.11, or 2925.111~~ of 4976
the Revised Code or on a violation of section 2925.05 of the 4977
Revised Code that is not funding of marihuana trafficking shall 4978
run consecutively to any prison term imposed for the violation 4979
of section 2925.03 ~~or, 2925.031, 2925.032, 2925.11, or 2925.111~~ 4980
of the Revised Code or for the violation of section 2925.05 of 4981
the Revised Code that is not funding of marihuana trafficking. 4982

(9) When consecutive prison terms are imposed pursuant to 4983
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 4984
division (H)(1) or (2) of this section, subject to division (C) 4985
(8) of this section, the term to be served is the aggregate of 4986
all of the terms so imposed. 4987

(10) When a court sentences an offender to a non-life 4988
felony indefinite prison term, any definite prison term or 4989
mandatory definite prison term previously or subsequently 4990
imposed on the offender in addition to that indefinite sentence 4991
that is required to be served consecutively to that indefinite 4992
sentence shall be served prior to the indefinite sentence. 4993

(11) If a court is sentencing an offender for a felony of 4994
the first or second degree, if division (A)(1)(a) or (2)(a) of 4995
this section applies with respect to the sentencing for the 4996
offense, and if the court is required under the Revised Code 4997
section that sets forth the offense or any other Revised Code 4998
provision to impose a mandatory prison term for the offense, the 4999
court shall impose the required mandatory prison term as the 5000
minimum term imposed under division (A)(1)(a) or (2)(a) of this 5001
section, whichever is applicable. 5002

(D) (1) If a court imposes a prison term, other than a term of life imprisonment, for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is an offense of violence and that is not a felony sex offense, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with section 2967.28 of the Revised Code. If a court imposes a sentence including a prison term of a type described in this division on or after July 11, 2006, the failure of a court to include a post-release control requirement in the sentence pursuant to this division does not negate, limit, or otherwise affect the mandatory period of post-release control that is required for the offender under division (B) of section 2967.28 of the Revised Code. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control. 5003
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(2) If a court imposes a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (D) (1) of this section, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with that division, if the parole board determines that a period of post-release control is necessary. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control. 5022
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(E) The court shall impose sentence upon the offender in accordance with section 2971.03 of the Revised Code, and Chapter 2971. of the Revised Code applies regarding the prison term or term of life imprisonment without parole imposed upon the offender and the service of that term of imprisonment if any of the following apply:

(1) A person is convicted of or pleads guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense, and, in relation to that offense, the offender is adjudicated a sexually violent predator.

(2) A person is convicted of or pleads guilty to a violation of division (A) (1) (b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section 2907.02 of the Revised Code, or division (B) of section 2907.02 of the Revised Code provides that the court shall not sentence the offender pursuant to section 2971.03 of the Revised Code.

(3) A person is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.

(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after January 1, 2008, and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and

division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 5063
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 5064
(d) of section 2929.03, or division (A) or (B) of section 5065
2929.06 of the Revised Code requires the court to sentence the 5066
offender pursuant to division (B) (3) of section 2971.03 of the 5067
Revised Code. 5068

(6) A person is convicted of or pleads guilty to murder 5069
committed on or after January 1, 2008, and division (B) (2) of 5070
section 2929.02 of the Revised Code requires the court to 5071
sentence the offender pursuant to section 2971.03 of the Revised 5072
Code. 5073

(F) If a person who has been convicted of or pleaded 5074
guilty to a felony is sentenced to a prison term or term of 5075
imprisonment under this section, sections 2929.02 to 2929.06 of 5076
the Revised Code, section 2929.142 of the Revised Code, section 5077
2971.03 of the Revised Code, or any other provision of law, 5078
section 5120.163 of the Revised Code applies regarding the 5079
person while the person is confined in a state correctional 5080
institution. 5081

(G) If an offender who is convicted of or pleads guilty to 5082
a felony that is an offense of violence also is convicted of or 5083
pleads guilty to a specification of the type described in 5084
section 2941.142 of the Revised Code that charges the offender 5085
with having committed the felony while participating in a 5086
criminal gang, the court shall impose upon the offender an 5087
additional prison term of one, two, or three years. 5088

(H) (1) If an offender who is convicted of or pleads guilty 5089
to aggravated murder, murder, or a felony of the first, second, 5090
or third degree that is an offense of violence also is convicted 5091
of or pleads guilty to a specification of the type described in 5092

section 2941.143 of the Revised Code that charges the offender 5093
with having committed the offense in a school safety zone or 5094
towards a person in a school safety zone, the court shall impose 5095
upon the offender an additional prison term of two years. The 5096
offender shall serve the additional two years consecutively to 5097
and prior to the prison term imposed for the underlying offense. 5098

(2) (a) If an offender is convicted of or pleads guilty to 5099
a felony violation of section 2907.22, 2907.24, 2907.241, or 5100
2907.25 of the Revised Code and to a specification of the type 5101
described in section 2941.1421 of the Revised Code and if the 5102
court imposes a prison term on the offender for the felony 5103
violation, the court may impose upon the offender an additional 5104
prison term as follows: 5105

(i) Subject to division (H) (2) (a) (ii) of this section, an 5106
additional prison term of one, two, three, four, five, or six 5107
months; 5108

(ii) If the offender previously has been convicted of or 5109
pleaded guilty to one or more felony or misdemeanor violations 5110
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 5111
the Revised Code and also was convicted of or pleaded guilty to 5112
a specification of the type described in section 2941.1421 of 5113
the Revised Code regarding one or more of those violations, an 5114
additional prison term of one, two, three, four, five, six, 5115
seven, eight, nine, ten, eleven, or twelve months. 5116

(b) In lieu of imposing an additional prison term under 5117
division (H) (2) (a) of this section, the court may directly 5118
impose on the offender a sanction that requires the offender to 5119
wear a real-time processing, continual tracking electronic 5120
monitoring device during the period of time specified by the 5121
court. The period of time specified by the court shall equal the 5122

duration of an additional prison term that the court could have 5123
imposed upon the offender under division (H) (2) (a) of this 5124
section. A sanction imposed under this division shall commence 5125
on the date specified by the court, provided that the sanction 5126
shall not commence until after the offender has served the 5127
prison term imposed for the felony violation of section 2907.22, 5128
2907.24, 2907.241, or 2907.25 of the Revised Code and any 5129
residential sanction imposed for the violation under section 5130
2929.16 of the Revised Code. A sanction imposed under this 5131
division shall be considered to be a community control sanction 5132
for purposes of section 2929.15 of the Revised Code, and all 5133
provisions of the Revised Code that pertain to community control 5134
sanctions shall apply to a sanction imposed under this division, 5135
except to the extent that they would by their nature be clearly 5136
inapplicable. The offender shall pay all costs associated with a 5137
sanction imposed under this division, including the cost of the 5138
use of the monitoring device. 5139

(I) At the time of sentencing, the court may recommend the 5140
offender for placement in a program of shock incarceration under 5141
section 5120.031 of the Revised Code or for placement in an 5142
intensive program prison under section 5120.032 of the Revised 5143
Code, disapprove placement of the offender in a program of shock 5144
incarceration or an intensive program prison of that nature, or 5145
make no recommendation on placement of the offender. In no case 5146
shall the department of rehabilitation and correction place the 5147
offender in a program or prison of that nature unless the 5148
department determines as specified in section 5120.031 or 5149
5120.032 of the Revised Code, whichever is applicable, that the 5150
offender is eligible for the placement. 5151

If the court disapproves placement of the offender in a 5152
program or prison of that nature, the department of 5153

rehabilitation and correction shall not place the offender in 5154
any program of shock incarceration or intensive program prison. 5155

If the court recommends placement of the offender in a 5156
program of shock incarceration or in an intensive program 5157
prison, and if the offender is subsequently placed in the 5158
recommended program or prison, the department shall notify the 5159
court of the placement and shall include with the notice a brief 5160
description of the placement. 5161

If the court recommends placement of the offender in a 5162
program of shock incarceration or in an intensive program prison 5163
and the department does not subsequently place the offender in 5164
the recommended program or prison, the department shall send a 5165
notice to the court indicating why the offender was not placed 5166
in the recommended program or prison. 5167

If the court does not make a recommendation under this 5168
division with respect to an offender and if the department 5169
determines as specified in section 5120.031 or 5120.032 of the 5170
Revised Code, whichever is applicable, that the offender is 5171
eligible for placement in a program or prison of that nature, 5172
the department shall screen the offender and determine if there 5173
is an available program of shock incarceration or an intensive 5174
program prison for which the offender is suited. If there is an 5175
available program of shock incarceration or an intensive program 5176
prison for which the offender is suited, the department shall 5177
notify the court of the proposed placement of the offender as 5178
specified in section 5120.031 or 5120.032 of the Revised Code 5179
and shall include with the notice a brief description of the 5180
placement. The court shall have ten days from receipt of the 5181
notice to disapprove the placement. 5182

(J) If a person is convicted of or pleads guilty to 5183

aggravated vehicular homicide in violation of division (A) (1) of 5184
section 2903.06 of the Revised Code and division (B) (2) (c) of 5185
that section applies, the person shall be sentenced pursuant to 5186
section 2929.142 of the Revised Code. 5187

(K) (1) The court shall impose an additional mandatory 5188
prison term of two, three, four, five, six, seven, eight, nine, 5189
ten, or eleven years on an offender who is convicted of or 5190
pleads guilty to a violent felony offense if the offender also 5191
is convicted of or pleads guilty to a specification of the type 5192
described in section 2941.1424 of the Revised Code that charges 5193
that the offender is a violent career criminal and had a firearm 5194
on or about the offender's person or under the offender's 5195
control while committing the presently charged violent felony 5196
offense and displayed or brandished the firearm, indicated that 5197
the offender possessed a firearm, or used the firearm to 5198
facilitate the offense. The offender shall serve the prison term 5199
imposed under this division consecutively to and prior to the 5200
prison term imposed for the underlying offense. The prison term 5201
shall not be reduced pursuant to section 2929.20 or 2967.19 or 5202
any other provision of Chapter 2967. or 5120. of the Revised 5203
Code. A court may not impose more than one sentence under 5204
division (B) (2) (a) of this section and this division for acts 5205
committed as part of the same act or transaction. 5206

(2) As used in division (K) (1) of this section, "violent 5207
career criminal" and "violent felony offense" have the same 5208
meanings as in section 2923.132 of the Revised Code. 5209

Sec. 2929.15. (A) (1) If in sentencing an offender for a 5210
felony the court is not required to impose a prison term, a 5211
mandatory prison term, or a term of life imprisonment upon the 5212
offender, the court may directly impose a sentence that consists 5213

of one or more community control sanctions authorized pursuant 5214
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 5215
the court is sentencing an offender for a fourth degree felony 5216
OVI offense under division (G) (1) of section 2929.13 of the 5217
Revised Code, in addition to the mandatory term of local 5218
incarceration imposed under that division and the mandatory fine 5219
required by division (B) (3) of section 2929.18 of the Revised 5220
Code, the court may impose upon the offender a community control 5221
sanction or combination of community control sanctions in 5222
accordance with sections 2929.16 and 2929.17 of the Revised 5223
Code. If the court is sentencing an offender for a third or 5224
fourth degree felony OVI offense under division (G) (2) of 5225
section 2929.13 of the Revised Code, in addition to the 5226
mandatory prison term or mandatory prison term and additional 5227
prison term imposed under that division, the court also may 5228
impose upon the offender a community control sanction or 5229
combination of community control sanctions under section 2929.16 5230
or 2929.17 of the Revised Code, but the offender shall serve all 5231
of the prison terms so imposed prior to serving the community 5232
control sanction. 5233

The duration of all community control sanctions imposed 5234
upon an offender under this division shall not exceed five 5235
years. If the offender absconds or otherwise leaves the 5236
jurisdiction of the court in which the offender resides without 5237
obtaining permission from the court or the offender's probation 5238
officer to leave the jurisdiction of the court, or if the 5239
offender is confined in any institution for the commission of 5240
any offense while under a community control sanction, the period 5241
of the community control sanction ceases to run until the 5242
offender is brought before the court for its further action. If 5243
the court sentences the offender to one or more nonresidential 5244

sanctions under section 2929.17 of the Revised Code, the court 5245
shall impose as a condition of the nonresidential sanctions 5246
that, during the period of the sanctions, the offender must 5247
abide by the law and must not leave the state without the 5248
permission of the court or the offender's probation officer. The 5249
court may impose any other conditions of release under a 5250
community control sanction that the court considers appropriate, 5251
including, but not limited to, requiring that the offender not 5252
ingest or be injected with a drug of abuse and submit to random 5253
drug testing as provided in division (D) of this section to 5254
determine whether the offender ingested or was injected with a 5255
drug of abuse and requiring that the results of the drug test 5256
indicate that the offender did not ingest or was not injected 5257
with a drug of abuse. 5258

(2) (a) If a court sentences an offender to any community 5259
control sanction or combination of community control sanctions 5260
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 5261
the Revised Code, the court shall place the offender under the 5262
general control and supervision of a department of probation in 5263
the county that serves the court for purposes of reporting to 5264
the court a violation of any condition of the sanctions, any 5265
condition of release under a community control sanction imposed 5266
by the court, a violation of law, or the departure of the 5267
offender from this state without the permission of the court or 5268
the offender's probation officer. Alternatively, if the offender 5269
resides in another county and a county department of probation 5270
has been established in that county or that county is served by 5271
a multicounty probation department established under section 5272
2301.27 of the Revised Code, the court may request the court of 5273
common pleas of that county to receive the offender into the 5274
general control and supervision of that county or multicounty 5275

department of probation for purposes of reporting to the court a 5276
violation of any condition of the sanctions, any condition of 5277
release under a community control sanction imposed by the court, 5278
a violation of law, or the departure of the offender from this 5279
state without the permission of the court or the offender's 5280
probation officer, subject to the jurisdiction of the trial 5281
judge over and with respect to the person of the offender, and 5282
to the rules governing that department of probation. 5283

If there is no department of probation in the county that 5284
serves the court, the court shall place the offender, regardless 5285
of the offender's county of residence, under the general control 5286
and supervision of the adult parole authority or an entity 5287
authorized under division (B) of section 2301.27 of the Revised 5288
Code to provide probation and supervisory services to counties 5289
for purposes of reporting to the court a violation of any of the 5290
sanctions, any condition of release under a community control 5291
sanction imposed by the court, a violation of law, or the 5292
departure of the offender from this state without the permission 5293
of the court or the offender's probation officer. 5294

(b) If the court imposing sentence upon an offender 5295
sentences the offender to any community control sanction or 5296
combination of community control sanctions authorized pursuant 5297
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 5298
if the offender violates any condition of the sanctions, any 5299
condition of release under a community control sanction imposed 5300
by the court, violates any law, or departs the state without the 5301
permission of the court or the offender's probation officer, the 5302
public or private person or entity that operates or administers 5303
the sanction or the program or activity that comprises the 5304
sanction shall report the violation or departure directly to the 5305
sentencing court, or shall report the violation or departure to 5306

the county or multicounty department of probation with general 5307
control and supervision over the offender under division (A) (2) 5308
(a) of this section or the officer of that department who 5309
supervises the offender, or, if there is no such department with 5310
general control and supervision over the offender under that 5311
division, to the adult parole authority or an entity authorized 5312
under division (B) of section 2301.27 of the Revised Code to 5313
provide probation and supervisory services to the county. If the 5314
public or private person or entity that operates or administers 5315
the sanction or the program or activity that comprises the 5316
sanction reports the violation or departure to the county or 5317
multicounty department of probation, the adult parole authority, 5318
or any other entity providing probation and supervisory services 5319
to the county, the department's, authority's, or other entity's 5320
officers may treat the offender as if the offender were on 5321
probation and in violation of the probation, and shall report 5322
the violation of the condition of the sanction, any condition of 5323
release under a community control sanction imposed by the court, 5324
the violation of law, or the departure from the state without 5325
the required permission to the sentencing court. 5326

(3) If an offender who is eligible for community control 5327
sanctions under this section admits to being drug addicted or 5328
the court has reason to believe that the offender is drug 5329
addicted, and if the offense for which the offender is being 5330
sentenced was related to the addiction, the court may require 5331
that the offender be assessed by a properly credentialed 5332
professional within a specified period of time and shall require 5333
the professional to file a written assessment of the offender 5334
with the court. If a court imposes treatment and recovery 5335
support services as a community control sanction, the court 5336
shall direct the level and type of treatment and recovery 5337

support services after consideration of the written assessment, 5338
if available at the time of sentencing, and recommendations of 5339
the professional and other treatment and recovery support 5340
services providers. 5341

(4) If an assessment completed pursuant to division (A) (3) 5342
of this section indicates that the offender is addicted to drugs 5343
or alcohol, the court may include in any community control 5344
sanction imposed for a violation of section 2925.02, 2925.03, 5345
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 5346
2925.36, or 2925.37 of the Revised Code a requirement that the 5347
offender participate in alcohol and drug addiction services and 5348
recovery supports certified under section 5119.36 of the Revised 5349
Code or offered by a properly credentialed community addiction 5350
services provider. 5351

(B) (1) If the conditions of a community control sanction 5352
imposed for a felony are violated or if the offender violates a 5353
law or leaves the state without the permission of the court or 5354
the offender's probation officer, the sentencing court may 5355
impose upon the violator one or more of the following penalties: 5356

(a) A longer time under the same sanction if the total 5357
time under the sanctions does not exceed the five-year limit 5358
specified in division (A) of this section; 5359

(b) A more restrictive sanction under section 2929.16, 5360
2929.17, or 2929.18 of the Revised Code, including but not 5361
limited to, a new term in a community-based correctional 5362
facility, halfway house, or jail pursuant to division (A) (6) of 5363
section 2929.16 of the Revised Code; 5364

(c) A prison term on the offender pursuant to section 5365
2929.14 of the Revised Code and division (B) (3) of this section, 5366

provided that a prison term imposed under this division is 5367
subject to the following limitations, as applicable: 5368

(i) If the prison term is imposed for any technical 5369
violation of the conditions of a community control sanction 5370
imposed for a felony of the fifth degree ~~or for any violation of~~ 5371
~~law committed while under a community control sanction imposed~~ 5372
~~for such a felony that consists of a new criminal offense and~~ 5373
~~that is not a felony,~~ the prison term shall not exceed ninety 5374
days. 5375

(ii) If the prison term is imposed for any technical 5376
violation of the conditions of a community control sanction 5377
imposed for a felony of the fourth degree that is not an offense 5378
of violence and is not a sexually oriented offense ~~or for any~~ 5379
~~violation of law committed while under a community control~~ 5380
~~sanction imposed for such a felony that consists of a new~~ 5381
~~criminal offense and that is not a felony,~~ the prison term shall 5382
not exceed one hundred eighty days. 5383

(2) If an offender was acting pursuant to division (B) (2) 5384
(b) of section 2925.11 of the Revised Code and in so doing 5385
violated the conditions of a community control sanction based on 5386
a minor drug possession offense, as defined in section 2925.11 5387
of the Revised Code, the sentencing court may consider the 5388
offender's conduct in seeking or obtaining medical assistance 5389
for another in good faith or for self or may consider the 5390
offender being the subject of another person seeking or 5391
obtaining medical assistance in accordance with that division as 5392
a mitigating factor before imposing any of the penalties 5393
described in division (B) (1) of this section. 5394

(3) The prison term, if any, imposed upon a violator 5395
pursuant to this division and division (B) (1) of this section 5396

shall be within the range of prison terms described in this 5397
division and shall not exceed the prison term specified in the 5398
notice provided to the offender at the sentencing hearing 5399
pursuant to division (B) (2) of section 2929.19 of the Revised 5400
Code. The court may reduce the longer period of time that the 5401
offender is required to spend under the longer sanction, the 5402
more restrictive sanction, or a prison term imposed pursuant to 5403
division (B) (1) of this section by the time the offender 5404
successfully spent under the sanction that was initially 5405
imposed. Except as otherwise specified in this division, the 5406
prison term imposed under this division and division (B) (1) of 5407
this section shall be within the range of prison terms available 5408
as a definite term for the offense for which the sanction that 5409
was violated was imposed. If the offense for which the sanction 5410
that was violated was imposed is a felony of the first or second 5411
degree committed on or after ~~the effective date of this~~ 5412
~~amendment~~ March 22, 2019, the prison term so imposed under this 5413
division shall be within the range of prison terms available as 5414
a minimum term for the offense under division (A) (1) (a) or (2) 5415
(a) of section 2929.14 of the Revised Code. 5416

(4) As used in divisions (B) (1) to (3) of this section, 5417
"technical violation" means a violation of the conditions of a 5418
community control sanction imposed for a felony of the fifth 5419
degree, or for a felony of the fourth degree that is not an 5420
offense of violence and is not a sexually oriented offense, to 5421
which both of the following apply: 5422

(a) The violation does not consist of a new criminal 5423
offense that is a felony or that is a misdemeanor other than a 5424
minor misdemeanor. 5425

(b) The violation is committed while under the community 5426

control sanction. 5427

(C) If an offender, for a significant period of time, 5428
fulfills the conditions of a sanction imposed pursuant to 5429
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 5430
exemplary manner, the court may reduce the period of time under 5431
the sanction or impose a less restrictive sanction, but the 5432
court shall not permit the offender to violate any law or permit 5433
the offender to leave the state without the permission of the 5434
court or the offender's probation officer. 5435

(D) (1) If a court under division (A) (1) of this section 5436
imposes a condition of release under a community control 5437
sanction that requires the offender to submit to random drug 5438
testing, the department of probation, the adult parole 5439
authority, or any other entity that has general control and 5440
supervision of the offender under division (A) (2) (a) of this 5441
section may cause the offender to submit to random drug testing 5442
performed by a laboratory or entity that has entered into a 5443
contract with any of the governmental entities or officers 5444
authorized to enter into a contract with that laboratory or 5445
entity under section 341.26, 753.33, or 5120.63 of the Revised 5446
Code. 5447

(2) If no laboratory or entity described in division (D) 5448
(1) of this section has entered into a contract as specified in 5449
that division, the department of probation, the adult parole 5450
authority, or any other entity that has general control and 5451
supervision of the offender under division (A) (2) (a) of this 5452
section shall cause the offender to submit to random drug 5453
testing performed by a reputable public laboratory to determine 5454
whether the individual who is the subject of the drug test 5455
ingested or was injected with a drug of abuse. 5456

(3) A laboratory or entity that has entered into a 5457
contract pursuant to section 341.26, 753.33, or 5120.63 of the 5458
Revised Code shall perform the random drug tests under division 5459
(D) (1) of this section in accordance with the applicable 5460
standards that are included in the terms of that contract. A 5461
public laboratory shall perform the random drug tests under 5462
division (D) (2) of this section in accordance with the standards 5463
set forth in the policies and procedures established by the 5464
department of rehabilitation and correction pursuant to section 5465
5120.63 of the Revised Code. An offender who is required under 5466
division (A) (1) of this section to submit to random drug testing 5467
as a condition of release under a community control sanction and 5468
whose test results indicate that the offender ingested or was 5469
injected with a drug of abuse shall pay the fee for the drug 5470
test if the department of probation, the adult parole authority, 5471
or any other entity that has general control and supervision of 5472
the offender requires payment of a fee. A laboratory or entity 5473
that performs the random drug testing on an offender under 5474
division (D) (1) or (2) of this section shall transmit the 5475
results of the drug test to the appropriate department of 5476
probation, the adult parole authority, or any other entity that 5477
has general control and supervision of the offender under 5478
division (A) (2) (a) of this section. 5479

Sec. 2941.1410. (A) Except as provided in sections 5480
2925.03, 2925.031, 2925.032, and 2925.11 and division (E) (1) of 5481
section 2925.05 of the Revised Code, the determination by a 5482
court that an offender is a major drug offender is precluded 5483
unless the indictment, count in the indictment, or information 5484
charging the offender specifies that the offender is a major 5485
drug offender. The specification shall be stated at the end of 5486
the body of the indictment, count, or information, and shall be 5487

stated in substantially the following form: 5488

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 5489
Grand Jurors (or insert the person's or prosecuting attorney's 5490
name when appropriate) further find and specify that (set forth 5491
that the offender is a major drug offender)." 5492

(B) Imposition of a three, four, five, six, seven, or 5493
eight-year mandatory prison term upon an offender under division 5494
(B) ~~(9)~~ (11) of section 2929.14 of the Revised Code, pursuant to 5495
determination by a court that an offender is a major drug 5496
offender, is precluded unless the indictment, count in the 5497
indictment, or information charging the offender with the 5498
violation of section 2925.03, 2925.031, 2925.032, 2925.05, or 5499
2925.11 of the Revised Code specifies that the offender is a 5500
major drug offender and that the drug involved in the violation 5501
is a fentanyl-related compound or a compound, mixture, 5502
preparation, or substance containing a fentanyl-related 5503
compound. The specification shall be stated at the end of the 5504
body of the indictment, count, or information, and shall be 5505
stated in substantially the following form: 5506

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 5507
Grand Jurors (or insert the person's or prosecuting attorney's 5508
name when appropriate) further find and specify that (set forth 5509
that the offender is a major drug offender and the drug involved 5510
in the violation is a fentanyl-related compound or a compound, 5511
mixture, preparation, or substance containing a fentanyl-related 5512
compound)." 5513

(C) The court shall determine the issue of whether an 5514
offender is a major drug offender. 5515

(D) As used in this section, "major drug offender" has the 5516

same meaning as in section 2929.01 of the Revised Code. 5517

Sec. 2953.31. As used in sections 2953.31 to 2953.36 of 5518
the Revised Code: 5519

(A) (1) "Eligible offender" means either of the following: 5520

(a) Anyone who has been convicted of one or more offenses, 5521
but not more than five felonies, in this state or any other 5522
jurisdiction, if all of the offenses in this state are felonies 5523
of the fourth or fifth degree ~~or~~, misdemeanors, or reclassified 5524
misdemeanor drug possession offenses and none of those offenses 5525
are an offense of violence or a felony sex offense and all of 5526
the offenses in another jurisdiction, if committed in this 5527
state, would be felonies of the fourth or fifth degree ~~or~~, 5528
misdemeanors, or reclassified misdemeanor drug possession 5529
offenses and none of those offenses would be an offense of 5530
violence or a felony sex offense; 5531

(b) Anyone who has been convicted of an offense in this 5532
state or any other jurisdiction, to whom division (A) (1) (a) of 5533
this section does not apply, and who has not more than one 5534
felony conviction, not more than two misdemeanor convictions, or 5535
not more than one felony conviction and one misdemeanor 5536
conviction in this state or any other jurisdiction. When two or 5537
more convictions result from or are connected with the same act 5538
or result from offenses committed at the same time, they shall 5539
be counted as one conviction. When two or three convictions 5540
result from the same indictment, information, or complaint, from 5541
the same plea of guilty, or from the same official proceeding, 5542
and result from related criminal acts that were committed within 5543
a three-month period but do not result from the same act or from 5544
offenses committed at the same time, they shall be counted as 5545
one conviction, provided that a court may decide as provided in 5546

division (C)(1)(a) of section 2953.32 of the Revised Code that 5547
it is not in the public interest for the two or three 5548
convictions to be counted as one conviction. 5549

(2) For purposes of, and except as otherwise provided in, 5550
division (A)(1)(b) of this section, a conviction for a minor 5551
misdemeanor, for a violation of any section in Chapter 4507., 5552
4510., 4511., 4513., or 4549. of the Revised Code, or for a 5553
violation of a municipal ordinance that is substantially similar 5554
to any section in those chapters is not a conviction. However, a 5555
conviction for a violation of section 4511.19, 4511.251, 5556
4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections 5557
4549.41 to 4549.46 of the Revised Code, for a violation of 5558
section 4510.11 or 4510.14 of the Revised Code that is based 5559
upon the offender's operation of a vehicle during a suspension 5560
imposed under section 4511.191 or 4511.196 of the Revised Code, 5561
for a violation of a substantially equivalent municipal 5562
ordinance, for a felony violation of Title XLV of the Revised 5563
Code, or for a violation of a substantially equivalent former 5564
law of this state or former municipal ordinance shall be 5565
considered a conviction. 5566

(B) "Prosecutor" means the county prosecuting attorney, 5567
city director of law, village solicitor, or similar chief legal 5568
officer, who has the authority to prosecute a criminal case in 5569
the court in which the case is filed. 5570

(C) "Bail forfeiture" means the forfeiture of bail by a 5571
defendant who is arrested for the commission of a misdemeanor, 5572
other than a defendant in a traffic case as defined in Traffic 5573
Rule 2, if the forfeiture is pursuant to an agreement with the 5574
court and prosecutor in the case. 5575

(D) "Official records" has the same meaning as in division 5576

(D) of section 2953.51 of the Revised Code. 5577

(E) "Official proceeding" has the same meaning as in 5578
section 2921.01 of the Revised Code. 5579

(F) "Community control sanction" has the same meaning as 5580
in section 2929.01 of the Revised Code. 5581

(G) "Post-release control" and "post-release control 5582
sanction" have the same meanings as in section 2967.01 of the 5583
Revised Code. 5584

(H) "DNA database," "DNA record," and "law enforcement 5585
agency" have the same meanings as in section 109.573 of the 5586
Revised Code. 5587

(I) "Fingerprints filed for record" means any fingerprints 5588
obtained by the superintendent of the bureau of criminal 5589
identification and investigation pursuant to sections 109.57 and 5590
109.571 of the Revised Code. 5591

(J) (1) "Reclassified misdemeanor drug possession offense" 5592
means any of the following: 5593

(a) Any offense that is a qualifying misdemeanor drug 5594
possession offense; 5595

(b) Any offense committed in any jurisdiction other than 5596
this state that, if committed in this state, would be an offense 5597
described in division (J) (1) (a) of this section. 5598

(2) Any reference in sections 2953.31 to 2953.36 of the 5599
Revised Code to a felony does not include any reclassified 5600
misdemeanor drug possession offense, and references in those 5601
sections to a misdemeanor shall include reclassified misdemeanor 5602
drug possession offenses. 5603

(K) "Qualifying misdemeanor drug possession offense" means 5604
a violation of section 2925.11 of the Revised Code that was 5605
committed prior to the effective date of this amendment and to 5606
which both of the following apply: 5607

(a) At the time of the commission of the violation, the 5608
violation was a felony under the version of section 2925.11 of 5609
the Revised Code that then was in effect. 5610

(b) On the effective date of this amendment, the offense 5611
classification of the violation was reduced to a misdemeanor 5612
under the version of section 2925.11 or 2925.111 of the Revised 5613
Code that took effect on that date. 5614

Sec. 2953.32. (A) (1) Except as provided in section 2953.61 5615
of the Revised Code, an eligible offender may apply to the 5616
sentencing court if convicted in this state, or to a court of 5617
common pleas if convicted in another state or in a federal 5618
court, for the sealing of the record of the case that pertains 5619
to the conviction. Application may be made at one of the 5620
following times: 5621

(a) At the expiration of three years after the offender's 5622
final discharge if convicted of one felony, provided that 5623
application may be made prior to that time if authorized under 5624
division (A) (1) (d) of this section; 5625

(b) When division (A) (1) (a) of section 2953.31 of the 5626
Revised Code applies to the offender, at the expiration of four 5627
years after the offender's final discharge if convicted of two 5628
felonies, or at the expiration of five years after final 5629
discharge if convicted of three, four, or five felonies; 5630

(c) At the expiration of one year after the offender's 5631
final discharge if convicted of a misdemeanor, provided that 5632

application may be made prior to that time if authorized under 5633
division (A) (1) (d) of this section; 5634

(d) If the conviction was of a violation of section 5635
2925.11 or 2925.111 of the Revised Code that is a misdemeanor or 5636
a felony of the fourth or fifth degree or that was a violation 5637
of a municipal ordinance of a municipal corporation of this 5638
state that is substantially equivalent to either section, at any 5639
time after successful completion of either of the following: 5640

(i) A treatment program or other type of program imposed 5641
on the eligible offender with respect to the offense, by a drug 5642
court; 5643

(ii) An intervention plan imposed on the eligible offender 5644
with respect to the offense, pursuant to a grant of intervention 5645
in lieu of conviction under section 2951.041 of the Revised 5646
Code. 5647

(2) Any person who has been arrested for any misdemeanor 5648
offense and who has effected a bail forfeiture for the offense 5649
charged may apply to the court in which the misdemeanor criminal 5650
case was pending when bail was forfeited for the sealing of the 5651
record of the case that pertains to the charge. Except as 5652
provided in section 2953.61 of the Revised Code, the application 5653
may be filed at any time after the expiration of one year from 5654
the date on which the bail forfeiture was entered upon the 5655
minutes of the court or the journal, whichever entry occurs 5656
first. 5657

(3) On and after the effective date of this amendment, any 5658
conviction of a violation of section 2925.11 of the Revised Code 5659
that, prior to that date, was a felony and that is a 5660
reclassified misdemeanor drug possession offense on and after 5661

that date shall be considered and treated for purposes of 5662
sections 2953.31 to 2953.36 of the Revised Code as if it were, 5663
and always had been, a conviction of a misdemeanor. 5664

(B) Upon the filing of an application under this section, 5665
the court shall set a date for a hearing and shall notify the 5666
prosecutor for the case of the hearing on the application. The 5667
prosecutor may object to the granting of the application by 5668
filing an objection with the court prior to the date set for the 5669
hearing. The prosecutor shall specify in the objection the 5670
reasons for believing a denial of the application is justified. 5671
The court shall direct its regular probation officer, a state 5672
probation officer, or the department of probation of the county 5673
in which the applicant resides to make inquiries and written 5674
reports as the court requires concerning the applicant. The 5675
probation officer or county department of probation that the 5676
court directs to make inquiries concerning the applicant shall 5677
determine whether or not the applicant was fingerprinted at the 5678
time of arrest or under section 109.60 of the Revised Code. If 5679
the applicant was so fingerprinted, the probation officer or 5680
county department of probation shall include with the written 5681
report a record of the applicant's fingerprints. If the 5682
applicant was convicted of or pleaded guilty to a violation of 5683
division (A) (2) or (B) of section 2919.21 of the Revised Code, 5684
the probation officer or county department of probation that the 5685
court directed to make inquiries concerning the applicant shall 5686
contact the child support enforcement agency enforcing the 5687
applicant's obligations under the child support order to inquire 5688
about the offender's compliance with the child support order. 5689

(C) (1) The court shall do each of the following: 5690

(a) Determine whether the applicant is an eligible 5691

offender or whether the forfeiture of bail was agreed to by the 5692
applicant and the prosecutor in the case. If the applicant 5693
applies as an eligible offender pursuant to division (A)(1) of 5694
this section and has two or three convictions that result from 5695
the same indictment, information, or complaint, from the same 5696
plea of guilty, or from the same official proceeding, and result 5697
from related criminal acts that were committed within a three- 5698
month period but do not result from the same act or from 5699
offenses committed at the same time, in making its determination 5700
under this division, the court initially shall determine whether 5701
it is not in the public interest for the two or three 5702
convictions to be counted as one conviction. If the court 5703
determines that it is not in the public interest for the two or 5704
three convictions to be counted as one conviction, the court 5705
shall determine that the applicant is not an eligible offender; 5706
if the court does not make that determination, the court shall 5707
determine that the offender is an eligible offender. 5708

(b) Determine whether criminal proceedings are pending 5709
against the applicant; 5710

(c) If the applicant is an eligible offender who applies 5711
pursuant to division (A)(1) of this section, determine whether 5712
the applicant has been rehabilitated to the satisfaction of the 5713
court; 5714

(d) If the prosecutor has filed an objection in accordance 5715
with division (B) of this section, consider the reasons against 5716
granting the application specified by the prosecutor in the 5717
objection; 5718

(e) Weigh the interests of the applicant in having the 5719
records pertaining to the applicant's conviction or bail 5720
forfeiture sealed against the legitimate needs, if any, of the 5721

government to maintain those records. 5722

(2) If the court determines, after complying with division 5723
(C) (1) of this section, that the applicant is an eligible 5724
offender or the subject of a bail forfeiture, that no criminal 5725
proceeding is pending against the applicant, that the interests 5726
of the applicant in having the records pertaining to the 5727
applicant's conviction or bail forfeiture sealed are not 5728
outweighed by any legitimate governmental needs to maintain 5729
those records, and that the rehabilitation of an applicant who 5730
is an eligible offender applying pursuant to division (A) (1) of 5731
this section has been attained to the satisfaction of the court, 5732
the court, except as provided in division (C) (4), (G), (H), or 5733
(I) of this section, shall order all official records of the 5734
case that pertain to the conviction or bail forfeiture sealed 5735
and, except as provided in division (F) of this section, all 5736
index references to the case that pertain to the conviction or 5737
bail forfeiture deleted and, in the case of bail forfeitures, 5738
shall dismiss the charges in the case. The proceedings in the 5739
case that pertain to the conviction or bail forfeiture shall be 5740
considered not to have occurred and the conviction or bail 5741
forfeiture of the person who is the subject of the proceedings 5742
shall be sealed, except that upon conviction of a subsequent 5743
offense, the sealed record of prior conviction or bail 5744
forfeiture may be considered by the court in determining the 5745
sentence or other appropriate disposition, including the relief 5746
provided for in sections 2953.31 to 2953.33 of the Revised Code. 5747

(3) An applicant may request the sealing of the records of 5748
more than one case in a single application under this section. 5749
Upon the filing of an application under this section, the 5750
applicant, unless indigent, shall pay a fee of fifty dollars, 5751
regardless of the number of records the application requests to 5752

have sealed. The court shall pay thirty dollars of the fee into 5753
the state treasury. It shall pay twenty dollars of the fee into 5754
the county general revenue fund if the sealed conviction or bail 5755
forfeiture was pursuant to a state statute, or into the general 5756
revenue fund of the municipal corporation involved if the sealed 5757
conviction or bail forfeiture was pursuant to a municipal 5758
ordinance. 5759

(4) If the court orders the official records pertaining to 5760
the case sealed, the court shall do one of the following: 5761

(a) If the applicant was fingerprinted at the time of 5762
arrest or under section 109.60 of the Revised Code and the 5763
record of the applicant's fingerprints was provided to the court 5764
under division (B) of this section, forward a copy of the 5765
sealing order and the record of the applicant's fingerprints to 5766
the bureau of criminal identification and investigation. 5767

(b) If the applicant was not fingerprinted at the time of 5768
arrest or under section 109.60 of the Revised Code, or the 5769
record of the applicant's fingerprints was not provided to the 5770
court under division (B) of this section, but fingerprinting was 5771
required for the offense, order the applicant to appear before a 5772
sheriff to have the applicant's fingerprints taken according to 5773
the fingerprint system of identification on the forms furnished 5774
by the superintendent of the bureau of criminal identification 5775
and investigation. The sheriff shall forward the applicant's 5776
fingerprints to the court. The court shall forward the 5777
applicant's fingerprints and a copy of the sealing order to the 5778
bureau of criminal identification and investigation. 5779

Failure of the court to order fingerprints at the time of 5780
sealing does not constitute a reversible error. 5781

(D) Inspection of the sealed records included in the order 5782
may be made only by the following persons or for the following 5783
purposes: 5784

(1) By a law enforcement officer or prosecutor, or the 5785
assistants of either, to determine whether the nature and 5786
character of the offense with which a person is to be charged 5787
would be affected by virtue of the person's previously having 5788
been convicted of a crime; 5789

(2) By the parole or probation officer of the person who 5790
is the subject of the records, for the exclusive use of the 5791
officer in supervising the person while on parole or under a 5792
community control sanction or a post-release control sanction, 5793
and in making inquiries and written reports as requested by the 5794
court or adult parole authority; 5795

(3) Upon application by the person who is the subject of 5796
the records, by the persons named in the application; 5797

(4) By a law enforcement officer who was involved in the 5798
case, for use in the officer's defense of a civil action arising 5799
out of the officer's involvement in that case; 5800

(5) By a prosecuting attorney or the prosecuting 5801
attorney's assistants, to determine a defendant's eligibility to 5802
enter a pre-trial diversion program established pursuant to 5803
section 2935.36 of the Revised Code; 5804

(6) By any law enforcement agency or any authorized 5805
employee of a law enforcement agency or by the department of 5806
rehabilitation and correction or department of youth services as 5807
part of a background investigation of a person who applies for 5808
employment with the agency or with the department; 5809

(7) By any law enforcement agency or any authorized 5810

employee of a law enforcement agency, for the purposes set forth 5811
in, and in the manner provided in, section 2953.321 of the 5812
Revised Code; 5813

(8) By the bureau of criminal identification and 5814
investigation or any authorized employee of the bureau for the 5815
purpose of providing information to a board or person pursuant 5816
to division (F) or (G) of section 109.57 of the Revised Code; 5817

(9) By the bureau of criminal identification and 5818
investigation or any authorized employee of the bureau for the 5819
purpose of performing a criminal history records check on a 5820
person to whom a certificate as prescribed in section 109.77 of 5821
the Revised Code is to be awarded; 5822

(10) By the bureau of criminal identification and 5823
investigation or any authorized employee of the bureau for the 5824
purpose of conducting a criminal records check of an individual 5825
pursuant to division (B) of section 109.572 of the Revised Code 5826
that was requested pursuant to any of the sections identified in 5827
division (B)(1) of that section; 5828

(11) By the bureau of criminal identification and 5829
investigation, an authorized employee of the bureau, a sheriff, 5830
or an authorized employee of a sheriff in connection with a 5831
criminal records check described in section 311.41 of the 5832
Revised Code; 5833

(12) By the attorney general or an authorized employee of 5834
the attorney general or a court for purposes of determining a 5835
person's classification pursuant to Chapter 2950. of the Revised 5836
Code; 5837

(13) By a court, the registrar of motor vehicles, a 5838
prosecuting attorney or the prosecuting attorney's assistants, 5839

or a law enforcement officer for the purpose of assessing points 5840
against a person under section 4510.036 of the Revised Code or 5841
for taking action with regard to points assessed. 5842

When the nature and character of the offense with which a 5843
person is to be charged would be affected by the information, it 5844
may be used for the purpose of charging the person with an 5845
offense. 5846

(E) In any criminal proceeding, proof of any otherwise 5847
admissible prior conviction may be introduced and proved, 5848
notwithstanding the fact that for any such prior conviction an 5849
order of sealing previously was issued pursuant to sections 5850
2953.31 to 2953.36 of the Revised Code. 5851

(F) The person or governmental agency, office, or 5852
department that maintains sealed records pertaining to 5853
convictions or bail forfeitures that have been sealed pursuant 5854
to this section may maintain a manual or computerized index to 5855
the sealed records. The index shall contain only the name of, 5856
and alphanumeric identifiers that relate to, the persons who are 5857
the subject of the sealed records, the word "sealed," and the 5858
name of the person, agency, office, or department that has 5859
custody of the sealed records, and shall not contain the name of 5860
the crime committed. The index shall be made available by the 5861
person who has custody of the sealed records only for the 5862
purposes set forth in divisions (C), (D), and (E) of this 5863
section. 5864

(G) Notwithstanding any provision of this section or 5865
section 2953.33 of the Revised Code that requires otherwise, a 5866
board of education of a city, local, exempted village, or joint 5867
vocational school district that maintains records of an 5868
individual who has been permanently excluded under sections 5869

3301.121 and 3313.662 of the Revised Code is permitted to 5870
maintain records regarding a conviction that was used as the 5871
basis for the individual's permanent exclusion, regardless of a 5872
court order to seal the record. An order issued under this 5873
section to seal the record of a conviction does not revoke the 5874
adjudication order of the superintendent of public instruction 5875
to permanently exclude the individual who is the subject of the 5876
sealing order. An order issued under this section to seal the 5877
record of a conviction of an individual may be presented to a 5878
district superintendent as evidence to support the contention 5879
that the superintendent should recommend that the permanent 5880
exclusion of the individual who is the subject of the sealing 5881
order be revoked. Except as otherwise authorized by this 5882
division and sections 3301.121 and 3313.662 of the Revised Code, 5883
any school employee in possession of or having access to the 5884
sealed conviction records of an individual that were the basis 5885
of a permanent exclusion of the individual is subject to section 5886
2953.35 of the Revised Code. 5887

(H) For purposes of sections 2953.31 to 2953.36 of the 5888
Revised Code, DNA records collected in the DNA database and 5889
fingerprints filed for record by the superintendent of the 5890
bureau of criminal identification and investigation shall not be 5891
sealed unless the superintendent receives a certified copy of a 5892
final court order establishing that the offender's conviction 5893
has been overturned. For purposes of this section, a court order 5894
is not "final" if time remains for an appeal or application for 5895
discretionary review with respect to the order. 5896

(I) The sealing of a record under this section does not 5897
affect the assessment of points under section 4510.036 of the 5898
Revised Code and does not erase points assessed against a person 5899
as a result of the sealed record. 5900

Sec. 2953.52. (A) (1) Any person, who is found not guilty 5901
of an offense by a jury or a court or who is the defendant named 5902
in a dismissed complaint, indictment, or information, including 5903
a dismissal of the type described in division (D) (2) (b) of 5904
section 2925.11 of the Revised Code, may apply to the court for 5905
an order to seal the person's official records in the case. 5906
Except as provided in section 2953.61 of the Revised Code, the 5907
application may be filed at any time after the finding of not 5908
guilty or the dismissal of the complaint, indictment, or 5909
information is entered upon the minutes of the court or the 5910
journal, whichever entry occurs first. 5911

(2) Any person, against whom a no bill is entered by a 5912
grand jury, may apply to the court for an order to seal his 5913
official records in the case. Except as provided in section 5914
2953.61 of the Revised Code, the application may be filed at any 5915
time after the expiration of two years after the date on which 5916
the foreperson or deputy foreperson of the grand jury reports to 5917
the court that the grand jury has reported a no bill. 5918

(B) (1) Upon the filing of an application pursuant to 5919
division (A) of this section, the court shall set a date for a 5920
hearing and shall notify the prosecutor in the case of the 5921
hearing on the application. The prosecutor may object to the 5922
granting of the application by filing an objection with the 5923
court prior to the date set for the hearing. The prosecutor 5924
shall specify in the objection the reasons the prosecutor 5925
believes justify a denial of the application. 5926

(2) The court shall do each of the following, except as 5927
provided in division (B) (3) of this section: 5928

(a) (i) Determine whether the person was found not guilty 5929
in the case, or the complaint, indictment, or information in the 5930

case was dismissed, or a no bill was returned in the case and a 5931
period of two years or a longer period as required by section 5932
2953.61 of the Revised Code has expired from the date of the 5933
report to the court of that no bill by the foreperson or deputy 5934
foreperson of the grand jury; 5935

(ii) If the complaint, indictment, or information in the 5936
case was dismissed, determine whether it was dismissed with 5937
prejudice or without prejudice and, if it was dismissed without 5938
prejudice, determine whether the relevant statute of limitations 5939
has expired, provided that this division does not apply if the 5940
complaint, indictment, or information was a charge of a drug 5941
possession offense and the charge was dismissed as described in 5942
division (D) (2) (b) of section 2925.11 of the Revised Code. 5943

(b) Determine whether criminal proceedings are pending 5944
against the person; 5945

(c) If the prosecutor has filed an objection in accordance 5946
with division (B) (1) of this section, consider the reasons 5947
against granting the application specified by the prosecutor in 5948
the objection; 5949

(d) Weigh the interests of the person in having the 5950
official records pertaining to the case sealed against the 5951
legitimate needs, if any, of the government to maintain those 5952
records. 5953

(3) If the court determines after complying with division 5954
(B) (2) (a) of this section that the person was found not guilty 5955
in the case, that the complaint, indictment, or information was 5956
a charge of a drug possession offense and the charge was 5957
dismissed as described in division (D) (2) (b) of section 2925.11 5958
of the Revised Code, that the complaint, indictment, or 5959

information in the case was a charge other than a charge of a 5960
drug possession offense and was dismissed with prejudice, or 5961
that the complaint, indictment, or information in the case was a 5962
charge other than a charge of a drug possession offense and was 5963
dismissed without prejudice and that the relevant statute of 5964
limitations has expired, the court shall issue an order to the 5965
superintendent of the bureau of criminal identification and 5966
investigation directing that the superintendent seal or cause to 5967
be sealed the official records in the case consisting of DNA 5968
specimens that are in the possession of the bureau and all DNA 5969
records and DNA profiles. The determinations and considerations 5970
described in divisions (B) (2) (b), (c), and (d) of this section 5971
do not apply with respect to a determination of the court 5972
described in this division. 5973

(4) The determinations described in this division are 5974
separate from the determination described in division (B) (3) of 5975
this section. If the court determines, after complying with 5976
division (B) (2) of this section, that the person was found not 5977
guilty in the case, that the complaint, indictment, or 5978
information was a charge of a drug possession offense and the 5979
charge was dismissed as described in division (D) (2) (b) of 5980
section 2925.11 of the Revised Code, that the complaint, 5981
indictment, or information in the case was a charge other than a 5982
charge of a drug possession offense and was dismissed, or that a 5983
no bill was returned in the case and that the appropriate period 5984
of time has expired from the date of the report to the court of 5985
the no bill by the foreperson or deputy foreperson of the grand 5986
jury; that no criminal proceedings are pending against the 5987
person; and the interests of the person in having the records 5988
pertaining to the case sealed are not outweighed by any 5989
legitimate governmental needs to maintain such records, or if 5990

division (E) (2) (b) of section 4301.69 of the Revised Code 5991
applies, in addition to the order required under division (B) (3) 5992
of this section, the court shall issue an order directing that 5993
all official records pertaining to the case be sealed and that, 5994
except as provided in section 2953.53 of the Revised Code, the 5995
proceedings in the case be deemed not to have occurred. 5996

(5) Any DNA specimens, DNA records, and DNA profiles 5997
ordered to be sealed under this section shall not be sealed if 5998
the person with respect to whom the order applies is otherwise 5999
eligible to have DNA records or a DNA profile in the national 6000
DNA index system. 6001

(C) As used in this section, "drug possession offense" 6002
means a violation of section 2925.11 or 2925.111 of the Revised 6003
Code. 6004

Sec. 5119.93. (A) A person may initiate proceedings for 6005
treatment for an individual suffering from alcohol and other 6006
drug abuse by filing a verified petition in the probate court- 6007
~~and paying a filing fee in the same amount, if any, that is-~~ 6008
~~charged for the filing under section 5122.11 of the Revised Code~~ 6009
~~of an affidavit seeking the hospitalization of a person.~~ The 6010
petition and all subsequent court documents shall be entitled: 6011
"In the interest of (name of respondent)." A spouse, relative, 6012
or guardian of the individual concerning whom the petition is 6013
filed shall file the petition. 6014

(B) A petition filed under division (A) of this section 6015
shall set forth all of the following: 6016

(1) The petitioner's relationship to the respondent; 6017

(2) The respondent's name, residence address, and current 6018
location, if known; 6019

(3) The name and residence of the respondent's parents, if 6020
living and if known, or of the respondent's legal guardian, if 6021
any and if known; 6022

(4) The name and residence of the respondent's spouse, if 6023
any and if known; 6024

(5) The name and residence of the person having custody of 6025
the respondent, if any, or if no such person is known, the name 6026
and residence of a near relative or a statement that the person 6027
is unknown; 6028

(6) The petitioner's belief, including the factual basis 6029
for the belief, that the respondent is suffering from alcohol 6030
and other drug abuse and presents an imminent danger or imminent 6031
threat of danger to self, family, or others if not treated for 6032
alcohol or other drug abuse, and including any evidence that the 6033
respondent has overdosed and been revived at least three times 6034
by an opioid antagonist, overdosed in a vehicle, or overdosed in 6035
the presence of a minor. 6036

(C) (1) Any petition filed pursuant to divisions (A) and 6037
(B) of this section shall be accompanied by a certificate of a 6038
physician who has examined the respondent within two days prior 6039
to the day that the petition is filed in the probate court. The 6040
physician shall be authorized to practice medicine and surgery 6041
or osteopathic medicine and surgery under Chapter 4731. of the 6042
Revised Code. The physician's certificate shall set forth the 6043
physician's findings in support of the need to treat the 6044
respondent for alcohol or other drug abuse. The certificate 6045
shall indicate if the respondent presents an imminent danger or 6046
imminent threat of danger to self, family, or others if not 6047
treated. Further, the certificate shall indicate the type and 6048
length of treatment required and if the respondent can 6049

reasonably benefit from treatment. If the physician's 6050
certificate indicates that inpatient treatment is required, the 6051
certificate shall identify any inpatient facilities known to the 6052
physician that are able and willing to provide the recommended 6053
inpatient treatment. 6054

If the respondent refuses to undergo an examination with a 6055
physician concerning the respondent's possible need for 6056
treatment for alcohol or other drug abuse, the petition shall 6057
state that the respondent has refused all requests made by the 6058
petitioner to undergo a physician's examination. In that case, 6059
the petitioner shall not be required to provide a physician's 6060
certificate with the petition. 6061

(2) Any petition filed pursuant to divisions (A) and (B) 6062
of this section shall contain a statement that the petitioner 6063
has arranged for treatment of the respondent. Further, the 6064
petition shall be accompanied by a statement from the person or 6065
facility who has agreed to provide the treatment that verifies 6066
that the person or facility has agreed to provide the treatment 6067
and the estimated cost of the treatment. 6068

(D) Any petition filed pursuant to divisions (A) and (B) 6069
of this section shall be accompanied by both of the following: 6070

(1) ~~A~~ Either a security deposit to be deposited with the 6071
clerk of the probate court that will cover half of the estimated 6072
cost of treatment of the respondent, or documentation 6073
establishing that insurance coverage of the petitioner or 6074
respondent will cover at least half of that estimated cost; 6075

(2) One of the following: 6076

(a) A guarantee, signed by the petitioner or another 6077
person authorized to file the petition obligating the guarantor 6078

to pay the costs of the examinations of the respondent conducted 6079
by the physician and qualified health professional under 6080
division (B) (5) of section 5119.94 of the Revised Code, the 6081
costs of the respondent that are associated with a hearing 6082
conducted in accordance with section 5119.94 of the Revised Code 6083
and that the court determines to be appropriate, and the costs 6084
of any treatment ordered by the court; 6085

(b) Documentation establishing that insurance coverage of 6086
the petitioner or respondent will cover the costs described in 6087
division (D) (2) (a) of this section. 6088

Sec. 5119.94. (A) Upon receipt of a petition filed under 6089
section 5119.93 of the Revised Code ~~and the payment of the~~ 6090
~~appropriate filing fee, if any,~~ the probate court shall examine 6091
the petitioner under oath as to the contents of the petition. 6092

(B) If, after reviewing the allegations contained in the 6093
petition and examining the petitioner under oath, it appears to 6094
the probate court that there is probable cause to believe the 6095
respondent may reasonably benefit from treatment, the court 6096
shall do all of the following: 6097

(1) Schedule a hearing to be held within seven days to 6098
determine if there is clear and convincing evidence that the 6099
respondent may reasonably benefit from treatment for alcohol and 6100
other drug abuse; 6101

(2) Notify the respondent, the legal guardian, if any and 6102
if known, and the spouse, parents, or nearest relative or friend 6103
of the respondent concerning the allegations and contents of the 6104
petition and of the date and purpose of the hearing; 6105

(3) Notify the respondent that the respondent may retain 6106
counsel and, if the person is unable to obtain an attorney, that 6107

the respondent may be represented by court-appointed counsel at 6108
public expense if the person is indigent. Upon the appointment 6109
of an attorney to represent an indigent respondent, the court 6110
shall notify the respondent of the name, address, and telephone 6111
number of the attorney appointed to represent the respondent. 6112

(4) Notify the respondent that the court shall cause the 6113
respondent to be examined not later than twenty-four hours 6114
before the hearing date by a physician for the purpose of a 6115
physical examination and by a qualified health professional for 6116
the purpose of a drug and alcohol addiction assessment and 6117
diagnosis. In addition, the court shall notify the respondent 6118
that the respondent may have an independent expert evaluation of 6119
the person's physical and mental condition conducted at the 6120
respondent's own expense. 6121

(5) Cause the respondent to be examined not later than 6122
twenty-four hours before the hearing date by a physician for the 6123
purpose of a physical examination and by a qualified health 6124
professional for the purpose of a drug and alcohol addiction 6125
assessment and diagnosis; 6126

(6) Conduct the hearing. 6127

(C) The physician and qualified health professional who 6128
examine the respondent pursuant to division (B)(5) of this 6129
section or who are obtained by the respondent at the 6130
respondent's own expense shall certify their findings to the 6131
court within twenty-four hours of the examinations. The findings 6132
of each qualified health professional shall include a 6133
recommendation for treatment if the qualified health 6134
professional determines that treatment is necessary. 6135

(D) (1) If upon completion of the hearing held under this 6136

section the probate court finds by clear and convincing evidence 6137
that the respondent may reasonably benefit from treatment, the 6138
court may order the treatment after considering the qualified 6139
health professionals' recommendations for treatment that have 6140
been submitted to the court under division (C) of this section. 6141
Evidence that the respondent has overdosed and been revived at 6142
least three times by an opioid antagonist, overdosed in a 6143
vehicle, or overdosed in the presence of a minor is sufficient 6144
to satisfy this evidentiary requirement. If the court orders the 6145
treatment under this division, the court shall order the 6146
treatment to be provided through a community addiction services 6147
provider or by an individual licensed or certified by the state 6148
medical board under Chapter 4731. of the Revised Code, the 6149
chemical dependency professionals board under Chapter 4758. of 6150
the Revised Code, the counselor, social worker, and marriage and 6151
family therapist board under Chapter 4757. of the Revised Code, 6152
or a similar board of another state authorized to provide 6153
substance abuse treatment. In addition, the court also may order 6154
that the respondent submit to periodic examinations by a 6155
qualified mental health professional to determine if the 6156
treatment remains necessary. 6157

(2) Failure of a respondent to undergo and complete any 6158
treatment ordered pursuant to this division is contempt of 6159
court. Any community addiction services provider or person 6160
providing treatment under this division shall notify the probate 6161
court of a respondent's failure to undergo or complete the 6162
ordered treatment. 6163

(E) If, at any time after a petition is filed under 6164
section 5119.93 of the Revised Code, the probate court finds 6165
that there is not probable cause to continue treatment or if the 6166
petitioner withdraws the petition, then the court shall dismiss 6167

the proceedings against the respondent. 6168

Section 2. That existing sections 1901.20, 1907.02, 6169
2925.01, 2925.03, 2925.11, 2929.01, 2929.13, 2929.14, 2929.15, 6170
2941.1410, 2953.31, 2953.32, 2953.52, 5119.93, and 5119.94 of 6171
the Revised Code are hereby repealed. 6172

Section 3. That sections 109.572, 128.04, 177.01, 6173
2152.021, 2152.18, 2743.60, 2923.01, 2923.241, 2923.31, 2923.41, 6174
2925.02, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 6175
2925.23, 2925.36, 2925.37, 2925.38, 2925.42, 2925.51, 2927.21, 6176
2929.141, 2929.18, 2929.25, 2929.34, 2933.51, 2935.36, 2951.041, 6177
2967.18, 2967.19, 2967.28, 3301.32, 3301.541, 3313.662, 3319.31, 6178
3319.39, 3712.09, 3719.013, 3719.21, 3719.99, 3721.121, 3734.44, 6179
3767.01, 4112.02, 4510.17, 4729.99, 4742.03, 5103.0319, 5119.36, 6180
5119.37, 5119.391, 5120.53, 5153.111, and 5502.13 of the Revised 6181
Code be amended to read as follows: 6182

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 6183
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 6184
Code, a completed form prescribed pursuant to division (C) (1) of 6185
this section, and a set of fingerprint impressions obtained in 6186
the manner described in division (C) (2) of this section, the 6187
superintendent of the bureau of criminal identification and 6188
investigation shall conduct a criminal records check in the 6189
manner described in division (B) of this section to determine 6190
whether any information exists that indicates that the person 6191
who is the subject of the request previously has been convicted 6192
of or pleaded guilty to any of the following: 6193

(a) A violation of section 2903.01, 2903.02, 2903.03, 6194
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 6195
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 6196
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 6197

2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 6198
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 6199
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 6200
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 6201
Code, felonious sexual penetration in violation of former 6202
section 2907.12 of the Revised Code, a violation of section 6203
2905.04 of the Revised Code as it existed prior to July 1, 1996, 6204
a violation of section 2919.23 of the Revised Code that would 6205
have been a violation of section 2905.04 of the Revised Code as 6206
it existed prior to July 1, 1996, had the violation been 6207
committed prior to that date, or a violation of section 2925.11 6208
or 2925.111 of the Revised Code that is not a minor drug 6209
possession offense; 6210

(b) A violation of an existing or former law of this 6211
state, any other state, or the United States that is 6212
substantially equivalent to any of the offenses listed in 6213
division (A) (1) (a) of this section; 6214

(c) If the request is made pursuant to section 3319.39 of 6215
the Revised Code for an applicant who is a teacher, any offense 6216
specified in section 3319.31 of the Revised Code. 6217

(2) On receipt of a request pursuant to section 3712.09 or 6218
3721.121 of the Revised Code, a completed form prescribed 6219
pursuant to division (C) (1) of this section, and a set of 6220
fingerprint impressions obtained in the manner described in 6221
division (C) (2) of this section, the superintendent of the 6222
bureau of criminal identification and investigation shall 6223
conduct a criminal records check with respect to any person who 6224
has applied for employment in a position for which a criminal 6225
records check is required by those sections. The superintendent 6226
shall conduct the criminal records check in the manner described 6227

in division (B) of this section to determine whether any 6228
information exists that indicates that the person who is the 6229
subject of the request previously has been convicted of or 6230
pleaded guilty to any of the following: 6231

(a) A violation of section 2903.01, 2903.02, 2903.03, 6232
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 6233
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 6234
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 6235
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 6236
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 6237
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 6238
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 6239
2925.032, 2925.11, 2925.111, 2925.13, 2925.22, 2925.23, or 6240
3716.11 of the Revised Code; 6241

(b) An existing or former law of this state, any other 6242
state, or the United States that is substantially equivalent to 6243
any of the offenses listed in division (A)(2)(a) of this 6244
section. 6245

(3) On receipt of a request pursuant to section 173.27, 6246
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 6247
5123.081, or 5123.169 of the Revised Code, a completed form 6248
prescribed pursuant to division (C)(1) of this section, and a 6249
set of fingerprint impressions obtained in the manner described 6250
in division (C)(2) of this section, the superintendent of the 6251
bureau of criminal identification and investigation shall 6252
conduct a criminal records check of the person for whom the 6253
request is made. The superintendent shall conduct the criminal 6254
records check in the manner described in division (B) of this 6255
section to determine whether any information exists that 6256
indicates that the person who is the subject of the request 6257

previously has been convicted of, has pleaded guilty to, or 6258
(except in the case of a request pursuant to section 5164.34,
5164.341, or 5164.342 of the Revised Code) has been found 6259
eligible for intervention in lieu of conviction for any of the 6260
following, regardless of the date of the conviction, the date of 6261
entry of the guilty plea, or (except in the case of a request 6262
pursuant to section 5164.34, 5164.341, or 5164.342 of the 6263
Revised Code) the date the person was found eligible for 6264
intervention in lieu of conviction: 6265
6266

(a) A violation of section 959.13, 959.131, 2903.01, 6267
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 6268
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 6269
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 6270
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 6271
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 6272
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 6273
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 6274
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 6275
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 6276
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 6277
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 6278
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 6279
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 6280
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 6281
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 6282
2925.03, 2925.031, 2925.032, 2925.04, 2925.041, 2925.05, 6283
2925.06, 2925.09, 2925.11, 2925.111, 2925.13, 2925.14, 2925.141, 6284
2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, 6285
or 3716.11 of the Revised Code; 6286

(b) Felonious sexual penetration in violation of former 6287
section 2907.12 of the Revised Code; 6288

(c) A violation of section 2905.04 of the Revised Code as 6289
it existed prior to July 1, 1996; 6290

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 6291
the Revised Code when the underlying offense that is the object 6292
of the conspiracy, attempt, or complicity is one of the offenses 6293
listed in divisions (A) (3) (a) to (c) of this section; 6294

(e) A violation of an existing or former municipal 6295
ordinance or law of this state, any other state, or the United 6296
States that is substantially equivalent to any of the offenses 6297
listed in divisions (A) (3) (a) to (d) of this section. 6298

(4) On receipt of a request pursuant to section 2151.86 of 6299
the Revised Code, a completed form prescribed pursuant to 6300
division (C) (1) of this section, and a set of fingerprint 6301
impressions obtained in the manner described in division (C) (2) 6302
of this section, the superintendent of the bureau of criminal 6303
identification and investigation shall conduct a criminal 6304
records check in the manner described in division (B) of this 6305
section to determine whether any information exists that 6306
indicates that the person who is the subject of the request 6307
previously has been convicted of or pleaded guilty to any of the 6308
following: 6309

(a) A violation of section 959.13, 2903.01, 2903.02, 6310
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 6311
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 6312
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 6313
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 6314
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 6315
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 6316
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 6317
2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 2925.032, 6318

2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 or 2925.111 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(4)(a) of this section.

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

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,

2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 6349
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 6350
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 6351
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 6352
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 6353
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 6354
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 6355
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 6356
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 6357
2923.161, 2925.02, 2925.03, 2925.031, 2925.032, 2925.04, 6358
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 6359
sexual penetration in violation of former section 2907.12 of the 6360
Revised Code, a violation of section 2905.04 of the Revised Code 6361
as it existed prior to July 1, 1996, a violation of section 6362
2919.23 of the Revised Code that would have been a violation of 6363
section 2905.04 of the Revised Code as it existed prior to July 6364
1, 1996, had the violation been committed prior to that date, a 6365
violation of section 2925.11 or 2925.111 of the Revised Code 6366
that is not a minor drug possession offense, a violation of 6367
section 2923.02 or 2923.03 of the Revised Code that relates to a 6368
crime specified in this division, or a second violation of 6369
section 4511.19 of the Revised Code within five years of the 6370
date of application for licensure or certification. 6371

(b) A violation of an existing or former law of this 6372
state, any other state, or the United States that is 6373
substantially equivalent to any of the offenses or violations 6374
described in division (A) (5) (a) of this section. 6375

(6) Upon receipt of a request pursuant to section 5153.111 6376
of the Revised Code, a completed form prescribed pursuant to 6377
division (C) (1) of this section, and a set of fingerprint 6378
impressions obtained in the manner described in division (C) (2) 6379

of this section, the superintendent of the bureau of criminal 6380
identification and investigation shall conduct a criminal 6381
records check in the manner described in division (B) of this 6382
section to determine whether any information exists that 6383
indicates that the person who is the subject of the request 6384
previously has been convicted of or pleaded guilty to any of the 6385
following: 6386

(a) A violation of section 2903.01, 2903.02, 2903.03, 6387
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 6388
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 6389
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 6390
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 6391
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 6392
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 6393
2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, or 6394
3716.11 of the Revised Code, felonious sexual penetration in 6395
violation of former section 2907.12 of the Revised Code, a 6396
violation of section 2905.04 of the Revised Code as it existed 6397
prior to July 1, 1996, a violation of section 2919.23 of the 6398
Revised Code that would have been a violation of section 2905.04 6399
of the Revised Code as it existed prior to July 1, 1996, had the 6400
violation been committed prior to that date, or a violation of 6401
section 2925.11 or 2925.111 of the Revised Code that is not a 6402
minor drug possession offense; 6403

(b) A violation of an existing or former law of this 6404
state, any other state, or the United States that is 6405
substantially equivalent to any of the offenses listed in 6406
division (A) (6) (a) of this section. 6407

(7) On receipt of a request for a criminal records check 6408
from an individual pursuant to section 4749.03 or 4749.06 of the 6409

Revised Code, accompanied by a completed copy of the form 6410
prescribed in division (C) (1) of this section and a set of 6411
fingerprint impressions obtained in a manner described in 6412
division (C) (2) of this section, the superintendent of the 6413
bureau of criminal identification and investigation shall 6414
conduct a criminal records check in the manner described in 6415
division (B) of this section to determine whether any 6416
information exists indicating that the person who is the subject 6417
of the request has been convicted of or pleaded guilty to a 6418
felony in this state or in any other state. If the individual 6419
indicates that a firearm will be carried in the course of 6420
business, the superintendent shall require information from the 6421
federal bureau of investigation as described in division (B) (2) 6422
of this section. Subject to division (F) of this section, the 6423
superintendent shall report the findings of the criminal records 6424
check and any information the federal bureau of investigation 6425
provides to the director of public safety. 6426

(8) On receipt of a request pursuant to section 1321.37, 6427
1321.53, or 4763.05 of the Revised Code, a completed form 6428
prescribed pursuant to division (C) (1) of this section, and a 6429
set of fingerprint impressions obtained in the manner described 6430
in division (C) (2) of this section, the superintendent of the 6431
bureau of criminal identification and investigation shall 6432
conduct a criminal records check with respect to any person who 6433
has applied for a license, permit, or certification from the 6434
department of commerce or a division in the department. The 6435
superintendent shall conduct the criminal records check in the 6436
manner described in division (B) of this section to determine 6437
whether any information exists that indicates that the person 6438
who is the subject of the request previously has been convicted 6439
of or pleaded guilty to any of the following: a violation of 6440

section 2913.02, 2913.11, 2913.31, 2913.51, ~~or~~ 2925.03, 2925.031, or 2925.032 of the Revised Code; any other criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities, as set forth in Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the Revised Code; or any existing or former law of this state, any other state, or the United States that is substantially equivalent to those offenses.

(9) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, accompanied by a completed form prescribed under division (C)(1) of this section and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. Subject to division (F) of this section, the superintendent shall send the results of a check requested under section

113.041 of the Revised Code to the treasurer of state and shall 6472
send the results of a check requested under any of the other 6473
listed sections to the licensing board specified by the 6474
individual in the request. 6475

(10) On receipt of a request pursuant to section 124.74, 6476
1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a 6477
completed form prescribed pursuant to division (C)(1) of this 6478
section, and a set of fingerprint impressions obtained in the 6479
manner described in division (C)(2) of this section, the 6480
superintendent of the bureau of criminal identification and 6481
investigation shall conduct a criminal records check in the 6482
manner described in division (B) of this section to determine 6483
whether any information exists that indicates that the person 6484
who is the subject of the request previously has been convicted 6485
of or pleaded guilty to any criminal offense under any existing 6486
or former law of this state, any other state, or the United 6487
States. 6488

(11) On receipt of a request for a criminal records check 6489
from an appointing or licensing authority under section 3772.07 6490
of the Revised Code, a completed form prescribed under division 6491
(C)(1) of this section, and a set of fingerprint impressions 6492
obtained in the manner prescribed in division (C)(2) of this 6493
section, the superintendent of the bureau of criminal 6494
identification and investigation shall conduct a criminal 6495
records check in the manner described in division (B) of this 6496
section to determine whether any information exists that 6497
indicates that the person who is the subject of the request 6498
previously has been convicted of or pleaded guilty or no contest 6499
to any offense under any existing or former law of this state, 6500
any other state, or the United States that is a disqualifying 6501
offense as defined in section 3772.07 of the Revised Code or 6502

substantially equivalent to such an offense. 6503

(12) On receipt of a request pursuant to section 2151.33 6504
or 2151.412 of the Revised Code, a completed form prescribed 6505
pursuant to division (C)(1) of this section, and a set of 6506
fingerprint impressions obtained in the manner described in 6507
division (C)(2) of this section, the superintendent of the 6508
bureau of criminal identification and investigation shall 6509
conduct a criminal records check with respect to any person for 6510
whom a criminal records check is required under that section. 6511
The superintendent shall conduct the criminal records check in 6512
the manner described in division (B) of this section to 6513
determine whether any information exists that indicates that the 6514
person who is the subject of the request previously has been 6515
convicted of or pleaded guilty to any of the following: 6516

(a) A violation of section 2903.01, 2903.02, 2903.03, 6517
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 6518
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 6519
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 6520
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 6521
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 6522
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 6523
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 6524
2925.032, 2925.11, 2925.111, 2925.13, 2925.22, 2925.23, or 6525
3716.11 of the Revised Code; 6526

(b) An existing or former law of this state, any other 6527
state, or the United States that is substantially equivalent to 6528
any of the offenses listed in division (A)(12)(a) of this 6529
section. 6530

(13) On receipt of a request pursuant to section 3796.12 6531
of the Revised Code, a completed form prescribed pursuant to 6532

division (C) (1) of this section, and a set of fingerprint 6533
impressions obtained in a manner described in division (C) (2) of 6534
this section, the superintendent of the bureau of criminal 6535
identification and investigation shall conduct a criminal 6536
records check in the manner described in division (B) of this 6537
section to determine whether any information exists that 6538
indicates that the person who is the subject of the request 6539
previously has been convicted of or pleaded guilty to the 6540
following: 6541

(a) A disqualifying offense as specified in rules adopted 6542
under division (B) (2) (b) of section 3796.03 of the Revised Code 6543
if the person who is the subject of the request is an 6544
administrator or other person responsible for the daily 6545
operation of, or an owner or prospective owner, officer or 6546
prospective officer, or board member or prospective board member 6547
of, an entity seeking a license from the department of commerce 6548
under Chapter 3796. of the Revised Code; 6549

(b) A disqualifying offense as specified in rules adopted 6550
under division (B) (2) (b) of section 3796.04 of the Revised Code 6551
if the person who is the subject of the request is an 6552
administrator or other person responsible for the daily 6553
operation of, or an owner or prospective owner, officer or 6554
prospective officer, or board member or prospective board member 6555
of, an entity seeking a license from the state board of pharmacy 6556
under Chapter 3796. of the Revised Code. 6557

(14) On receipt of a request required by section 3796.13 6558
of the Revised Code, a completed form prescribed pursuant to 6559
division (C) (1) of this section, and a set of fingerprint 6560
impressions obtained in a manner described in division (C) (2) of 6561
this section, the superintendent of the bureau of criminal 6562

identification and investigation shall conduct a criminal 6563
records check in the manner described in division (B) of this 6564
section to determine whether any information exists that 6565
indicates that the person who is the subject of the request 6566
previously has been convicted of or pleaded guilty to the 6567
following: 6568

(a) A disqualifying offense as specified in rules adopted 6569
under division (B) (8) (a) of section 3796.03 of the Revised Code 6570
if the person who is the subject of the request is seeking 6571
employment with an entity licensed by the department of commerce 6572
under Chapter 3796. of the Revised Code; 6573

(b) A disqualifying offense as specified in rules adopted 6574
under division (B) (14) (a) of section 3796.04 of the Revised Code 6575
if the person who is the subject of the request is seeking 6576
employment with an entity licensed by the state board of 6577
pharmacy under Chapter 3796. of the Revised Code. 6578

(15) On receipt of a request pursuant to section 4768.06 6579
of the Revised Code, a completed form prescribed under division 6580
(C) (1) of this section, and a set of fingerprint impressions 6581
obtained in the manner described in division (C) (2) of this 6582
section, the superintendent of the bureau of criminal 6583
identification and investigation shall conduct a criminal 6584
records check in the manner described in division (B) of this 6585
section to determine whether any information exists indicating 6586
that the person who is the subject of the request has been 6587
convicted of or pleaded guilty to a felony in this state or in 6588
any other state. 6589

(16) On receipt of a request pursuant to division (B) of 6590
section 4764.07 of the Revised Code, a completed form prescribed 6591
under division (C) (1) of this section, and a set of fingerprint 6592

impressions obtained in the manner described in division (C) (2) 6593
of this section, the superintendent of the bureau of criminal 6594
identification and investigation shall conduct a criminal 6595
records check in the manner described in division (B) of this 6596
section to determine whether any information exists indicating 6597
that the person who is the subject of the request has been 6598
convicted of or pleaded guilty to any crime of moral turpitude, 6599
a felony, or an equivalent offense in any other state or the 6600
United States. 6601

(B) Subject to division (F) of this section, the 6602
superintendent shall conduct any criminal records check to be 6603
conducted under this section as follows: 6604

(1) The superintendent shall review or cause to be 6605
reviewed any relevant information gathered and compiled by the 6606
bureau under division (A) of section 109.57 of the Revised Code 6607
that relates to the person who is the subject of the criminal 6608
records check, including, if the criminal records check was 6609
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 6610
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 6611
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 6612
3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 6613
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 6614
5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of 6615
the Revised Code, any relevant information contained in records 6616
that have been sealed under section 2953.32 of the Revised Code; 6617

(2) If the request received by the superintendent asks for 6618
information from the federal bureau of investigation, the 6619
superintendent shall request from the federal bureau of 6620
investigation any information it has with respect to the person 6621
who is the subject of the criminal records check, including 6622

fingerprint-based checks of national crime information databases 6623
as described in 42 U.S.C. 671 if the request is made pursuant to 6624
section 2151.86 or 5104.013 of the Revised Code or if any other 6625
Revised Code section requires fingerprint-based checks of that 6626
nature, and shall review or cause to be reviewed any information 6627
the superintendent receives from that bureau. If a request under 6628
section 3319.39 of the Revised Code asks only for information 6629
from the federal bureau of investigation, the superintendent 6630
shall not conduct the review prescribed by division (B) (1) of 6631
this section. 6632

(3) The superintendent or the superintendent's designee 6633
may request criminal history records from other states or the 6634
federal government pursuant to the national crime prevention and 6635
privacy compact set forth in section 109.571 of the Revised 6636
Code. 6637

(4) The superintendent shall include in the results of the 6638
criminal records check a list or description of the offenses 6639
listed or described in division (A) (1), (2), (3), (4), (5), (6), 6640
(7), (8), (9), (10), (11), (12), (13), (14), (15), or (16) of 6641
this section, whichever division requires the superintendent to 6642
conduct the criminal records check. The superintendent shall 6643
exclude from the results any information the dissemination of 6644
which is prohibited by federal law. 6645

(5) The superintendent shall send the results of the 6646
criminal records check to the person to whom it is to be sent 6647
not later than the following number of days after the date the 6648
superintendent receives the request for the criminal records 6649
check, the completed form prescribed under division (C) (1) of 6650
this section, and the set of fingerprint impressions obtained in 6651
the manner described in division (C) (2) of this section: 6652

(a) If the superintendent is required by division (A) of 6653
this section (other than division (A) (3) of this section) to 6654
conduct the criminal records check, thirty; 6655

(b) If the superintendent is required by division (A) (3) 6656
of this section to conduct the criminal records check, sixty. 6657

(C) (1) The superintendent shall prescribe a form to obtain 6658
the information necessary to conduct a criminal records check 6659
from any person for whom a criminal records check is to be 6660
conducted under this section. The form that the superintendent 6661
prescribes pursuant to this division may be in a tangible 6662
format, in an electronic format, or in both tangible and 6663
electronic formats. 6664

(2) The superintendent shall prescribe standard impression 6665
sheets to obtain the fingerprint impressions of any person for 6666
whom a criminal records check is to be conducted under this 6667
section. Any person for whom a records check is to be conducted 6668
under this section shall obtain the fingerprint impressions at a 6669
county sheriff's office, municipal police department, or any 6670
other entity with the ability to make fingerprint impressions on 6671
the standard impression sheets prescribed by the superintendent. 6672
The office, department, or entity may charge the person a 6673
reasonable fee for making the impressions. The standard 6674
impression sheets the superintendent prescribes pursuant to this 6675
division may be in a tangible format, in an electronic format, 6676
or in both tangible and electronic formats. 6677

(3) Subject to division (D) of this section, the 6678
superintendent shall prescribe and charge a reasonable fee for 6679
providing a criminal records check under this section. The 6680
person requesting the criminal records check shall pay the fee 6681
prescribed pursuant to this division. In the case of a request 6682

under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 6683
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 6684
fee shall be paid in the manner specified in that section. 6685

(4) The superintendent of the bureau of criminal 6686
identification and investigation may prescribe methods of 6687
forwarding fingerprint impressions and information necessary to 6688
conduct a criminal records check, which methods shall include, 6689
but not be limited to, an electronic method. 6690

(D) The results of a criminal records check conducted 6691
under this section, other than a criminal records check 6692
specified in division (A) (7) of this section, are valid for the 6693
person who is the subject of the criminal records check for a 6694
period of one year from the date upon which the superintendent 6695
completes the criminal records check. If during that period the 6696
superintendent receives another request for a criminal records 6697
check to be conducted under this section for that person, the 6698
superintendent shall provide the results from the previous 6699
criminal records check of the person at a lower fee than the fee 6700
prescribed for the initial criminal records check. 6701

(E) When the superintendent receives a request for 6702
information from a registered private provider, the 6703
superintendent shall proceed as if the request was received from 6704
a school district board of education under section 3319.39 of 6705
the Revised Code. The superintendent shall apply division (A) (1) 6706
(c) of this section to any such request for an applicant who is 6707
a teacher. 6708

(F) (1) Subject to division (F) (2) of this section, all 6709
information regarding the results of a criminal records check 6710
conducted under this section that the superintendent reports or 6711
sends under division (A) (7) or (9) of this section to the 6712

director of public safety, the treasurer of state, or the 6713
person, board, or entity that made the request for the criminal 6714
records check shall relate to the conviction of the subject 6715
person, or the subject person's plea of guilty to, a criminal 6716
offense. 6717

(2) Division (F)(1) of this section does not limit, 6718
restrict, or preclude the superintendent's release of 6719
information that relates to the arrest of a person who is 6720
eighteen years of age or older, to an adjudication of a child as 6721
a delinquent child, or to a criminal conviction of a person 6722
under eighteen years of age in circumstances in which a release 6723
of that nature is authorized under division (E)(2), (3), or (4) 6724
of section 109.57 of the Revised Code pursuant to a rule adopted 6725
under division (E)(1) of that section. 6726

(G) As used in this section: 6727

(1) "Criminal records check" means any criminal records 6728
check conducted by the superintendent of the bureau of criminal 6729
identification and investigation in accordance with division (B) 6730
of this section. 6731

(2) "Minor drug possession offense" has the same meaning 6732
as in section 2925.01 of the Revised Code. 6733

(3) "OVI or OVUAC violation" means a violation of section 6734
4511.19 of the Revised Code or a violation of an existing or 6735
former law of this state, any other state, or the United States 6736
that is substantially equivalent to section 4511.19 of the 6737
Revised Code. 6738

(4) "Registered private provider" means a nonpublic school 6739
or entity registered with the superintendent of public 6740
instruction under section 3310.41 of the Revised Code to 6741

participate in the autism scholarship program or section 3310.58 6742
of the Revised Code to participate in the Jon Peterson special 6743
needs scholarship program. 6744

Sec. 128.04. (A) Public safety answering point personnel 6745
who are certified as emergency service telecommunicators under 6746
section 4742.03 of the Revised Code shall receive training in 6747
informing individuals who call about an apparent drug overdose 6748
about the immunity from prosecution for a minor drug possession 6749
offense created by ~~section~~ sections 2925.11 and 2925.111 of the 6750
Revised Code. 6751

(B) Public safety answering point personnel who receive a 6752
call about an apparent drug overdose shall make reasonable 6753
efforts, upon the caller's inquiry, to inform the caller about 6754
the immunity from prosecution for a minor drug possession 6755
offense created by ~~section~~ sections 2925.11 and 2925.111 of the 6756
Revised Code. 6757

Sec. 177.01. (A) The organized crime investigations 6758
commission, consisting of seven members, is hereby established 6759
in the office of the attorney general. One of the members shall 6760
be the attorney general. Of the remaining members, each of whom 6761
shall be appointed by the governor with the advice and consent 6762
of the senate, two shall be prosecuting attorneys, two shall be 6763
county sheriffs, and two shall be chief municipal law 6764
enforcement officers. No more than four members of the 6765
commission shall be members of the same political party. 6766

Of the initial appointments to the commission, one member 6767
who is a prosecuting attorney and one who is a county sheriff 6768
each shall be appointed for terms ending September 3, 1987, one 6769
member who is a prosecuting attorney and one who is a chief 6770
municipal law enforcement officer each shall be appointed for 6771

terms ending September 3, 1988, and one member who is a county 6772
sheriff and one who is a chief municipal law enforcement officer 6773
each shall be appointed for terms ending September 3, 1989. 6774
Thereafter, terms of office of persons appointed to the 6775
commission shall be for three years, with each term ending on 6776
the same day of the same month of the year as did the term that 6777
it succeeds. Members may be reappointed. Each appointed member 6778
shall hold office from the date of the member's appointment 6779
until the end of the term for which the member was appointed, 6780
except that an appointed member who ceases to hold the office or 6781
position of prosecuting attorney, county sheriff, or chief 6782
municipal law enforcement officer prior to the expiration of the 6783
member's term of office on the commission shall cease to be a 6784
member of the commission on the date that the member ceases to 6785
hold the office or position. Vacancies shall be filled in the 6786
manner provided for original appointments. Any member appointed 6787
to fill a vacancy occurring prior to the expiration of the term 6788
for which the member's predecessor was appointed shall take 6789
office on the commission when the member is confirmed by the 6790
senate and shall hold office for the remainder of such term. Any 6791
member shall continue in office subsequent to the expiration 6792
date of the member's term until the member's successor takes 6793
office, or until a period of sixty days has elapsed, whichever 6794
occurs first. 6795

The attorney general shall become a member of the 6796
commission on September 3, 1986. Successors in office to that 6797
attorney general shall become members of the commission on the 6798
day they assume the office of attorney general. An attorney 6799
general's term of office as a member of the commission shall 6800
continue for as long as the person in question holds the office 6801
of attorney general. 6802

Each member of the commission may designate, in writing, 6803
another person to represent the member on the commission. If a 6804
member makes such a designation, either the member or the 6805
designee may perform the member's duties and exercise the 6806
member's authority on the commission. If a member makes such a 6807
designation, the member may revoke the designation by sending 6808
written notice of the revocation to the commission. Upon such a 6809
revocation, the member may designate a different person to 6810
represent the member on the commission by sending written notice 6811
of the designation to the commission at least two weeks prior to 6812
the date on which the new designation is to take effect. 6813

The attorney general or a person the attorney general 6814
designates pursuant to this division to represent the attorney 6815
general on the commission shall serve as chairperson of the 6816
commission. The commission shall meet within two weeks after all 6817
appointed members have been appointed, at a time and place 6818
determined by the governor. The commission shall organize by 6819
selecting a vice-chairperson and other officers who are 6820
necessary and shall adopt rules to govern its procedures. 6821
Thereafter, the commission shall meet at least once every six 6822
months, or more often upon the call of the chairperson or the 6823
written request of two or more members. Each member of the 6824
commission shall have one vote. Four members constitute a 6825
quorum, and four votes are required to validate an action of the 6826
commission. 6827

The members of the commission shall serve without 6828
compensation, but each member shall be reimbursed for actual and 6829
necessary expenses incurred in the performance of official 6830
duties. In the absence of the chairperson, the vice-chairperson 6831
shall perform the duties of the chairperson. 6832

(B) The commission shall coordinate investigations of 6833
organized criminal activity and perform all of the functions and 6834
duties relative to the investigations that are set forth in 6835
section 177.02 of the Revised Code, and it shall cooperate with 6836
departments and officers of the government of the United States 6837
in the suppression of organized criminal activity. 6838

(C) The commission shall appoint and fix the compensation 6839
of a director and such technical and clerical employees who are 6840
necessary to exercise the powers and carry out the duties of the 6841
commission, may enter into contracts with one or more 6842
consultants to assist in exercising those powers and carrying 6843
out those duties, and may enter into contracts and purchase any 6844
equipment necessary to the performance of its duties. The 6845
director and employees of the commission shall be members of the 6846
unclassified service as defined in section 124.11 of the Revised 6847
Code. The commission shall require the director and each 6848
employee, prior to commencing employment with the commission, to 6849
undergo an investigation for the purpose of obtaining a security 6850
clearance and, after the initial investigation, may require the 6851
director and each employee to undergo an investigation for that 6852
purpose at any time during the director's or employee's 6853
employment with the commission. The commission may require any 6854
consultant with whom it contracts to undergo an investigation 6855
for the purpose of obtaining a security clearance. An 6856
investigation under this division may include, but is not 6857
limited to, a polygraph examination and shall be conducted by an 6858
organization designated by the commission. 6859

(D) An appointed commission member may be removed from 6860
office as a member of the commission by the vote of four members 6861
of the commission or by the governor for any of the following 6862
reasons: 6863

(1) Neglect of duty, misconduct, incompetence, or malfeasance in office;	6864 6865
(2) Conviction of or a plea of guilty to a felony or an offense of moral turpitude;	6866 6867
(3) Being mentally ill or mentally incompetent;	6868
(4) Being the subject of an investigation by a task force established by the commission or another law enforcement agency, where the proof of criminal activity is evident or the presumption great;	6869 6870 6871 6872
(5) Engaging in any activity or associating with any persons or organization inappropriate to the member's position as a member of the commission.	6873 6874 6875
(E) As used in sections 177.01 to 177.03 of the Revised Code:	6876 6877
(1) "Organized criminal activity" means any combination or conspiracy to engage in activity that constitutes "engaging in a pattern of corrupt activity;" any violation, combination of violations, or conspiracy to commit one or more violations of section 2925.03, <u>2925.031, 2925.032,</u> 2925.04, 2925.05, 2925.06, or 2925.11, or 2925.111 of the Revised Code other than a violation of section 2925.11 <u>or 2925.111</u> of the Revised Code that is a minor drug possession offense; or any criminal activity that relates to the corruption of a public official, as defined in section 2921.01 of the Revised Code, or of a public servant of the type described in division (B) (3) of that section.	6878 6879 6880 6881 6882 6883 6884 6885 6886 6887 6888 6889
(2) A person is engaging in an activity that constitutes "engaging in a pattern of corrupt activity" if any of the following apply:	6890 6891 6892

(a) The person is or was employed by, or associated with, 6893
an enterprise and the person conducts or participates in, 6894
directly or indirectly, the affairs of the enterprise through a 6895
pattern of corrupt activity or the collection of an unlawful 6896
debt. 6897

(b) The person, through a pattern of corrupt activity or 6898
the collection of an unlawful debt, acquires or maintains, 6899
directly or indirectly, an interest in, or control of, an 6900
enterprise or real property. 6901

(c) The person knowingly has received proceeds derived, 6902
directly or indirectly, from a pattern of corrupt activity or 6903
the collection of an unlawful debt and the person uses or 6904
invests, directly or indirectly, a part of those proceeds, or 6905
proceeds derived from the use or investment of any of those 6906
proceeds, in the acquisition of title to, or a right, interest, 6907
or equity in, real property or the establishment or operation of 6908
an enterprise. A purchase of securities on the open market with 6909
intent to make an investment, without intent to control or 6910
participate in the control of the issuer, and without intent to 6911
assist another to do so is not an activity that constitutes 6912
"engaging in a pattern of corrupt activity" if the securities of 6913
the issuer held after the purchase by the purchaser, the members 6914
of the purchaser's immediate family, and the purchaser's or 6915
members' accomplices in any pattern of corrupt activity or the 6916
collection of an unlawful debt, do not aggregate one per cent of 6917
the outstanding securities of any one class of the issuer and do 6918
not confer, in law or in fact, the power to elect one or more 6919
directors of the issuer. 6920

(3) "Pattern of corrupt activity" means two or more 6921
incidents of corrupt activity, whether or not there has been a 6922

prior conviction, that are related to the affairs of the same 6923
enterprise, are not isolated, and are not so closely related to 6924
each other and connected in time and place that they constitute 6925
a single event. At least one of the incidents forming the 6926
pattern shall occur on or after September 3, 1986. Unless any 6927
incident was an aggravated murder or murder, the most recent of 6928
the incidents forming the pattern shall occur within six years 6929
after the commission of any prior incident forming the pattern, 6930
excluding any period of imprisonment served by any person 6931
engaging in the corrupt activity. 6932

(4) "Corrupt activity," "unlawful debt," "enterprise," 6933
"person," "real property," and "beneficial interest" have the 6934
same meanings as in section 2923.31 of the Revised Code. 6935

(5) "Minor drug possession offense" has the same meaning 6936
as in section 2925.01 of the Revised Code. 6937

Sec. 2152.021. (A) (1) Subject to division (A) (2) of this 6938
section, any person having knowledge of a child who appears to 6939
be a juvenile traffic offender or to be a delinquent child may 6940
file a sworn complaint with respect to that child in the 6941
juvenile court of the county in which the child has a residence 6942
or legal settlement or in which the traffic offense or 6943
delinquent act allegedly occurred. The sworn complaint may be 6944
upon information and belief, and, in addition to the allegation 6945
that the child is a delinquent child or a juvenile traffic 6946
offender, the complaint shall allege the particular facts upon 6947
which the allegation that the child is a delinquent child or a 6948
juvenile traffic offender is based. 6949

If a child appears to be a delinquent child who is 6950
eligible for a serious youthful offender dispositional sentence 6951
under section 2152.11 of the Revised Code and if the prosecuting 6952

attorney desires to seek a serious youthful offender 6953
dispositional sentence under section 2152.13 of the Revised Code 6954
in regard to the child, the prosecuting attorney of the county 6955
in which the alleged delinquency occurs may initiate a case in 6956
the juvenile court of the county by presenting the case to a 6957
grand jury for indictment, by charging the child in a bill of 6958
information as a serious youthful offender pursuant to section 6959
2152.13 of the Revised Code, by requesting a serious youthful 6960
offender dispositional sentence in the original complaint 6961
alleging that the child is a delinquent child, or by filing with 6962
the juvenile court a written notice of intent to seek a serious 6963
youthful offender dispositional sentence. This paragraph does 6964
not apply regarding the imposition of a serious youthful 6965
offender dispositional sentence pursuant to section 2152.121 of 6966
the Revised Code. 6967

(2) Any person having knowledge of a child who appears to 6968
be a delinquent child for violating a court order regarding the 6969
child's adjudication as an unruly child for being an habitual 6970
truant, may file a sworn complaint with respect to that child, 6971
or with respect to that child and the parent, guardian, or other 6972
person having care of the child, in the juvenile court of the 6973
county in which the child has a residence or legal settlement or 6974
in which the child is supposed to attend public school. The 6975
sworn complaint may be upon information and belief and shall 6976
allege that the child is a delinquent child for violating a 6977
court order regarding the child's prior adjudication as an 6978
unruly child for being a habitual truant and, in addition, the 6979
particular facts upon which that allegation is based. If the 6980
complaint contains allegations regarding the child's parent, 6981
guardian, or other person having care of the child, the 6982
complaint additionally shall allege that the parent, guardian, 6983

or other person having care of the child has failed to cause the 6984
child's attendance at school in violation of section 3321.38 of 6985
the Revised Code and, in addition, the particular facts upon 6986
which that allegation is based. 6987

(B) Any person with standing under applicable law may file 6988
a complaint for the determination of any other matter over which 6989
the juvenile court is given jurisdiction by section 2151.23 of 6990
the Revised Code. The complaint shall be filed in the county in 6991
which the child who is the subject of the complaint is found or 6992
was last known to be found. 6993

(C) Within ten days after the filing of a complaint or the 6994
issuance of an indictment, the court shall give written notice 6995
of the filing of the complaint or the issuance of an indictment 6996
and of the substance of the complaint or indictment to the 6997
superintendent of a city, local, exempted village, or joint 6998
vocational school district if the complaint or indictment 6999
alleges that a child committed an act that would be a criminal 7000
offense if committed by an adult, that the child was sixteen 7001
years of age or older at the time of the commission of the 7002
alleged act, and that the alleged act is any of the following: 7003

(1) A violation of section 2923.122 of the Revised Code 7004
that relates to property owned or controlled by, or to an 7005
activity held under the auspices of, the board of education of 7006
that school district; 7007

(2) A violation of section 2923.12 of the Revised Code, of 7008
a substantially similar municipal ordinance, or of section 7009
2925.03, 2925.031, or 2925.032 of the Revised Code that was 7010
committed on property owned or controlled by, or at an activity 7011
held under the auspices of, the board of education of that 7012
school district; 7013

(3) A violation of section 2925.11 or 2925.111 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district, other than a violation of that section that would be a minor drug possession offense if committed by an adult;

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

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

(D) A public children services agency, acting pursuant to a complaint or an action on a complaint filed under this section, is not subject to the requirements of section 3127.23 of the Revised Code.

(E) For purposes of the record to be maintained by the clerk under division (B) of section 2152.71 of the Revised Code, when a complaint is filed that alleges that a child is a delinquent child, the court shall determine if the victim of the alleged delinquent act was sixty-five years of age or older or

permanently and totally disabled at the time of the alleged 7044
commission of the act. 7045

(F) (1) At any time after the filing of a complaint 7046
alleging that a child is a delinquent child and before 7047
adjudication, the court may hold a hearing to determine whether 7048
to hold the complaint in abeyance pending the child's successful 7049
completion of actions that constitute a method to divert the 7050
child from the juvenile court system if the child agrees to the 7051
hearing and either of the following applies: 7052

(a) The act charged would be a violation of section 7053
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 7054
were an adult. 7055

(b) The court has reason to believe that the child is a 7056
victim of a violation of section 2905.32 of the Revised Code, 7057
regardless of whether any person has been convicted of a 7058
violation of that section or of any other section for 7059
victimizing the child, and the act charged is related to the 7060
child's victimization. 7061

(2) The prosecuting attorney has the right to participate 7062
in any hearing held under division (F) (1) of this section, to 7063
object to holding the complaint that is the subject of the 7064
hearing in abeyance, and to make recommendations related to 7065
diversion actions. No statement made by a child at a hearing 7066
held under division (F) (1) of this section is admissible in any 7067
subsequent proceeding against the child. 7068

(3) If either division (F) (1) (a) or (b) of this section 7069
applies, the court shall promptly appoint a guardian ad litem 7070
for the child. The court shall not appoint the child's attorney 7071
as guardian ad litem. If the court decides to hold the complaint 7072

in abeyance, the guardian ad litem shall make recommendations 7073
that are in the best interest of the child to the court. 7074

(4) If after a hearing the court decides to hold the 7075
complaint in abeyance, the court may make any orders regarding 7076
placement, services, supervision, diversion actions, and 7077
conditions of abeyance, including, but not limited to, 7078
engagement in trauma-based behavioral health services or 7079
education activities, that the court considers appropriate and 7080
in the best interest of the child. The court may hold the 7081
complaint in abeyance for up to ninety days while the child 7082
engages in diversion actions. If the child violates the 7083
conditions of abeyance or does not complete the diversion 7084
actions to the court's satisfaction within ninety days, the 7085
court may extend the period of abeyance for not more than two 7086
additional ninety-day periods. 7087

(5) If the court holds the complaint in abeyance and the 7088
child complies with the conditions of abeyance and completes the 7089
diversion actions to the court's satisfaction, the court shall 7090
dismiss the complaint and order that the records pertaining to 7091
the case be expunged immediately. If the child fails to complete 7092
the diversion actions to the court's satisfaction, the court 7093
shall proceed upon the complaint. 7094

Sec. 2152.18. (A) When a juvenile court commits a 7095
delinquent child to the custody of the department of youth 7096
services pursuant to this chapter, the court shall not designate 7097
the specific institution in which the department is to place the 7098
child but instead shall specify that the child is to be 7099
institutionalized in a secure facility. 7100

(B) When a juvenile court commits a delinquent child to 7101
the custody of the department of youth services pursuant to this 7102

chapter, the court shall state in the order of commitment the 7103
total number of days that the child has been confined in 7104
connection with the delinquent child complaint upon which the 7105
order of commitment is based. The court shall not include days 7106
that the child has been under electronic monitoring or house 7107
arrest or days that the child has been confined in a halfway 7108
house. The department shall reduce the minimum period of 7109
institutionalization that was ordered by both the total number 7110
of days that the child has been so confined as stated by the 7111
court in the order of commitment and the total number of any 7112
additional days that the child has been confined subsequent to 7113
the order of commitment but prior to the transfer of physical 7114
custody of the child to the department. 7115

(C) (1) When a juvenile court commits a delinquent child to 7116
the custody of the department of youth services pursuant to this 7117
chapter, the court shall provide the department with the child's 7118
medical records, a copy of the report of any mental examination 7119
of the child ordered by the court, the Revised Code section or 7120
sections the child violated and the degree of each violation, 7121
the warrant to convey the child to the department, a copy of the 7122
court's journal entry ordering the commitment of the child to 7123
the legal custody of the department, a copy of the arrest record 7124
pertaining to the act for which the child was adjudicated a 7125
delinquent child, a copy of any victim impact statement 7126
pertaining to the act, and any other information concerning the 7127
child that the department reasonably requests. The court also 7128
shall complete the form for the standard predisposition 7129
investigation report that the department furnishes pursuant to 7130
section 5139.04 of the Revised Code and provide the department 7131
with the completed form. 7132

The department may refuse to accept physical custody of a 7133

delinquent child who is committed to the legal custody of the 7134
department until the court provides to the department the 7135
documents specified in this division. No officer or employee of 7136
the department who refuses to accept physical custody of a 7137
delinquent child who is committed to the legal custody of the 7138
department shall be subject to prosecution or contempt of court 7139
for the refusal if the court fails to provide the documents 7140
specified in this division at the time the court transfers the 7141
physical custody of the child to the department. 7142

(2) Within twenty working days after the department of 7143
youth services receives physical custody of a delinquent child 7144
from a juvenile court, the court shall provide the department 7145
with a certified copy of the child's birth certificate and the 7146
child's social security number or, if the court made all 7147
reasonable efforts to obtain the information but was 7148
unsuccessful, with documentation of the efforts it made to 7149
obtain the information. 7150

(3) If an officer is preparing pursuant to section 2947.06 7151
or 2951.03 of the Revised Code or Criminal Rule 32.2 a 7152
presentence investigation report pertaining to a person, the 7153
department shall make available to the officer, for use in 7154
preparing the report, any records or reports it possesses 7155
regarding that person that it received from a juvenile court 7156
pursuant to division (C) (1) of this section or that pertain to 7157
the treatment of that person after the person was committed to 7158
the custody of the department as a delinquent child. 7159

(D) (1) Within ten days after an adjudication that a child 7160
is a delinquent child, the court shall give written notice of 7161
the adjudication to the superintendent of a city, local, 7162
exempted village, or joint vocational school district, and to 7163

the principal of the school the child attends, if the basis of 7164
the adjudication was the commission of an act that would be a 7165
criminal offense if committed by an adult, if the act was 7166
committed by the delinquent child when the child was fourteen 7167
years of age or older, and if the act is any of the following: 7168

(a) An act that would be a felony or an offense of 7169
violence if committed by an adult, an act in the commission of 7170
which the child used or brandished a firearm, or an act that is 7171
a violation of section 2907.06, 2907.07, 2907.08, 2907.09, 7172
2907.24, or 2907.241 of the Revised Code and that would be a 7173
misdemeanor if committed by an adult; 7174

(b) A violation of section 2923.12 of the Revised Code or 7175
of a substantially similar municipal ordinance that would be a 7176
misdemeanor if committed by an adult and that was committed on 7177
property owned or controlled by, or at an activity held under 7178
the auspices of, the board of education of that school district; 7179

(c) A violation of division (A) of section 2925.03 ~~or,~~ 7180
2925.031, 2925.032, 2925.11, or 2925.111 of the Revised Code 7181
that would be a misdemeanor if committed by an adult, that was 7182
committed on property owned or controlled by, or at an activity 7183
held under the auspices of, the board of education of that 7184
school district, and that is not a minor drug possession 7185
offense; 7186

(d) An act that would be a criminal offense if committed 7187
by an adult and that results in serious physical harm to persons 7188
or serious physical harm to property while the child is at 7189
school, on any other property owned or controlled by the board, 7190
or at an interscholastic competition, an extracurricular event, 7191
or any other school program or activity; 7192

(e) Complicity in any violation described in division (D) 7193
(1) (a), (b), (c), or (d) of this section that was alleged to 7194
have been committed in the manner described in division (D) (1) 7195
(a), (b), (c), or (d) of this section, regardless of whether the 7196
act of complicity was committed on property owned or controlled 7197
by, or at an activity held under the auspices of, the board of 7198
education of that school district. 7199

(2) The notice given pursuant to division (D) (1) of this 7200
section shall include the name of the child who was adjudicated 7201
to be a delinquent child, the child's age at the time the child 7202
committed the act that was the basis of the adjudication, and 7203
identification of the violation of the law or ordinance that was 7204
the basis of the adjudication. 7205

(3) Within fourteen days after committing a delinquent 7206
child to the custody of the department of youth services, the 7207
court shall give notice to the school attended by the child of 7208
the child's commitment by sending to that school a copy of the 7209
court's journal entry ordering the commitment. As soon as 7210
possible after receipt of the notice described in this division, 7211
the school shall provide the department with the child's school 7212
transcript. However, the department shall not refuse to accept a 7213
child committed to it, and a child committed to it shall not be 7214
held in a county or district detention facility, because of a 7215
school's failure to provide the school transcript that it is 7216
required to provide under this division. 7217

(4) Within fourteen days after discharging or releasing a 7218
child from an institution under its control, the department of 7219
youth services shall provide the court and the superintendent of 7220
the school district in which the child is entitled to attend 7221
school under section 3313.64 or 3313.65 of the Revised Code with 7222

the following: 7223

(a) An updated copy of the child's school transcript; 7224

(b) A report outlining the child's behavior in school 7225
while in the custody of the department; 7226

(c) The child's current individualized education program, 7227
as defined in section 3323.01 of the Revised Code, if such a 7228
program has been developed for the child; 7229

(d) A summary of the institutional record of the child's 7230
behavior. 7231

The department also shall provide the court with a copy of 7232
any portion of the child's institutional record that the court 7233
specifically requests, within five working days of the request. 7234

(E) At any hearing at which a child is adjudicated a 7235
delinquent child or as soon as possible after the hearing, the 7236
court shall notify all victims of the delinquent act who may be 7237
entitled to a recovery under any of the following sections of 7238
the right of the victims to recover, pursuant to section 3109.09 7239
of the Revised Code, compensatory damages from the child's 7240
parents; of the right of the victims to recover, pursuant to 7241
section 3109.10 of the Revised Code, compensatory damages from 7242
the child's parents for willful and malicious assaults committed 7243
by the child; and of the right of the victims to recover an 7244
award of reparations pursuant to sections 2743.51 to 2743.72 of 7245
the Revised Code. 7246

Sec. 2743.60. (A) The attorney general or the court of 7247
claims shall not make or order an award of reparations to a 7248
claimant if the criminally injurious conduct upon which the 7249
claimant bases a claim never was reported to a law enforcement 7250
officer or agency. 7251

(B) (1) The attorney general or the court of claims shall 7252
not make or order an award of reparations to a claimant if any 7253
of the following apply: 7254

(a) The claimant is the offender or an accomplice of the 7255
offender who committed the criminally injurious conduct, or the 7256
award would unjustly benefit the offender or accomplice. 7257

(b) Except as provided in division (B) (2) of this section, 7258
both of the following apply: 7259

(i) The victim was a passenger in a motor vehicle and knew 7260
or reasonably should have known that the driver was under the 7261
influence of alcohol, a drug of abuse, or both. 7262

(ii) The claimant is seeking compensation for injuries 7263
proximately caused by the driver described in division (B) (1) (b) 7264
(i) of this section being under the influence of alcohol, a drug 7265
of abuse, or both. 7266

(c) Both of the following apply: 7267

(i) The victim was under the influence of alcohol, a drug 7268
of abuse, or both and was a passenger in a motor vehicle and, if 7269
sober, should have reasonably known that the driver was under 7270
the influence of alcohol, a drug of abuse, or both. 7271

(ii) The claimant is seeking compensation for injuries 7272
proximately caused by the driver described in division (B) (1) (b) 7273
(i) of this section being under the influence of alcohol, a drug 7274
of abuse, or both. 7275

(2) Division (B) (1) (b) of this section does not apply if 7276
on the date of the occurrence of the criminally injurious 7277
conduct, the victim was under sixteen years of age or was at 7278
least sixteen years of age but less than eighteen years of age 7279

and was riding with a parent, guardian, or care-provider. 7280

(C) The attorney general or the court of claims, upon a 7281
finding that the claimant or victim has not fully cooperated 7282
with appropriate law enforcement agencies, may deny a claim or 7283
reconsider and reduce an award of reparations. 7284

(D) The attorney general or the court of claims shall 7285
reduce an award of reparations or deny a claim for an award of 7286
reparations that is otherwise payable to a claimant to the 7287
extent that the economic loss upon which the claim is based is 7288
recouped from other persons, including collateral sources. If an 7289
award is reduced or a claim is denied because of the expected 7290
recoupment of all or part of the economic loss of the claimant 7291
from a collateral source, the amount of the award or the denial 7292
of the claim shall be conditioned upon the claimant's economic 7293
loss being recouped by the collateral source. If the award or 7294
denial is conditioned upon the recoupment of the claimant's 7295
economic loss from a collateral source and it is determined that 7296
the claimant did not unreasonably fail to present a timely claim 7297
to the collateral source and will not receive all or part of the 7298
expected recoupment, the claim may be reopened and an award may 7299
be made in an amount equal to the amount of expected recoupment 7300
that it is determined the claimant will not receive from the 7301
collateral source. 7302

If the claimant recoups all or part of the economic loss 7303
upon which the claim is based from any other person or entity, 7304
including a collateral source, the attorney general may recover 7305
pursuant to section 2743.72 of the Revised Code the part of the 7306
award that represents the economic loss for which the claimant 7307
received the recoupment from the other person or entity. 7308

(E) (1) Except as otherwise provided in division (E) (2) of 7309

this section, the attorney general or the court of claims shall 7310
not make an award to a claimant if any of the following applies: 7311

(a) The victim was convicted of a felony within ten years 7312
prior to the criminally injurious conduct that gave rise to the 7313
claim or is convicted of a felony during the pendency of the 7314
claim. 7315

(b) The claimant was convicted of a felony within ten 7316
years prior to the criminally injurious conduct that gave rise 7317
to the claim or is convicted of a felony during the pendency of 7318
the claim. 7319

(c) It is proved by a preponderance of the evidence that 7320
the victim or the claimant engaged, within ten years prior to 7321
the criminally injurious conduct that gave rise to the claim or 7322
during the pendency of the claim, in an offense of violence, a 7323
violation of section 2925.03, 2925.031, or 2925.032 of the 7324
Revised Code, or any substantially similar offense that also 7325
would constitute a felony under the laws of this state, another 7326
state, or the United States. 7327

(d) The claimant was convicted of a violation of section 7328
2919.22 or 2919.25 of the Revised Code, or of any state law or 7329
municipal ordinance substantially similar to either section, 7330
within ten years prior to the criminally injurious conduct that 7331
gave rise to the claim or during the pendency of the claim. 7332

(e) It is proved by a preponderance of the evidence that 7333
the victim at the time of the criminally injurious conduct that 7334
gave rise to the claim engaged in conduct that was a felony 7335
violation of section 2925.11 or 2925.111 of the Revised Code or 7336
engaged in any substantially similar conduct that would 7337
constitute a felony under the laws of this state, another state, 7338

or the United States. 7339

(2) The attorney general or the court of claims may make 7340
an award to a minor dependent of a deceased victim for 7341
dependent's economic loss or for counseling pursuant to division 7342
(F) (2) of section 2743.51 of the Revised Code if the minor 7343
dependent is not ineligible under division (E) (1) of this 7344
section due to the minor dependent's criminal history and if the 7345
victim was not killed while engaging in illegal conduct that 7346
contributed to the criminally injurious conduct that gave rise 7347
to the claim. For purposes of this section, the use of illegal 7348
drugs by the deceased victim shall not be deemed to have 7349
contributed to the criminally injurious conduct that gave rise 7350
to the claim. 7351

(F) In determining whether to make an award of reparations 7352
pursuant to this section, the attorney general or the court of 7353
claims shall consider whether there was contributory misconduct 7354
by the victim or the claimant. The attorney general or the court 7355
of claims shall reduce an award of reparations or deny a claim 7356
for an award of reparations to the extent it is determined to be 7357
reasonable because of the contributory misconduct of the 7358
claimant or the victim. 7359

When the attorney general decides whether a claim should 7360
be denied because of an allegation of contributory misconduct, 7361
the burden of proof on the issue of that alleged contributory 7362
misconduct shall be upon the claimant, if either of the 7363
following apply: 7364

(1) The victim was convicted of a felony more than ten 7365
years prior to the criminally injurious conduct that is the 7366
subject of the claim or has a record of felony arrests under the 7367
laws of this state, another state, or the United States. 7368

(2) There is good cause to believe that the victim engaged 7369
in an ongoing course of criminal conduct within five years or 7370
less of the criminally injurious conduct that is the subject of 7371
the claim. 7372

(G) The attorney general or the court of claims shall not 7373
make an award of reparations to a claimant if the criminally 7374
injurious conduct that caused the injury or death that is the 7375
subject of the claim occurred to a victim who was an adult and 7376
while the victim, after being convicted of or pleading guilty to 7377
an offense, was serving a sentence of imprisonment in any 7378
detention facility, as defined in section 2921.01 of the Revised 7379
Code. 7380

(H) If a claimant unreasonably fails to present a claim 7381
timely to a source of benefits or advantages that would have 7382
been a collateral source and that would have reimbursed the 7383
claimant for all or a portion of a particular expense, the 7384
attorney general or the court of claims may reduce an award of 7385
reparations or deny a claim for an award of reparations to the 7386
extent that it is reasonable to do so. 7387

(I) Reparations payable to a victim and to all other 7388
claimants sustaining economic loss because of injury to or the 7389
death of that victim shall not exceed fifty thousand dollars in 7390
the aggregate. If the attorney general or the court of claims 7391
reduces an award under division (F) of this section, the maximum 7392
aggregate amount of reparations payable under this division 7393
shall be reduced proportionately to the reduction under division 7394
(F) of this section. 7395

(J) Nothing in this section shall be construed to prohibit 7396
an award to a claimant whose claim is based on the claimant's 7397
being a victim of a violation of section 2905.32 of the Revised 7398

Code if the claimant was less than eighteen years of age when 7399
the criminally injurious conduct occurred. 7400

Sec. 2923.01. (A) No person, with purpose to commit or to 7401
promote or facilitate the commission of aggravated murder, 7402
murder, kidnapping, abduction, compelling prostitution, 7403
promoting prostitution, trafficking in persons, aggravated 7404
arson, arson, aggravated robbery, robbery, aggravated burglary, 7405
burglary, trespassing in a habitation when a person is present 7406
or likely to be present, engaging in a pattern of corrupt 7407
activity, corrupting another with drugs, a felony drug 7408
trafficking, manufacturing, processing, or possession offense, 7409
theft of drugs, or illegal processing of drug documents, the 7410
commission of a felony offense of unauthorized use of a vehicle, 7411
illegally transmitting multiple commercial electronic mail 7412
messages or unauthorized access of a computer in violation of 7413
section 2923.421 of the Revised Code, or the commission of a 7414
violation of any provision of Chapter 3734. of the Revised Code, 7415
other than section 3734.18 of the Revised Code, that relates to 7416
hazardous wastes, shall do either of the following: 7417

(1) With another person or persons, plan or aid in 7418
planning the commission of any of the specified offenses; 7419

(2) Agree with another person or persons that one or more 7420
of them will engage in conduct that facilitates the commission 7421
of any of the specified offenses. 7422

(B) No person shall be convicted of conspiracy unless a 7423
substantial overt act in furtherance of the conspiracy is 7424
alleged and proved to have been done by the accused or a person 7425
with whom the accused conspired, subsequent to the accused's 7426
entrance into the conspiracy. For purposes of this section, an 7427
overt act is substantial when it is of a character that 7428

manifests a purpose on the part of the actor that the object of 7429
the conspiracy should be completed. 7430

(C) When the offender knows or has reasonable cause to 7431
believe that a person with whom the offender conspires also has 7432
conspired or is conspiring with another to commit the same 7433
offense, the offender is guilty of conspiring with that other 7434
person, even though the other person's identity may be unknown 7435
to the offender. 7436

(D) It is no defense to a charge under this section that, 7437
in retrospect, commission of the offense that was the object of 7438
the conspiracy was impossible under the circumstances. 7439

(E) A conspiracy terminates when the offense or offenses 7440
that are its objects are committed or when it is abandoned by 7441
all conspirators. In the absence of abandonment, it is no 7442
defense to a charge under this section that no offense that was 7443
the object of the conspiracy was committed. 7444

(F) A person who conspires to commit more than one offense 7445
is guilty of only one conspiracy, when the offenses are the 7446
object of the same agreement or continuous conspiratorial 7447
relationship. 7448

(G) When a person is convicted of committing or attempting 7449
to commit a specific offense or of complicity in the commission 7450
of or attempt to commit the specific offense, the person shall 7451
not be convicted of conspiracy involving the same offense. 7452

(H) (1) No person shall be convicted of conspiracy upon the 7453
testimony of a person with whom the defendant conspired, 7454
unsupported by other evidence. 7455

(2) If a person with whom the defendant allegedly has 7456
conspired testifies against the defendant in a case in which the 7457

defendant is charged with conspiracy and if the testimony is 7458
supported by other evidence, the court, when it charges the 7459
jury, shall state substantially the following: 7460

"The testimony of an accomplice that is supported by other 7461
evidence does not become inadmissible because of the 7462
accomplice's complicity, moral turpitude, or self-interest, but 7463
the admitted or claimed complicity of a witness may affect the 7464
witness' credibility and make the witness' testimony subject to 7465
grave suspicion, and require that it be weighed with great 7466
caution. 7467

It is for you, as jurors, in the light of all the facts 7468
presented to you from the witness stand, to evaluate such 7469
testimony and to determine its quality and worth or its lack of 7470
quality and worth." 7471

(3) "Conspiracy," as used in division (H)(1) of this 7472
section, does not include any conspiracy that results in an 7473
attempt to commit an offense or in the commission of an offense. 7474

(I) The following are affirmative defenses to a charge of 7475
conspiracy: 7476

(1) After conspiring to commit an offense, the actor 7477
thwarted the success of the conspiracy under circumstances 7478
manifesting a complete and voluntary renunciation of the actor's 7479
criminal purpose. 7480

(2) After conspiring to commit an offense, the actor 7481
abandoned the conspiracy prior to the commission of or attempt 7482
to commit any offense that was the object of the conspiracy, 7483
either by advising all other conspirators of the actor's 7484
abandonment, or by informing any law enforcement authority of 7485
the existence of the conspiracy and of the actor's participation 7486

in the conspiracy. 7487

(J) Whoever violates this section is guilty of conspiracy, 7488
which is one of the following: 7489

(1) A felony of the first degree, when one of the objects 7490
of the conspiracy is aggravated murder, murder, or an offense 7491
for which the maximum penalty is imprisonment for life; 7492

(2) A felony of the next lesser degree than the most 7493
serious offense that is the object of the conspiracy, when the 7494
most serious offense that is the object of the conspiracy is a 7495
felony of the first, second, third, or fourth degree; 7496

(3) A felony punishable by a fine of not more than twenty- 7497
five thousand dollars or imprisonment for not more than eighteen 7498
months, or both, when the offense that is the object of the 7499
conspiracy is a violation of any provision of Chapter 3734. of 7500
the Revised Code, other than section 3734.18 of the Revised 7501
Code, that relates to hazardous wastes; 7502

(4) A misdemeanor of the first degree, when the most 7503
serious offense that is the object of the conspiracy is a felony 7504
of the fifth degree. 7505

(K) This section does not define a separate conspiracy 7506
offense or penalty where conspiracy is defined as an offense by 7507
one or more sections of the Revised Code, other than this 7508
section. In such a case, however: 7509

(1) With respect to the offense specified as the object of 7510
the conspiracy in the other section or sections, division (A) of 7511
this section defines the voluntary act or acts and culpable 7512
mental state necessary to constitute the conspiracy; 7513

(2) Divisions (B) to (I) of this section are incorporated 7514

by reference in the conspiracy offense defined by the other 7515
section or sections of the Revised Code. 7516

(L)(1) In addition to the penalties that otherwise are 7517
imposed for conspiracy, a person who is found guilty of 7518
conspiracy to engage in a pattern of corrupt activity is subject 7519
to divisions (B)(2) and (3) of section 2923.32, division (A) of 7520
section 2981.04, and division (D) of section 2981.06 of the 7521
Revised Code. 7522

(2) If a person is convicted of or pleads guilty to 7523
conspiracy and if the most serious offense that is the object of 7524
the conspiracy is a felony drug trafficking, manufacturing, 7525
processing, or possession offense, in addition to the penalties 7526
or sanctions that may be imposed for the conspiracy under 7527
division (J)(2) or (4) of this section and Chapter 2929. of the 7528
Revised Code, both of the following apply: 7529

(a) The provisions of divisions ~~(D)~~, ~~(F)~~, (L), (N), and 7530
~~(G)~~ (O) of section 2925.03 and the related provisions of 7531
sections 2925.031 and 2925.032, division (D) of section 2925.04, 7532
division (D) of section 2925.05, division (D) of section 7533
2925.06, and division (E) of section 2925.11 of the Revised Code 7534
that pertain to mandatory and additional fines, driver's or 7535
commercial driver's license or permit suspensions, and 7536
professionally licensed persons and that would apply under the 7537
appropriate provisions of those divisions to a person who is 7538
convicted of or pleads guilty to the felony drug trafficking, 7539
manufacturing, processing, or possession offense that is the 7540
most serious offense that is the basis of the conspiracy shall 7541
apply to the person who is convicted of or pleads guilty to the 7542
conspiracy as if the person had been convicted of or pleaded 7543
guilty to the felony drug trafficking, manufacturing, 7544

processing, or possession offense that is the most serious 7545
offense that is the basis of the conspiracy. 7546

(b) The court that imposes sentence upon the person who is 7547
convicted of or pleads guilty to the conspiracy shall comply 7548
with the provisions identified as being applicable under 7549
division (L) (2) of this section, in addition to any other 7550
penalty or sanction that it imposes for the conspiracy under 7551
division (J) (2) or (4) of this section and Chapter 2929. of the 7552
Revised Code. 7553

(M) As used in this section: 7554

(1) "Felony drug trafficking, manufacturing, processing, 7555
or possession offense" means any of the following that is a 7556
felony: 7557

(a) A violation of section 2925.03, 2925.031, 2925.032, 7558
2925.04, 2925.05, or 2925.06 of the Revised Code; 7559

(b) A violation of section 2925.11 or 2925.111 of the 7560
Revised Code that is not a minor drug possession offense. 7561

(2) "Minor drug possession offense" has the same meaning 7562
as in section 2925.01 of the Revised Code. 7563

Sec. 2923.241. (A) As used in this section: 7564

(1) "Controlled substance" has the same meaning as in 7565
section 3719.01 of the Revised Code. 7566

(2) "Hidden compartment" means a container, space, or 7567
enclosure that conceals, hides, or otherwise prevents the 7568
discovery of the contents of the container, space, or enclosure. 7569
"Hidden compartment" includes, but is not limited to, any of the 7570
following: 7571

- (a) False, altered, or modified fuel tanks; 7572
- (b) Any original factory equipment on a vehicle that has 7573
been modified to conceal, hide, or prevent the discovery of the 7574
modified equipment's contents; 7575
- (c) Any compartment, space, box, or other closed container 7576
that is added or attached to existing compartments, spaces, 7577
boxes, or closed containers integrated or attached to a vehicle. 7578
- (3) "Vehicle" has the same meaning as in section 4511.01 7579
of the Revised Code and includes, but is not limited to, a motor 7580
vehicle, commercial tractor, trailer, noncommercial trailer, 7581
semitrailer, mobile home, recreational vehicle, or motor home. 7582
- (4) "Motor vehicle," "commercial trailer," "trailer," 7583
"noncommercial trailer," "semitrailer," "mobile home," 7584
"manufacturer," "recreational vehicle," and "motor home" have 7585
the same meanings as in section 4501.01 of the Revised Code. 7586
- (5) "Motor vehicle dealer" has the same meaning as in 7587
section 4517.01 of the Revised Code. 7588
- (B) No person shall knowingly design, build, construct, or 7589
fabricate a vehicle with a hidden compartment, or modify or 7590
alter any portion of a vehicle in order to create or add a 7591
hidden compartment, with the intent to facilitate the unlawful 7592
concealment or transportation of a controlled substance. 7593
- (C) No person shall knowingly operate, possess, or use a 7594
vehicle with a hidden compartment with knowledge that the hidden 7595
compartment is used or intended to be used to facilitate the 7596
unlawful concealment or transportation of a controlled 7597
substance. 7598
- (D) No person who has been convicted of or pleaded guilty 7599

to a violation of aggravated trafficking in drugs under section 7600
2925.03 of the Revised Code as it existed prior to the effective 7601
date of this amendment that is a felony of the first or second 7602
degree, or a violation of section 2925.03, 2925.031, or 2925.032 7603
of the Revised Code as those sections exist on and after the 7604
effective date of this amendment and that involve a schedule I 7605
or schedule II controlled substance and are a felony of the 7606
first or second degree, shall operate, possess, or use a vehicle 7607
with a hidden compartment. 7608

(E) Whoever violates division (B) of this section is 7609
guilty of designing a vehicle with a hidden compartment used to 7610
transport a controlled substance. Except as otherwise provided 7611
in this division, designing a vehicle with a hidden compartment 7612
used to transport a controlled substance is a felony of the 7613
fourth degree. If the offender previously has been convicted of 7614
or pleaded guilty to a violation of division (B) of this 7615
section, designing a vehicle with a hidden compartment used to 7616
transport a controlled substance is a felony of the third 7617
degree. 7618

(F) Whoever violates division (C) or (D) of this section 7619
is guilty of operating a vehicle with a hidden compartment used 7620
to transport a controlled substance. Except as otherwise 7621
provided in this division, operating a vehicle with a hidden 7622
compartment used to transport a controlled substance is a felony 7623
of the fourth degree. Except as otherwise provided in this 7624
division, if the offender previously has been convicted of or 7625
pleaded guilty to a violation of division (C) or (D) of this 7626
section, operating a vehicle with a hidden compartment used to 7627
transport a controlled substance is a felony of the third 7628
degree. If the hidden compartment contains a controlled 7629
substance at the time of the offense, operating a vehicle with a 7630

hidden compartment used to transport a controlled substance is a 7631
felony of the second degree. 7632

(G) This section does not apply to any law enforcement 7633
officer acting in the performance of the law enforcement 7634
officer's duties. 7635

(H) (1) This section does not apply to any licensed motor 7636
vehicle dealer or motor vehicle manufacturer that in the 7637
ordinary course of business repairs, purchases, receives in 7638
trade, leases, or sells a motor vehicle. 7639

(2) This section does not impose a duty on a licensed 7640
motor vehicle dealer to know, discover, report, repair, or 7641
disclose the existence of a hidden compartment to any person. 7642

(I) This section does not apply to a box, safe, container, 7643
or other item added to a vehicle for the purpose of securing 7644
valuables, electronics, or firearms provided that at the time of 7645
discovery the box, safe, container, or other item added to the 7646
vehicle does not contain a controlled substance or visible 7647
residue of a controlled substance. 7648

Sec. 2923.31. As used in sections 2923.31 to 2923.36 of 7649
the Revised Code: 7650

(A) "Beneficial interest" means any of the following: 7651

(1) The interest of a person as a beneficiary under a 7652
trust in which the trustee holds title to personal or real 7653
property; 7654

(2) The interest of a person as a beneficiary under any 7655
other trust arrangement under which any other person holds title 7656
to personal or real property for the benefit of such person; 7657

(3) The interest of a person under any other form of 7658

express fiduciary arrangement under which any other person holds 7659
title to personal or real property for the benefit of such 7660
person. 7661

"Beneficial interest" does not include the interest of a 7662
stockholder in a corporation or the interest of a partner in 7663
either a general or limited partnership. 7664

(B) "Costs of investigation and prosecution" and "costs of 7665
investigation and litigation" mean all of the costs incurred by 7666
the state or a county or municipal corporation under sections 7667
2923.31 to 2923.36 of the Revised Code in the prosecution and 7668
investigation of any criminal action or in the litigation and 7669
investigation of any civil action, and includes, but is not 7670
limited to, the costs of resources and personnel. 7671

(C) "Enterprise" includes any individual, sole 7672
proprietorship, partnership, limited partnership, corporation, 7673
trust, union, government agency, or other legal entity, or any 7674
organization, association, or group of persons associated in 7675
fact although not a legal entity. "Enterprise" includes illicit 7676
as well as licit enterprises. 7677

(D) "Innocent person" includes any bona fide purchaser of 7678
property that is allegedly involved in a violation of section 7679
2923.32 of the Revised Code, including any person who 7680
establishes a valid claim to or interest in the property in 7681
accordance with division (E) of section 2981.04 of the Revised 7682
Code, and any victim of an alleged violation of that section or 7683
of any underlying offense involved in an alleged violation of 7684
that section. 7685

(E) "Pattern of corrupt activity" means two or more 7686
incidents of corrupt activity, whether or not there has been a 7687

prior conviction, that are related to the affairs of the same 7688
enterprise, are not isolated, and are not so closely related to 7689
each other and connected in time and place that they constitute 7690
a single event. 7691

At least one of the incidents forming the pattern shall 7692
occur on or after January 1, 1986. Unless any incident was an 7693
aggravated murder or murder, the last of the incidents forming 7694
the pattern shall occur within six years after the commission of 7695
any prior incident forming the pattern, excluding any period of 7696
imprisonment served by any person engaging in the corrupt 7697
activity. 7698

For the purposes of the criminal penalties that may be 7699
imposed pursuant to section 2923.32 of the Revised Code, at 7700
least one of the incidents forming the pattern shall constitute 7701
a felony under the laws of this state in existence at the time 7702
it was committed or, if committed in violation of the laws of 7703
the United States or of any other state, shall constitute a 7704
felony under the law of the United States or the other state and 7705
would be a criminal offense under the law of this state if 7706
committed in this state. 7707

(F) "Pecuniary value" means money, a negotiable 7708
instrument, a commercial interest, or anything of value, as 7709
defined in section 1.03 of the Revised Code, or any other 7710
property or service that has a value in excess of one hundred 7711
dollars. 7712

(G) "Person" means any person, as defined in section 1.59 7713
of the Revised Code, and any governmental officer, employee, or 7714
entity. 7715

(H) "Personal property" means any personal property, any 7716

interest in personal property, or any right, including, but not 7717
limited to, bank accounts, debts, corporate stocks, patents, or 7718
copyrights. Personal property and any beneficial interest in 7719
personal property are deemed to be located where the trustee of 7720
the property, the personal property, or the instrument 7721
evidencing the right is located. 7722

(I) "Corrupt activity" means engaging in, attempting to 7723
engage in, conspiring to engage in, or soliciting, coercing, or 7724
intimidating another person to engage in any of the following: 7725

(1) Conduct defined as "racketeering activity" under the 7726
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 7727
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 7728

(2) Conduct constituting any of the following: 7729

(a) A violation of section 1315.55, 1322.07, 2903.01, 7730
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 7731
2905.11, 2905.22, 2905.32 as specified in division (I)(2)(g) of 7732
this section, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 7733
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 7734
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 7735
2913.06, 2913.30, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 7736
2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; 7737
division (F)(1)(a), (b), or (c) of section 1315.53; division (A) 7738
(1) or (2) of section 1707.042; division (B), (C)(4), (D), (E), 7739
or (F) of section 1707.44; division (A)(1) or (2) of section 7740
2923.20; division (E) or (G) of section 3772.99; division (J)(1) 7741
of section 4712.02; section 4719.02, 4719.05, or 4719.06; 7742
division (C), (D), or (E) of section 4719.07; section 4719.08; 7743
or division (A) of section 4719.09 of the Revised Code. 7744

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 7745

3769.19 of the Revised Code as it existed prior to July 1, 1996, 7746
any violation of section 2915.02 of the Revised Code that occurs 7747
on or after July 1, 1996, and that, had it occurred prior to 7748
that date, would have been a violation of section 3769.11 of the 7749
Revised Code as it existed prior to that date, or any violation 7750
of section 2915.05 of the Revised Code that occurs on or after 7751
July 1, 1996, and that, had it occurred prior to that date, 7752
would have been a violation of section 3769.15, 3769.16, or 7753
3769.19 of the Revised Code as it existed prior to that date. 7754

(c) Any violation of section 2907.21, 2907.22, 2907.31, 7755
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 7756
2913.47, 2913.51, 2915.03, 2925.03, 2925.031, 2925.032, 2925.04, 7757
2925.05, or 2925.37 of the Revised Code, any violation of 7758
section 2925.11 or 2925.111 of the Revised Code that is a felony 7759
of the first, second, third, or fourth degree and that occurs on 7760
or after July 1, 1996, any violation of section 2915.02 of the 7761
Revised Code that occurred prior to July 1, 1996, any violation 7762
of section 2915.02 of the Revised Code that occurs on or after 7763
July 1, 1996, and that, had it occurred prior to that date, 7764
would not have been a violation of section 3769.11 of the 7765
Revised Code as it existed prior to that date, any violation of 7766
section 2915.06 of the Revised Code as it existed prior to July 7767
1, 1996, or any violation of division (B) of section 2915.05 of 7768
the Revised Code as it exists on and after July 1, 1996, when 7769
the proceeds of the violation, the payments made in the 7770
violation, the amount of a claim for payment or for any other 7771
benefit that is false or deceptive and that is involved in the 7772
violation, or the value of the contraband or other property 7773
illegally possessed, sold, or purchased in the violation exceeds 7774
one thousand dollars, or any combination of violations described 7775
in division (I) (2) (c) of this section when the total proceeds of 7776

the combination of violations, payments made in the combination 7777
of violations, amount of the claims for payment or for other 7778
benefits that is false or deceptive and that is involved in the 7779
combination of violations, or value of the contraband or other 7780
property illegally possessed, sold, or purchased in the 7781
combination of violations exceeds one thousand dollars; 7782

(d) Any violation of section 5743.112 of the Revised Code 7783
when the amount of unpaid tax exceeds one hundred dollars; 7784

(e) Any violation or combination of violations of section 7785
2907.32 of the Revised Code involving any material or 7786
performance containing a display of bestiality or of sexual 7787
conduct, as defined in section 2907.01 of the Revised Code, that 7788
is explicit and depicted with clearly visible penetration of the 7789
genitals or clearly visible penetration by the penis of any 7790
orifice when the total proceeds of the violation or combination 7791
of violations, the payments made in the violation or combination 7792
of violations, or the value of the contraband or other property 7793
illegally possessed, sold, or purchased in the violation or 7794
combination of violations exceeds one thousand dollars; 7795

(f) Any combination of violations described in division 7796
(I) (2) (c) of this section and violations of section 2907.32 of 7797
the Revised Code involving any material or performance 7798
containing a display of bestiality or of sexual conduct, as 7799
defined in section 2907.01 of the Revised Code, that is explicit 7800
and depicted with clearly visible penetration of the genitals or 7801
clearly visible penetration by the penis of any orifice when the 7802
total proceeds of the combination of violations, payments made 7803
in the combination of violations, amount of the claims for 7804
payment or for other benefits that is false or deceptive and 7805
that is involved in the combination of violations, or value of 7806

the contraband or other property illegally possessed, sold, or 7807
purchased in the combination of violations exceeds one thousand 7808
dollars; 7809

(g) Any violation of section 2905.32 of the Revised Code 7810
to the extent the violation is not based solely on the same 7811
conduct that constitutes corrupt activity pursuant to division 7812
(I) (2) (c) of this section due to the conduct being in violation 7813
of section 2907.21 of the Revised Code. 7814

(3) Conduct constituting a violation of any law of any 7815
state other than this state that is substantially similar to the 7816
conduct described in division (I) (2) of this section, provided 7817
the defendant was convicted of the conduct in a criminal 7818
proceeding in the other state; 7819

(4) Animal or ecological terrorism; 7820

(5) (a) Conduct constituting any of the following: 7821

(i) Organized retail theft; 7822

(ii) Conduct that constitutes one or more violations of 7823
any law of any state other than this state, that is 7824
substantially similar to organized retail theft, and that if 7825
committed in this state would be organized retail theft, if the 7826
defendant was convicted of or pleaded guilty to the conduct in a 7827
criminal proceeding in the other state. 7828

(b) By enacting division (I) (5) (a) of this section, it is 7829
the intent of the general assembly to add organized retail theft 7830
and the conduct described in division (I) (5) (a) (ii) of this 7831
section as conduct constituting corrupt activity. The enactment 7832
of division (I) (5) (a) of this section and the addition by 7833
division (I) (5) (a) of this section of organized retail theft and 7834
the conduct described in division (I) (5) (a) (ii) of this section 7835

as conduct constituting corrupt activity does not limit or 7836
preclude, and shall not be construed as limiting or precluding, 7837
any prosecution for a violation of section 2923.32 of the 7838
Revised Code that is based on one or more violations of section 7839
2913.02 or 2913.51 of the Revised Code, one or more similar 7840
offenses under the laws of this state or any other state, or any 7841
combination of any of those violations or similar offenses, even 7842
though the conduct constituting the basis for those violations 7843
or offenses could be construed as also constituting organized 7844
retail theft or conduct of the type described in division (I) (5) 7845
(a) (ii) of this section. 7846

(J) "Real property" means any real property or any 7847
interest in real property, including, but not limited to, any 7848
lease of, or mortgage upon, real property. Real property and any 7849
beneficial interest in it is deemed to be located where the real 7850
property is located. 7851

(K) "Trustee" means any of the following: 7852

(1) Any person acting as trustee under a trust in which 7853
the trustee holds title to personal or real property; 7854

(2) Any person who holds title to personal or real 7855
property for which any other person has a beneficial interest; 7856

(3) Any successor trustee. 7857

"Trustee" does not include an assignee or trustee for an 7858
insolvent debtor or an executor, administrator, administrator 7859
with the will annexed, testamentary trustee, guardian, or 7860
committee, appointed by, under the control of, or accountable to 7861
a court. 7862

(L) "Unlawful debt" means any money or other thing of 7863
value constituting principal or interest of a debt that is 7864

legally unenforceable in this state in whole or in part because 7865
the debt was incurred or contracted in violation of any federal 7866
or state law relating to the business of gambling activity or 7867
relating to the business of lending money at an usurious rate 7868
unless the creditor proves, by a preponderance of the evidence, 7869
that the usurious rate was not intentionally set and that it 7870
resulted from a good faith error by the creditor, 7871
notwithstanding the maintenance of procedures that were adopted 7872
by the creditor to avoid an error of that nature. 7873

(M) "Animal activity" means any activity that involves the 7874
use of animals or animal parts, including, but not limited to, 7875
hunting, fishing, trapping, traveling, camping, the production, 7876
preparation, or processing of food or food products, clothing or 7877
garment manufacturing, medical research, other research, 7878
entertainment, recreation, agriculture, biotechnology, or 7879
service activity that involves the use of animals or animal 7880
parts. 7881

(N) "Animal facility" means a vehicle, building, 7882
structure, nature preserve, or other premises in which an animal 7883
is lawfully kept, handled, housed, exhibited, bred, or offered 7884
for sale, including, but not limited to, a zoo, rodeo, circus, 7885
amusement park, hunting preserve, or premises in which a horse 7886
or dog event is held. 7887

(O) "Animal or ecological terrorism" means the commission 7888
of any felony that involves causing or creating a substantial 7889
risk of physical harm to any property of another, the use of a 7890
deadly weapon or dangerous ordnance, or purposely, knowingly, or 7891
recklessly causing serious physical harm to property and that 7892
involves an intent to obstruct, impede, or deter any person from 7893
participating in a lawful animal activity, from mining, 7894

forestry, harvesting, gathering, or processing natural 7895
resources, or from being lawfully present in or on an animal 7896
facility or research facility. 7897

(P) "Research facility" means a place, laboratory, 7898
institution, medical care facility, government facility, or 7899
public or private educational institution in which a scientific 7900
test, experiment, or investigation involving the use of animals 7901
or other living organisms is lawfully carried out, conducted, or 7902
attempted. 7903

(Q) "Organized retail theft" means the theft of retail 7904
property with a retail value of one thousand dollars or more 7905
from one or more retail establishments with the intent to sell, 7906
deliver, or transfer that property to a retail property fence. 7907

(R) "Retail property" means any tangible personal property 7908
displayed, held, stored, or offered for sale in or by a retail 7909
establishment. 7910

(S) "Retail property fence" means a person who possesses, 7911
procures, receives, or conceals retail property that was 7912
represented to the person as being stolen or that the person 7913
knows or believes to be stolen. 7914

(T) "Retail value" means the full retail value of the 7915
retail property. In determining whether the retail value of 7916
retail property equals or exceeds one thousand dollars, the 7917
value of all retail property stolen from the retail 7918
establishment or retail establishments by the same person or 7919
persons within any one-hundred-eighty-day period shall be 7920
aggregated. 7921

Sec. 2923.41. As used in sections 2923.41 to 2923.44 of 7922
the Revised Code: 7923

(A) "Criminal gang" means an ongoing formal or informal organization, association, or group of three or more persons to which all of the following apply:

(1) It has as one of its primary activities the commission of one or more of the offenses listed in division (B) of this section.

(2) It has a common name or one or more common, identifying signs, symbols, or colors.

(3) The persons in the organization, association, or group individually or collectively engage in or have engaged in a pattern of criminal gang activity.

(B)(1) "Pattern of criminal gang activity" means, subject to division (B)(2) of this section, that persons in the criminal gang have committed, attempted to commit, conspired to commit, been complicitors in the commission of, or solicited, coerced, or intimidated another to commit, attempt to commit, conspire to commit, or be in complicity in the commission of two or more of any of the following offenses:

(a) A felony or an act committed by a juvenile that would be a felony if committed by an adult;

(b) An offense of violence or an act committed by a juvenile that would be an offense of violence if committed by an adult;

(c) A violation of section 2907.04, 2909.06, 2911.211, 2917.04, 2919.23, or 2919.24 of the Revised Code, section 2921.04 or 2923.16 of the Revised Code, section 2925.03, 2925.031, or 2925.032 of the Revised Code if the offense is aggravated trafficking in marihuana, major trafficking in marihuana, or trafficking in marihuana or section 2927.12 of the

Revised Code. 7953

(2) There is a "pattern of criminal gang activity" if all 7954
of the following apply with respect to the offenses that are 7955
listed in division (B)(1)(a), (b), or (c) of this section and 7956
that persons in the criminal gang committed, attempted to 7957
commit, conspired to commit, were in complicity in committing, 7958
or solicited, coerced, or intimidated another to commit, attempt 7959
to commit, conspire to commit, or be in complicity in 7960
committing: 7961

(a) At least one of the two or more offenses is a felony. 7962

(b) At least one of those two or more offenses occurs on 7963
or after January 1, 1999. 7964

(c) The last of those two or more offenses occurs within 7965
five years after at least one of those offenses. 7966

(d) The two or more offenses are committed on separate 7967
occasions or by two or more persons. 7968

(C) "Criminal conduct" means the commission of, an attempt 7969
to commit, a conspiracy to commit, complicity in the commission 7970
of, or solicitation, coercion, or intimidation of another to 7971
commit, attempt to commit, conspire to commit, or be in 7972
complicity in the commission of an offense listed in division 7973
(B)(1)(a), (b), or (c) of this section or an act that is 7974
committed by a juvenile and that would be an offense, an attempt 7975
to commit an offense, a conspiracy to commit an offense, 7976
complicity in the commission of, or solicitation, coercion, or 7977
intimidation of another to commit, attempt to commit, conspire 7978
to commit, or be in complicity in the commission of an offense 7979
listed in division (B)(1)(a), (b), or (c) of this section if 7980
committed by an adult. 7981

(D) "Juvenile" means a person who is under eighteen years of age. 7982
7983

(E) "Law enforcement agency" includes, but is not limited to, the state board of pharmacy and the office of a prosecutor. 7984
7985

(F) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 7986
7987

Sec. 2925.02. (A) No person shall knowingly do any of the following: 7988
7989

(1) By force, threat, or deception, administer to another or induce or cause another to use a controlled substance; 7990
7991

(2) By any means, administer or furnish to another or induce or cause another to use a controlled substance with purpose to cause serious physical harm to the other person, or with purpose to cause the other person to become drug dependent; 7992
7993
7994
7995

(3) By any means, administer or furnish to another or induce or cause another to use a controlled substance, and thereby cause serious physical harm to the other person, or cause the other person to become drug dependent; 7996
7997
7998
7999

(4) By any means, do any of the following: 8000

(a) Furnish or administer a controlled substance to a juvenile who is at least two years the offender's junior, when the offender knows the age of the juvenile or is reckless in that regard; 8001
8002
8003
8004

(b) Induce or cause a juvenile who is at least two years the offender's junior to use a controlled substance, when the offender knows the age of the juvenile or is reckless in that regard; 8005
8006
8007
8008

(c) Induce or cause a juvenile who is at least two years 8009
the offender's junior to commit a felony drug abuse offense, 8010
when the offender knows the age of the juvenile or is reckless 8011
in that regard; 8012

(d) Use a juvenile, whether or not the offender knows the 8013
age of the juvenile, to perform any surveillance activity that 8014
is intended to prevent the detection of the offender or any 8015
other person in the commission of a felony drug abuse offense or 8016
to prevent the arrest of the offender or any other person for 8017
the commission of a felony drug abuse offense. 8018

(5) By any means, furnish or administer a controlled 8019
substance to a pregnant woman or induce or cause a pregnant 8020
woman to use a controlled substance, when the offender knows 8021
that the woman is pregnant or is reckless in that regard. 8022

(B) Division (A) (1), (3), (4), or (5) of this section does 8023
not apply to manufacturers, wholesalers, licensed health 8024
professionals authorized to prescribe drugs, pharmacists, owners 8025
of pharmacies, and other persons whose conduct is in accordance 8026
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 8027
4741. of the Revised Code. 8028

(C) Whoever violates this section is guilty of corrupting 8029
another with drugs. The penalty for the offense shall be 8030
determined as follows: 8031

(1) If the offense is a violation of division (A) (1), (2), 8032
(3), or (4) of this section and the drug involved is any 8033
compound, mixture, preparation, or substance included in 8034
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 8035
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 8036
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 8037

dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 8038
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 8039
offender shall be punished as follows: 8040

(a) Except as otherwise provided in division (C)(1)(b) of 8041
this section, corrupting another with drugs committed in those 8042
circumstances is a felony of the second degree and, subject to 8043
division (E) of this section, the court shall impose as a 8044
mandatory prison term a second degree felony mandatory prison 8045
term. 8046

(b) If the offense was committed in the vicinity of a 8047
school, corrupting another with drugs committed in those 8048
circumstances is a felony of the first degree, and, subject to 8049
division (E) of this section, the court shall impose as a 8050
mandatory prison term a first degree felony mandatory prison 8051
term. 8052

(2) If the offense is a violation of division (A)(1), (2), 8053
(3), or (4) of this section and the drug involved is any 8054
compound, mixture, preparation, or substance included in 8055
schedule III, IV, or V, the offender shall be punished as 8056
follows: 8057

(a) Except as otherwise provided in division (C)(2)(b) of 8058
this section, corrupting another with drugs committed in those 8059
circumstances is a felony of the second degree and there is a 8060
presumption for a prison term for the offense. 8061

(b) If the offense was committed in the vicinity of a 8062
school, corrupting another with drugs committed in those 8063
circumstances is a felony of the second degree and the court 8064
shall impose as a mandatory prison term a second degree felony 8065
mandatory prison term. 8066

(3) If the offense is a violation of division (A) (1), (2), 8067
(3), or (4) of this section and the drug involved is marihuana, 8068
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 8069
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 8070
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 8071
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 8072
offender shall be punished as follows: 8073

(a) Except as otherwise provided in division (C) (3) (b) of 8074
this section, corrupting another with drugs committed in those 8075
circumstances is a felony of the fourth degree and division (C) 8076
of section 2929.13 of the Revised Code applies in determining 8077
whether to impose a prison term on the offender. 8078

(b) If the offense was committed in the vicinity of a 8079
school, corrupting another with drugs committed in those 8080
circumstances is a felony of the third degree and division (C) 8081
of section 2929.13 of the Revised Code applies in determining 8082
whether to impose a prison term on the offender. 8083

(4) If the offense is a violation of division (A) (5) of 8084
this section and the drug involved is any compound, mixture, 8085
preparation, or substance included in schedule I or II, with the 8086
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 8087
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 8088
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 8089
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 8090
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 8091
felony of the first degree and, subject to division (E) of this 8092
section, the court shall impose as a mandatory prison term a 8093
first degree felony mandatory prison term. 8094

(5) If the offense is a violation of division (A) (5) of 8095
this section and the drug involved is any compound, mixture, 8096

preparation, or substance included in schedule III, IV, or V, 8097
corrupting another with drugs is a felony of the second degree 8098
and the court shall impose as a mandatory prison term a second 8099
degree felony mandatory prison term. 8100

(6) If the offense is a violation of division (A) (5) of 8101
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 8102
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 8103
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 8104
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 8105
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 8106
corrupting another with drugs is a felony of the third degree 8107
and division (C) of section 2929.13 of the Revised Code applies 8108
in determining whether to impose a prison term on the offender. 8109

(D) In addition to any prison term authorized or required 8110
by division (C) or (E) of this section and sections 2929.13 and 8111
2929.14 of the Revised Code and in addition to any other 8112
sanction imposed for the offense under this section or sections 8113
2929.11 to 2929.18 of the Revised Code, the court that sentences 8114
an offender who is convicted of or pleads guilty to a violation 8115
of division (A) of this section may suspend for not more than 8116
five years the offender's driver's or commercial driver's 8117
license or permit. However, if the offender pleaded guilty to or 8118
was convicted of a violation of section 4511.19 of the Revised 8119
Code or a substantially similar municipal ordinance or the law 8120
of another state or the United States arising out of the same 8121
set of circumstances as the violation, the court shall suspend 8122
the offender's driver's or commercial driver's license or permit 8123
for not more than five years. The court also shall do all of the 8124
following that are applicable regarding the offender: 8125

(1) (a) If the violation is a felony of the first, second, 8126

or third degree, the court shall impose upon the offender the 8127
mandatory fine specified for the offense under division (B) (1) 8128
of section 2929.18 of the Revised Code unless, as specified in 8129
that division, the court determines that the offender is 8130
indigent. 8131

(b) Notwithstanding any contrary provision of section 8132
3719.21 of the Revised Code, any mandatory fine imposed pursuant 8133
to division (D) (1) (a) of this section and any fine imposed for a 8134
violation of this section pursuant to division (A) of section 8135
2929.18 of the Revised Code shall be paid by the clerk of the 8136
court in accordance with and subject to the requirements of, and 8137
shall be used as specified in, division ~~(F)~~(N) of section 8138
2925.03 of the Revised Code. 8139

(c) If a person is charged with any violation of this 8140
section that is a felony of the first, second, or third degree, 8141
posts bail, and forfeits the bail, the forfeited bail shall be 8142
paid by the clerk of the court pursuant to division (D) (1) (b) of 8143
this section as if it were a fine imposed for a violation of 8144
this section. 8145

(2) If the offender is a professionally licensed person, 8146
in addition to any other sanction imposed for a violation of 8147
this section, the court immediately shall comply with section 8148
2925.38 of the Revised Code. 8149

(E) Notwithstanding the prison term otherwise authorized 8150
or required for the offense under division (C) of this section 8151
and sections 2929.13 and 2929.14 of the Revised Code, if the 8152
violation of division (A) of this section involves the sale, 8153
offer to sell, or possession of a schedule I or II controlled 8154
substance, with the exception of marihuana, 1-Pentyl-3-(1- 8155
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 8156

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, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in division (A) of section 2941.1410 of the Revised Code, the court, in lieu of the prison term that otherwise is authorized or required, shall impose upon the offender the mandatory prison term specified in division (B) (3) (a) of section 2929.14 of the Revised Code.

(F) (1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under division (D) of this section, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed or from the day on which the offender finally was released from a prison term under the sentence, whichever is later, may file a motion with the sentencing court requesting termination of the suspension. Upon the filing of the motion and the court's finding of good cause for the determination, the court may terminate the suspension.

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

file such a motion. 8188

Upon the filing of a motion under division (F) (2) of this 8189
section, the sentencing court, in its discretion, may terminate 8190
the suspension. 8191

Sec. 2925.04. (A) No person shall knowingly cultivate 8192
marihuana or knowingly manufacture or otherwise engage in any 8193
part of the production of a controlled substance. 8194

(B) This section does not apply to any person listed in 8195
division (B) (1), (2), or (3) of section 2925.03 of the Revised 8196
Code to the extent and under the circumstances described in 8197
those divisions. 8198

(C) (1) Whoever commits a violation of division (A) of this 8199
section that involves any drug other than marihuana is guilty of 8200
illegal manufacture of drugs, and whoever commits a violation of 8201
division (A) of this section that involves marihuana is guilty 8202
of illegal cultivation of marihuana. 8203

(2) Except as otherwise provided in this division, if the 8204
drug involved in the violation of division (A) of this section 8205
is any compound, mixture, preparation, or substance included in 8206
schedule I or II, with the exception of methamphetamine or 8207
marihuana, illegal manufacture of drugs is a felony of the 8208
second degree, and, subject to division (E) of this section, the 8209
court shall impose as a mandatory prison term a second degree 8210
felony mandatory prison term. 8211

If the drug involved in the violation is any compound, 8212
mixture, preparation, or substance included in schedule I or II, 8213
with the exception of methamphetamine or marihuana, and if the 8214
offense was committed in the vicinity of a juvenile or in the 8215
vicinity of a school, illegal manufacture of drugs is a felony 8216

of the first degree, and, subject to division (E) of this 8217
section, the court shall impose as a mandatory prison term a 8218
first degree felony mandatory prison term. 8219

(3) If the drug involved in the violation of division (A) 8220
of this section is methamphetamine, the penalty for the 8221
violation shall be determined as follows: 8222

(a) Except as otherwise provided in division (C) (3) (b) of 8223
this section, if the drug involved in the violation is 8224
methamphetamine, illegal manufacture of drugs is a felony of the 8225
second degree, and, subject to division (E) of this section, the 8226
court shall impose a mandatory prison term on the offender 8227
determined in accordance with this division. Except as otherwise 8228
provided in this division, the court shall impose as a mandatory 8229
prison term a second degree felony mandatory prison term that is 8230
not less than three years. If the offender previously has been 8231
convicted of or pleaded guilty to a violation of division (A) of 8232
this section, a violation of division (B) (6) of section 2919.22 8233
of the Revised Code, or a violation of division (A) of section 8234
2925.041 of the Revised Code, the court shall impose as a 8235
mandatory prison term a second degree felony mandatory prison 8236
term that is not less than five years. 8237

(b) If the drug involved in the violation is 8238
methamphetamine and if the offense was committed in the vicinity 8239
of a juvenile, in the vicinity of a school, or on public 8240
premises, illegal manufacture of drugs is a felony of the first 8241
degree, and, subject to division (E) of this section, the court 8242
shall impose a mandatory prison term on the offender determined 8243
in accordance with this division. Except as otherwise provided 8244
in this division, the court shall impose as a mandatory prison 8245
term a first degree felony mandatory prison term that is not 8246

less than four years. If the offender previously has been 8247
convicted of or pleaded guilty to a violation of division (A) of 8248
this section, a violation of division (B) (6) of section 2919.22 8249
of the Revised Code, or a violation of division (A) of section 8250
2925.041 of the Revised Code, the court shall impose as a 8251
mandatory prison term a first degree felony mandatory prison 8252
term that is not less than five years. 8253

(4) If the drug involved in the violation of division (A) 8254
of this section is any compound, mixture, preparation, or 8255
substance included in schedule III, IV, or V, illegal 8256
manufacture of drugs is a felony of the third degree or, if the 8257
offense was committed in the vicinity of a school or in the 8258
vicinity of a juvenile, a felony of the second degree, and there 8259
is a presumption for a prison term for the offense. 8260

(5) If the drug involved in the violation is marihuana, 8261
the penalty for the offense shall be determined as follows: 8262

(a) Except as otherwise provided in division (C) (5) (b), 8263
(c), (d), (e), or (f) of this section, illegal cultivation of 8264
marihuana is a minor misdemeanor or, if the offense was 8265
committed in the vicinity of a school or in the vicinity of a 8266
juvenile, a misdemeanor of the fourth degree. 8267

(b) If the amount of marihuana involved equals or exceeds 8268
one hundred grams but is less than two hundred grams, illegal 8269
cultivation of marihuana is a misdemeanor of the fourth degree 8270
or, if the offense was committed in the vicinity of a school or 8271
in the vicinity of a juvenile, a misdemeanor of the third 8272
degree. 8273

(c) If the amount of marihuana involved equals or exceeds 8274
two hundred grams but is less than one thousand grams, illegal 8275

cultivation of marihuana is a felony of the fifth degree or, if 8276
the offense was committed in the vicinity of a school or in the 8277
vicinity of a juvenile, a felony of the fourth degree, and 8278
division (B) of section 2929.13 of the Revised Code applies in 8279
determining whether to impose a prison term on the offender. 8280

(d) If the amount of marihuana involved equals or exceeds 8281
one thousand grams but is less than five thousand grams, illegal 8282
cultivation of marihuana is a felony of the third degree or, if 8283
the offense was committed in the vicinity of a school or in the 8284
vicinity of a juvenile, a felony of the second degree, and 8285
division (C) of section 2929.13 of the Revised Code applies in 8286
determining whether to impose a prison term on the offender. 8287

(e) If the amount of marihuana involved equals or exceeds 8288
five thousand grams but is less than twenty thousand grams, 8289
illegal cultivation of marihuana is a felony of the third degree 8290
or, if the offense was committed in the vicinity of a school or 8291
in the vicinity of a juvenile, a felony of the second degree, 8292
and there is a presumption for a prison term for the offense. 8293

(f) Except as otherwise provided in this division, if the 8294
amount of marihuana involved equals or exceeds twenty thousand 8295
grams, illegal cultivation of marihuana is a felony of the 8296
second degree, and the court shall impose as a mandatory prison 8297
term a maximum second degree felony mandatory prison term. If 8298
the amount of the drug involved equals or exceeds twenty 8299
thousand grams and if the offense was committed in the vicinity 8300
of a school or in the vicinity of a juvenile, illegal 8301
cultivation of marihuana is a felony of the first degree, and 8302
the court shall impose as a mandatory prison term a maximum 8303
first degree felony mandatory prison term. 8304

(D) In addition to any prison term authorized or required 8305

by division (C) or (E) of this section and sections 2929.13 and 8306
2929.14 of the Revised Code and in addition to any other 8307
sanction imposed for the offense under this section or sections 8308
2929.11 to 2929.18 of the Revised Code, the court that sentences 8309
an offender who is convicted of or pleads guilty to a violation 8310
of division (A) of this section may suspend the offender's 8311
driver's or commercial driver's license or permit in accordance 8312
with division ~~(G)~~(O) of section 2925.03 of the Revised Code. 8313
However, if the offender pleaded guilty to or was convicted of a 8314
violation of section 4511.19 of the Revised Code or a 8315
substantially similar municipal ordinance or the law of another 8316
state or the United States arising out of the same set of 8317
circumstances as the violation, the court shall suspend the 8318
offender's driver's or commercial driver's license or permit in 8319
accordance with division ~~(G)~~(O) of section 2925.03 of the 8320
Revised Code. If applicable, the court also shall do the 8321
following: 8322

(1) If the violation of division (A) of this section is a 8323
felony of the first, second, or third degree, the court shall 8324
impose upon the offender the mandatory fine specified for the 8325
offense under division (B)(1) of section 2929.18 of the Revised 8326
Code unless, as specified in that division, the court determines 8327
that the offender is indigent. The clerk of the court shall pay 8328
a mandatory fine or other fine imposed for a violation of this 8329
section pursuant to division (A) of section 2929.18 of the 8330
Revised Code in accordance with and subject to the requirements 8331
of division ~~(F)~~(N) of section 2925.03 of the Revised Code. The 8332
agency that receives the fine shall use the fine as specified in 8333
division ~~(F)~~(N) of section 2925.03 of the Revised Code. If a 8334
person is charged with a violation of this section that is a 8335
felony of the first, second, or third degree, posts bail, and 8336

forfeits the bail, the clerk shall pay the forfeited bail as if 8337
the forfeited bail were a fine imposed for a violation of this 8338
section. 8339

(2) If the offender is a professionally licensed person, 8340
the court immediately shall comply with section 2925.38 of the 8341
Revised Code. 8342

(E) Notwithstanding the prison term otherwise authorized 8343
or required for the offense under division (C) of this section 8344
and sections 2929.13 and 2929.14 of the Revised Code, if the 8345
violation of division (A) of this section involves the sale, 8346
offer to sell, or possession of a schedule I or II controlled 8347
substance, with the exception of marihuana, and if the court 8348
imposing sentence upon the offender finds that the offender as a 8349
result of the violation is a major drug offender and is guilty 8350
of a specification of the type described in division (A) of 8351
section 2941.1410 of the Revised Code, the court, in lieu of the 8352
prison term otherwise authorized or required, shall impose upon 8353
the offender the mandatory prison term specified in division (B) 8354
(3) of section 2929.14 of the Revised Code. 8355

(F) It is an affirmative defense, as provided in section 8356
2901.05 of the Revised Code, to a charge under this section for 8357
a fifth degree felony violation of illegal cultivation of 8358
marihuana that the marihuana that gave rise to the charge is in 8359
an amount, is in a form, is prepared, compounded, or mixed with 8360
substances that are not controlled substances in a manner, or is 8361
possessed or cultivated under any other circumstances that 8362
indicate that the marihuana was solely for personal use. 8363

Notwithstanding any contrary provision of division (F) of 8364
this section, if, in accordance with section 2901.05 of the 8365
Revised Code, a person who is charged with a violation of 8366

illegal cultivation of marihuana that is a felony of the fifth 8367
degree sustains the burden of going forward with evidence of and 8368
establishes by a preponderance of the evidence the affirmative 8369
defense described in this division, the person may be prosecuted 8370
for and may be convicted of or plead guilty to a misdemeanor 8371
violation of illegal cultivation of marihuana. 8372

(G) Arrest or conviction for a minor misdemeanor violation 8373
of this section does not constitute a criminal record and need 8374
not be reported by the person so arrested or convicted in 8375
response to any inquiries about the person's criminal record, 8376
including any inquiries contained in an application for 8377
employment, a license, or any other right or privilege or made 8378
in connection with the person's appearance as a witness. 8379

(H) (1) If the sentencing court suspends the offender's 8380
driver's or commercial driver's license or permit under this 8381
section in accordance with division ~~(G)~~(O) of section 2925.03 of 8382
the Revised Code, the offender may request termination of, and 8383
the court may terminate, the suspension of the offender in 8384
accordance with that division. 8385

(2) Any offender who received a mandatory suspension of 8386
the offender's driver's or commercial driver's license or permit 8387
under this section prior to September 13, 2016, may file a 8388
motion with the sentencing court requesting the termination of 8389
the suspension. However, an offender who pleaded guilty to or 8390
was convicted of a violation of section 4511.19 of the Revised 8391
Code or a substantially similar municipal ordinance or law of 8392
another state or the United States that arose out of the same 8393
set of circumstances as the violation for which the offender's 8394
license or permit was suspended under this section shall not 8395
file such a motion. 8396

Upon the filing of a motion under division (H) (2) of this section, the sentencing court, in its discretion, may terminate the suspension.

Sec. 2925.041. (A) No person shall knowingly assemble or possess one or more chemicals that may be used to manufacture a controlled substance in schedule I or II with the intent to manufacture a controlled substance in schedule I or II in violation of section 2925.04 of the Revised Code.

(B) In a prosecution under this section, it is not necessary to allege or prove that the offender assembled or possessed all chemicals necessary to manufacture a controlled substance in schedule I or II. The assembly or possession of a single chemical that may be used in the manufacture of a controlled substance in schedule I or II, with the intent to manufacture a controlled substance in either schedule, is sufficient to violate this section.

(C) Whoever violates this section is guilty of illegal assembly or possession of chemicals for the manufacture of drugs. Except as otherwise provided in this division, illegal assembly or possession of chemicals for the manufacture of drugs is a felony of the third degree, and, except as otherwise provided in division (C) (1) or (2) of this section, division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the offense was committed in the vicinity of a juvenile or in the vicinity of a school, illegal assembly or possession of chemicals for the manufacture of drugs is a felony of the second degree, and, except as otherwise provided in division (C) (1) or (2) of this section, division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the

offender. If the violation of division (A) of this section is a 8427
felony of the third degree under this division and if the 8428
chemical or chemicals assembled or possessed in violation of 8429
division (A) of this section may be used to manufacture 8430
methamphetamine, there either is a presumption for a prison term 8431
for the offense or the court shall impose a mandatory prison 8432
term on the offender, determined as follows: 8433

(1) Except as otherwise provided in this division, there 8434
is a presumption for a prison term for the offense. If the 8435
offender two or more times previously has been convicted of or 8436
pleaded guilty to a felony drug abuse offense, except as 8437
otherwise provided in this division, the court shall impose as a 8438
mandatory prison term one of the prison terms prescribed for a 8439
felony of the third degree that is not less than two years. If 8440
the offender two or more times previously has been convicted of 8441
or pleaded guilty to a felony drug abuse offense and if at least 8442
one of those previous convictions or guilty pleas was to a 8443
violation of division (A) of this section, a violation of 8444
division (B) (6) of section 2919.22 of the Revised Code, or a 8445
violation of division (A) of section 2925.04 of the Revised 8446
Code, the court shall impose as a mandatory prison term one of 8447
the prison terms prescribed for a felony of the third degree 8448
that is not less than five years. 8449

(2) If the violation of division (A) of this section is a 8450
felony of the second degree under division (C) of this section 8451
and the chemical or chemicals assembled or possessed in 8452
committing the violation may be used to manufacture 8453
methamphetamine, the court shall impose as a mandatory prison 8454
term one of the prison terms prescribed for a felony of the 8455
second degree that is not less than three years. If the 8456
violation of division (A) of this section is a felony of the 8457

second degree under division (C) of this section, if the
chemical or chemicals assembled or possessed in committing the
violation may be used to manufacture methamphetamine, and if the
offender previously has been convicted of or pleaded guilty to a
violation of division (A) of this section, a violation of
division (B) (6) of section 2919.22 of the Revised Code, or a
violation of division (A) of section 2925.04 of the Revised
Code, the court shall impose as a mandatory prison term one of
the prison terms prescribed for a felony of the second degree
that is not less than five years.

(D) In addition to any prison term authorized 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 this section may
suspend the offender's driver's or commercial driver's license
or permit in accordance with division ~~(G)~~(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 offender's driver's or commercial driver's license
or permit in accordance with division ~~(G)~~(O) of section 2925.03
of the Revised Code. If applicable, the court also shall do the
following:

(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 8489
imposed for a violation of this section under division (A) of 8490
section 2929.18 of the Revised Code in accordance with and 8491
subject to the requirements of division ~~(F)~~(N) of section 8492
2925.03 of the Revised Code. The agency that receives the fine 8493
shall use the fine as specified in division ~~(F)~~(N) of section 8494
2925.03 of the Revised Code. If a person charged with a 8495
violation of this section posts bail and forfeits the bail, the 8496
clerk shall pay the forfeited bail as if the forfeited bail were 8497
a fine imposed for a violation of this section. 8498

(2) If the offender is a professionally licensed person or 8499
a person who has been admitted to the bar by order of the 8500
supreme court in compliance with its prescribed and published 8501
rules, the court shall comply with section 2925.38 of the 8502
Revised Code. 8503

(E) (1) If the sentencing court suspends the offender's 8504
driver's or commercial driver's license or permit under this 8505
section in accordance with division ~~(G)~~(O) of section 2925.03 of 8506
the Revised Code, the offender may request termination of, and 8507
the court may terminate, the suspension of the offender in 8508
accordance with that division. 8509

(2) Any offender who received a mandatory suspension of 8510
the offender's driver's or commercial driver's license or permit 8511
under this section prior to ~~the effective date of this amendment~~ 8512
September 13, 2016, may file a motion with the sentencing court 8513
requesting the termination of the suspension. However, an 8514
offender who pleaded guilty to or was convicted of a violation 8515
of section 4511.19 of the Revised Code or a substantially 8516
similar municipal ordinance or law of another state or the 8517
United States that arose out of the same set of circumstances as 8518

the violation for which the offender's license or permit was 8519
suspended under this section shall not file such a motion. 8520

Upon the filing of a motion under division (E) (2) of this 8521
section, the sentencing court, in its discretion, may terminate 8522
the suspension. 8523

Sec. 2925.05. (A) No person shall knowingly provide money 8524
or other items of value to another person with the purpose that 8525
the recipient of the money or items of value use them to obtain 8526
any controlled substance for the purpose of violating section 8527
2925.04 of the Revised Code or for the purpose of selling or 8528
offering to sell the controlled substance in the following 8529
amount: 8530

(1) If the drug to be sold or offered for sale is any 8531
compound, mixture, preparation, or substance included in 8532
schedule I or II, with the exception of marihuana, cocaine, 8533
L.S.D., heroin, any fentanyl-related compound, and hashish, or 8534
schedule III, IV, or V, an amount of the drug that equals or 8535
exceeds the bulk amount of the drug; 8536

(2) If the drug to be sold or offered for sale is 8537
marihuana or a compound, mixture, preparation, or substance 8538
other than hashish containing marihuana, an amount of the 8539
marihuana that equals or exceeds two hundred grams; 8540

(3) If the drug to be sold or offered for sale is cocaine 8541
or a compound, mixture, preparation, or substance containing 8542
cocaine, an amount of the cocaine that equals or exceeds five 8543
grams; 8544

(4) If the drug to be sold or offered for sale is L.S.D. 8545
or a compound, mixture, preparation, or substance containing 8546
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 8547

doses if the L.S.D. is in a solid form or equals or exceeds one 8548
gram if the L.S.D. is in a liquid concentrate, liquid extract, 8549
or liquid distillate form; 8550

(5) If the drug to be sold or offered for sale is heroin 8551
or a fentanyl-related compound, or a compound, mixture, 8552
preparation, or substance containing heroin or a fentanyl- 8553
related compound, an amount that equals or exceeds ten unit 8554
doses or equals or exceeds one gram; 8555

(6) If the drug to be sold or offered for sale is hashish 8556
or a compound, mixture, preparation, or substance containing 8557
hashish, an amount of the hashish that equals or exceeds ten 8558
grams if the hashish is in a solid form or equals or exceeds two 8559
grams if the hashish is in a liquid concentrate, liquid extract, 8560
or liquid distillate form. 8561

(B) This section does not apply to any person listed in 8562
division (B) (1), (2), or (3) of section 2925.03 of the Revised 8563
Code to the extent and under the circumstances described in 8564
those divisions. 8565

(C) (1) If the drug involved in the violation is any 8566
compound, mixture, preparation, or substance included in 8567
schedule I or II, with the exception of marihuana, whoever 8568
violates division (A) of this section is guilty of aggravated 8569
funding of drug trafficking, a felony of the first degree, and, 8570
subject to division (E) of this section, the court shall impose 8571
as a mandatory prison term a first degree felony mandatory 8572
prison term. 8573

(2) If the drug involved in the violation is any compound, 8574
mixture, preparation, or substance included in schedule III, IV, 8575
or V, whoever violates division (A) of this section is guilty of 8576

funding of drug trafficking, a felony of the second degree, and 8577
the court shall impose as a mandatory prison term a second 8578
degree felony mandatory prison term. 8579

(3) If the drug involved in the violation is marihuana, 8580
whoever violates division (A) of this section is guilty of 8581
funding of marihuana trafficking, a felony of the third degree, 8582
and, except as otherwise provided in this division, there is a 8583
presumption for a prison term for the offense. If funding of 8584
marihuana trafficking is a felony of the third degree under this 8585
division and if the offender two or more times previously has 8586
been convicted of or pleaded guilty to a felony drug abuse 8587
offense, the court shall impose as a mandatory prison term one 8588
of the prison terms prescribed for a felony of the third degree. 8589

(D) In addition to any prison term authorized or required 8590
by division (C) or (E) of this section and sections 2929.13 and 8591
2929.14 of the Revised Code and in addition to any other 8592
sanction imposed for the offense under this section or sections 8593
2929.11 to 2929.18 of the Revised Code, the court that sentences 8594
an offender who is convicted of or pleads guilty to a violation 8595
of division (A) of this section may suspend the offender's 8596
driver's or commercial driver's license or permit in accordance 8597
with division ~~(G)~~(O) of section 2925.03 of the Revised Code. 8598
However, if the offender pleaded guilty to or was convicted of a 8599
violation of section 4511.19 of the Revised Code or a 8600
substantially similar municipal ordinance or the law of another 8601
state or the United States arising out of the same set of 8602
circumstances as the violation, the court shall suspend the 8603
offender's driver's or commercial driver's license or permit in 8604
accordance with division ~~(G)~~(O) of section 2925.03 of the 8605
Revised Code. If applicable, the court also shall do the 8606
following: 8607

(1) The court shall impose the mandatory fine specified 8608
for the offense under division (B) (1) of section 2929.18 of the 8609
Revised Code unless, as specified in that division, the court 8610
determines that the offender is indigent. The clerk of the court 8611
shall pay a mandatory fine or other fine imposed for a violation 8612
of this section pursuant to division (A) of section 2929.18 of 8613
the Revised Code in accordance with and subject to the 8614
requirements of division ~~(F)~~(N) of section 2925.03 of the 8615
Revised Code. The agency that receives the fine shall use the 8616
fine in accordance with division ~~(F)~~(N) of section 2925.03 of 8617
the Revised Code. If a person is charged with a violation of 8618
this section, posts bail, and forfeits the bail, the forfeited 8619
bail shall be paid as if the forfeited bail were a fine imposed 8620
for a violation of this section. 8621

(2) If the offender is a professionally licensed person, 8622
the court immediately shall comply with section 2925.38 of the 8623
Revised Code. 8624

(E) Notwithstanding the prison term otherwise authorized 8625
or required for the offense under division (C) of this section 8626
and sections 2929.13 and 2929.14 of the Revised Code, if the 8627
violation of division (A) of this section involves the sale, 8628
offer to sell, or possession of a schedule I or II controlled 8629
substance, with the exception of marihuana, one of the following 8630
applies: 8631

(1) If the drug involved in the violation is a fentanyl- 8632
related compound, the offense is a felony of the first degree, 8633
the offender is a major drug offender, and the court shall 8634
impose as a mandatory prison term the maximum prison term 8635
prescribed for a felony of the first degree. 8636

(2) If division (E) (1) of this section does not apply and 8637

the court imposing sentence upon the offender finds that the 8638
offender as a result of the violation is a major drug offender 8639
and is guilty of a specification of the type described in 8640
division (A) of section 2941.1410 of the Revised Code, the 8641
court, in lieu of the prison term otherwise authorized or 8642
required, shall impose upon the offender the mandatory prison 8643
term specified in division (B) (3) of section 2929.14 of the 8644
Revised Code. 8645

(F) (1) If the sentencing court suspends the offender's 8646
driver's or commercial driver's license or permit under this 8647
section in accordance with division ~~(G)~~(O) of section 2925.03 of 8648
the Revised Code, the offender may request termination of, and 8649
the court may terminate, the suspension in accordance with that 8650
division. 8651

(2) Any offender who received a mandatory suspension of 8652
the offender's driver's or commercial driver's license or permit 8653
under this section prior to September 13, 2016, may file a 8654
motion with the sentencing court requesting the termination of 8655
the suspension. However, an offender who pleaded guilty to or 8656
was convicted of a violation of section 4511.19 of the Revised 8657
Code or a substantially similar municipal ordinance or law of 8658
another state or the United States that arose out of the same 8659
set of circumstances as the violation for which the offender's 8660
license or permit was suspended under this section shall not 8661
file such a motion. 8662

Upon the filing of a motion under division (F) (2) of this 8663
section, the sentencing court, in its discretion, may terminate 8664
the suspension. 8665

Sec. 2925.06. (A) No person shall knowingly administer to 8666
a human being, or prescribe or dispense for administration to a 8667

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 ~~(G)~~(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 offender's driver's or commercial driver's license or permit in accordance with division ~~(G)~~(O) of section 2925.03 of the Revised Code. If an offender's driver's or commercial driver's license or permit is suspended in accordance with that division,

the offender may request termination of, and the court may 8698
terminate, the suspension in accordance with that division. 8699

If the offender is a professionally licensed person, the 8700
court immediately shall comply with section 2925.38 of the 8701
Revised Code. 8702

(2) Any offender who received a mandatory suspension of 8703
the offender's driver's or commercial driver's license or permit 8704
under this section prior to ~~the effective date of this amendment~~ 8705
September 13, 2016, may file a motion with the sentencing court 8706
requesting the termination of the suspension. However, an 8707
offender who pleaded guilty to or was convicted of a violation 8708
of section 4511.19 of the Revised Code or a substantially 8709
similar municipal ordinance or law of another state or the 8710
United States that arose out of the same set of circumstances as 8711
the violation for which the offender's license or permit was 8712
suspended under this section shall not file such a motion. 8713

Upon the filing of a motion under division (D) (2) of this 8714
section, the sentencing court, in its discretion, may terminate 8715
the suspension. 8716

(E) If a person commits any act that constitutes a 8717
violation of division (A) of this section and that also 8718
constitutes a violation of any other provision of the Revised 8719
Code, the prosecutor, as defined in section 2935.01 of the 8720
Revised Code, using customary prosecutorial discretion, may 8721
prosecute the person for a violation of the appropriate 8722
provision of the Revised Code. 8723

Sec. 2925.13. (A) No person who is the owner, operator, or 8724
person in charge of a locomotive, watercraft, aircraft, or other 8725
vehicle, as defined in division (A) of section 4501.01 of the 8726

Revised Code, shall knowingly permit the vehicle to be used for 8727
the commission of a felony drug abuse offense. 8728

(B) No person who is the owner, lessee, or occupant, or 8729
who has custody, control, or supervision, of premises or real 8730
estate, including vacant land, shall knowingly permit the 8731
premises or real estate, including vacant land, to be used for 8732
the commission of a felony drug abuse offense by another person. 8733

(C) (1) Whoever violates this section is guilty of 8734
permitting drug abuse. 8735

(2) Except as provided in division (C) (3) of this section, 8736
permitting drug abuse is a misdemeanor of the first degree. 8737

(3) Permitting drug abuse is a felony of the fifth degree, 8738
and division (C) of section 2929.13 of the Revised Code applies 8739
in determining whether to impose a prison term on the offender, 8740
if either of the following applies: 8741

(a) The felony drug abuse offense in question is a 8742
violation of section 2925.02, 2925.03, 2925.031, 2925.032, or 8743
2925.04 of the Revised Code. 8744

(b) The felony drug abuse offense in question is a 8745
violation of section 2925.041 of the Revised Code and the 8746
offender had actual knowledge, at the time the offender 8747
permitted the vehicle, premises, or real estate to be used as 8748
described in division (A) or (B) of this section, that the 8749
person who assembled or possessed the chemicals in question in 8750
violation of section 2925.041 of the Revised Code had assembled 8751
or possessed them with the intent to manufacture a controlled 8752
substance in schedule I or II in violation of section 2925.04 of 8753
the Revised Code. 8754

(D) (1) In addition to any prison term authorized or 8755

required by division (C) of this section and sections 2929.13 8756
and 2929.14 of the Revised Code and in addition to any other 8757
sanction imposed for the offense under this section or sections 8758
2929.11 to 2929.18 of the Revised Code, the court that sentences 8759
a person who is convicted of or pleads guilty to a violation of 8760
division (A) of this section may suspend for not more than five 8761
years the offender's driver's or commercial driver's license or 8762
permit. However, if the offender pleaded guilty to or was 8763
convicted of a violation of section 4511.19 of the Revised Code 8764
or a substantially similar municipal ordinance or the law of 8765
another state or the United States arising out of the same set 8766
of circumstances as the violation, the court shall suspend the 8767
offender's driver's or commercial driver's license or permit for 8768
not more than five years. 8769

If the offender is a professionally licensed person, in 8770
addition to any other sanction imposed for a violation of this 8771
section, the court immediately shall comply with section 2925.38 8772
of the Revised Code. 8773

(2) Any offender who received a mandatory suspension of 8774
the offender's driver's or commercial driver's license or permit 8775
under this section prior to September 13, 2016, may file a 8776
motion with the sentencing court requesting the termination of 8777
the suspension. However, an offender who pleaded guilty to or 8778
was convicted of a violation of section 4511.19 of the Revised 8779
Code or a substantially similar municipal ordinance or law of 8780
another state or the United States that arose out of the same 8781
set of circumstances as the violation for which the offender's 8782
license or permit was suspended under this section shall not 8783
file such a motion. 8784

Upon the filing of a motion under division (D) (2) of this 8785

section, the sentencing court, in its discretion, may terminate 8786
the suspension. 8787

(E) Notwithstanding any contrary provision of section 8788
3719.21 of the Revised Code, the clerk of the court shall pay a 8789
fine imposed for a violation of this section pursuant to 8790
division (A) of section 2929.18 of the Revised Code in 8791
accordance with and subject to the requirements of division ~~(F)~~ 8792
(N) of section 2925.03 of the Revised Code. The agency that 8793
receives the fine shall use the fine as specified in division 8794
~~(F)~~(N) of section 2925.03 of the Revised Code. 8795

(F) Any premises or real estate that is permitted to be 8796
used in violation of division (B) of this section constitutes a 8797
nuisance subject to abatement pursuant to Chapter 3767. of the 8798
Revised Code. 8799

Sec. 2925.22. (A) No person, by deception, shall procure 8800
the administration of, a prescription for, or the dispensing of, 8801
a dangerous drug or shall possess an uncompleted preprinted 8802
prescription blank used for writing a prescription for a 8803
dangerous drug. 8804

(B) Whoever violates this section is guilty of deception 8805
to obtain a dangerous drug. The penalty for the offense shall be 8806
determined as follows: 8807

(1) If the person possesses an uncompleted preprinted 8808
prescription blank used for writing a prescription for a 8809
dangerous drug or if the drug involved is a dangerous drug, 8810
except as otherwise provided in division (B) (2) or (3) of this 8811
section, deception to obtain a dangerous drug is a felony of the 8812
fifth degree or, if the offender previously has been convicted 8813
of or pleaded guilty to a drug abuse offense, a felony of the 8814

fourth degree. Division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender pursuant to this division.

(2) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, the penalty for deception to obtain drugs is one of the following:

(a) Except as otherwise provided in division (B) (2) (b), (c), or (d) of this section, it 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 amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, or if the amount of the drug involved that could be obtained pursuant to the prescription would equal or exceed the bulk amount but would be less than five times the bulk amount, it 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, or if the amount of the drug involved that could be obtained pursuant to the prescription would equal or exceed five times the bulk amount but would be less than fifty times the bulk amount, it is a felony of the second 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, or if the amount of the drug involved that could be obtained pursuant to the prescription

would equal or exceed fifty times the bulk amount, it is a 8844
felony of the first degree, and there is a presumption for a 8845
prison term for the offense. 8846

(3) If the drug involved is a compound, mixture, 8847
preparation, or substance included in schedule III, IV, or V or 8848
is marihuana, the penalty for deception to obtain a dangerous 8849
drug is one of the following: 8850

(a) Except as otherwise provided in division (B) (3) (b), 8851
(c), or (d) of this section, it is a felony of the fifth degree, 8852
and division (C) of section 2929.13 of the Revised Code applies 8853
in determining whether to impose a prison term on the offender. 8854

(b) If the amount of the drug involved equals or exceeds 8855
the bulk amount but is less than five times the bulk amount, or 8856
if the amount of the drug involved that could be obtained 8857
pursuant to the prescription would equal or exceed the bulk 8858
amount but would be less than five times the bulk amount, it is 8859
a felony of the fourth degree, and division (C) of section 8860
2929.13 of the Revised Code applies in determining whether to 8861
impose a prison term on the offender. 8862

(c) If the amount of the drug involved equals or exceeds 8863
five times the bulk amount but is less than fifty times the bulk 8864
amount, or if the amount of the drug involved that could be 8865
obtained pursuant to the prescription would equal or exceed five 8866
times the bulk amount but would be less than fifty times the 8867
bulk amount, it is a felony of the third degree, and there is a 8868
presumption for a prison term for the offense. 8869

(d) If the amount of the drug involved equals or exceeds 8870
fifty times the bulk amount, or if the amount of the drug 8871
involved that could be obtained pursuant to the prescription 8872

would equal or exceed fifty times the bulk amount, it is a 8873
felony of the second degree, and there is a presumption for a 8874
prison term for the offense. 8875

(C) (1) In addition to any prison term authorized or 8876
required by division (B) of this section and sections 2929.13 8877
and 2929.14 of the Revised Code and in addition to any other 8878
sanction imposed for the offense under this section or sections 8879
2929.11 to 2929.18 of the Revised Code, the court that sentences 8880
an offender who is convicted of or pleads guilty to a violation 8881
of division (A) of this section may suspend for not more than 8882
five years the offender's driver's or commercial driver's 8883
license or permit. However, if the offender pleaded guilty to or 8884
was convicted of a violation of section 4511.19 of the Revised 8885
Code or a substantially similar municipal ordinance or the law 8886
of another state or the United States arising out of the same 8887
set of circumstances as the violation, the court shall suspend 8888
the offender's driver's or commercial driver's license or permit 8889
for not more than five years. 8890

If the offender is a professionally licensed person, in 8891
addition to any other sanction imposed for a violation of this 8892
section, the court immediately shall comply with section 2925.38 8893
of the Revised Code. 8894

(2) Any offender who received a mandatory suspension of 8895
the offender's driver's or commercial driver's license or permit 8896
under this section prior to ~~the effective date of this amendment~~ 8897
September 13, 2016, may file a motion with the sentencing court 8898
requesting the termination of the suspension. However, an 8899
offender who pleaded guilty to or was convicted of a violation 8900
of section 4511.19 of the Revised Code or a substantially 8901
similar municipal ordinance or law of another state or the 8902

United States that arose out of the same set of circumstances as 8903
the violation for which the offender's license or permit was 8904
suspended under this section shall not file such a motion. 8905

Upon the filing of a motion under division (C) (2) of this 8906
section, the sentencing court, in its discretion, may terminate 8907
the suspension. 8908

(D) Notwithstanding any contrary provision of section 8909
3719.21 of the Revised Code, the clerk of the court shall pay a 8910
fine imposed for a violation of this section pursuant to 8911
division (A) of section 2929.18 of the Revised Code in 8912
accordance with and subject to the requirements of division ~~(F)~~ 8913
(N) of section 2925.03 of the Revised Code. The agency that 8914
receives the fine shall use the fine as specified in division 8915
~~(F)~~(N) of section 2925.03 of the Revised Code. 8916

Sec. 2925.23. (A) No person shall knowingly make a false 8917
statement in any prescription, order, report, or record required 8918
by Chapter 3719. or 4729. of the Revised Code. 8919

(B) No person shall intentionally make, utter, or sell, or 8920
knowingly possess any of the following that is a false or 8921
forged: 8922

(1) Prescription; 8923

(2) Uncompleted preprinted prescription blank used for 8924
writing a prescription; 8925

(3) Official written order; 8926

(4) License for a terminal distributor of dangerous drugs, 8927
as defined in section 4729.01 of the Revised Code; 8928

(5) License for a manufacturer of dangerous drugs, 8929
outsourcing facility, third-party logistics provider, repackager 8930

of dangerous drugs, or wholesale distributor of dangerous drugs, 8931
as defined in section 4729.01 of the Revised Code. 8932

(C) No person, by theft as defined in section 2913.02 of 8933
the Revised Code, shall acquire any of the following: 8934

(1) A prescription; 8935

(2) An uncompleted preprinted prescription blank used for 8936
writing a prescription; 8937

(3) An official written order; 8938

(4) A blank official written order; 8939

(5) A license or blank license for a terminal distributor 8940
of dangerous drugs, as defined in section 4729.01 of the Revised 8941
Code; 8942

(6) A license or blank license for a manufacturer of 8943
dangerous drugs, outsourcing facility, third-party logistics 8944
provider, repackager of dangerous drugs, or wholesale 8945
distributor of dangerous drugs, as defined in section 4729.01 of 8946
the Revised Code. 8947

(D) No person shall knowingly make or affix any false or 8948
forged label to a package or receptacle containing any dangerous 8949
drugs. 8950

(E) Divisions (A) and (D) of this section do not apply to 8951
licensed health professionals authorized to prescribe drugs, 8952
pharmacists, owners of pharmacies, and other persons whose 8953
conduct is in accordance with Chapters 3719., 4715., 4723., 8954
4725., 4729., 4730., 4731., and 4741. of the Revised Code. 8955

(F) Whoever violates this section is guilty of illegal 8956
processing of drug documents. If the offender violates division 8957

(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 8958
section, illegal processing of drug documents is a felony of the 8959
fifth degree. If the offender violates division (A), division 8960
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 8961
section, the penalty for illegal processing of drug documents 8962
shall be determined as follows: 8963

(1) If the drug involved is a compound, mixture, 8964
preparation, or substance included in schedule I or II, with the 8965
exception of marihuana, illegal processing of drug documents is 8966
a felony of the fourth degree, and division (C) of section 8967
2929.13 of the Revised Code applies in determining whether to 8968
impose a prison term on the offender. 8969

(2) If the drug involved is a dangerous drug or a 8970
compound, mixture, preparation, or substance included in 8971
schedule III, IV, or V or is marihuana, illegal processing of 8972
drug documents is a felony of the fifth degree, and division (C) 8973
of section 2929.13 of the Revised Code applies in determining 8974
whether to impose a prison term on the offender. 8975

(G) (1) In addition to any prison term authorized or 8976
required by division (F) of this section and sections 2929.13 8977
and 2929.14 of the Revised Code and in addition to any other 8978
sanction imposed for the offense under this section or sections 8979
2929.11 to 2929.18 of the Revised Code, the court that sentences 8980
an offender who is convicted of or pleads guilty to any 8981
violation of divisions (A) to (D) of this section may suspend 8982
for not more than five years the offender's driver's or 8983
commercial driver's license or permit. However, if the offender 8984
pleaded guilty to or was convicted of a violation of section 8985
4511.19 of the Revised Code or a substantially similar municipal 8986
ordinance or the law of another state or the United States 8987

arising out of the same set of circumstances as the violation, 8988
the court shall suspend the offender's driver's or commercial 8989
driver's license or permit for not more than five years. 8990

If the offender is a professionally licensed person, in 8991
addition to any other sanction imposed for a violation of this 8992
section, the court immediately shall comply with section 2925.38 8993
of the Revised Code. 8994

(2) Any offender who received a mandatory suspension of 8995
the offender's driver's or commercial driver's license or permit 8996
under this section prior to September 13, 2016, may file a 8997
motion with the sentencing court requesting the termination of 8998
the suspension. However, an offender who pleaded guilty to or 8999
was convicted of a violation of section 4511.19 of the Revised 9000
Code or a substantially similar municipal ordinance or law of 9001
another state or the United States that arose out of the same 9002
set of circumstances as the violation for which the offender's 9003
license or permit was suspended under this section shall not 9004
file such a motion. 9005

Upon the filing of a motion under division (G)(2) of this 9006
section, the sentencing court, in its discretion, may terminate 9007
the suspension. 9008

(H) Notwithstanding any contrary provision of section 9009
3719.21 of the Revised Code, the clerk of court shall pay a fine 9010
imposed for a violation of this section pursuant to division (A) 9011
of section 2929.18 of the Revised Code in accordance with and 9012
subject to the requirements of division ~~(F)~~(N) of section 9013
2925.03 of the Revised Code. The agency that receives the fine 9014
shall use the fine as specified in division ~~(F)~~(N) of section 9015
2925.03 of the Revised Code. 9016

Sec. 2925.36. (A) No person shall knowingly furnish 9017
another a sample drug. 9018

(B) Division (A) of this section does not apply to 9019
manufacturers, wholesalers, pharmacists, owners of pharmacies, 9020
licensed health professionals authorized to prescribe drugs, and 9021
other persons whose conduct is in accordance with Chapters 9022
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 9023
the Revised Code. 9024

(C) (1) Whoever violates this section is guilty of illegal 9025
dispensing of drug samples. 9026

(2) If the drug involved in the offense is a compound, 9027
mixture, preparation, or substance included in schedule I or II, 9028
with the exception of marihuana, the penalty for the offense 9029
shall be determined as follows: 9030

(a) Except as otherwise provided in division (C) (2) (b) of 9031
this section, illegal dispensing of drug samples is a felony of 9032
the fifth degree, and, subject to division (E) of this section, 9033
division (C) of section 2929.13 of the Revised Code applies in 9034
determining whether to impose a prison term on the offender. 9035

(b) If the offense was committed in the vicinity of a 9036
school or in the vicinity of a juvenile, illegal dispensing of 9037
drug samples is a felony of the fourth degree, and, subject to 9038
division (E) of this section, division (C) of section 2929.13 of 9039
the Revised Code applies in determining whether to impose a 9040
prison term on the offender. 9041

(3) If the drug involved in the offense is a dangerous 9042
drug or a compound, mixture, preparation, or substance included 9043
in schedule III, IV, or V, or is marihuana, the penalty for the 9044
offense shall be determined as follows: 9045

(a) Except as otherwise provided in division (C) (3) (b) of 9046
this section, illegal dispensing of drug samples is a 9047
misdemeanor of the second degree. 9048

(b) If the offense was committed in the vicinity of a 9049
school or in the vicinity of a juvenile, illegal dispensing of 9050
drug samples is a misdemeanor of the first degree. 9051

(D) (1) In addition to any prison term authorized or 9052
required by division (C) or (E) of this section and sections 9053
2929.13 and 2929.14 of the Revised Code and in addition to any 9054
other sanction imposed for the offense under this section or 9055
sections 2929.11 to 2929.18 of the Revised Code, the court that 9056
sentences an offender who is convicted of or pleads guilty to a 9057
violation of division (A) of this section may suspend for not 9058
more than five years the offender's driver's or commercial 9059
driver's license or permit. However, if the offender pleaded 9060
guilty to or was convicted of a violation of section 4511.19 of 9061
the Revised Code or a substantially similar municipal ordinance 9062
or the law of another state or the United States arising out of 9063
the same set of circumstances as the violation, the court shall 9064
suspend the offender's driver's or commercial driver's license 9065
or permit for not more than five years. 9066

If the offender is a professionally licensed person, in 9067
addition to any other sanction imposed for a violation of this 9068
section, the court immediately shall comply with section 2925.38 9069
of the Revised Code. 9070

(2) Any offender who received a mandatory suspension of 9071
the offender's driver's or commercial driver's license or permit 9072
under this section prior to September 13, 2016, may file a 9073
motion with the sentencing court requesting the termination of 9074
the suspension. However, an offender who pleaded guilty to or 9075

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 (D) (2) of this section, the sentencing court, in its discretion, may terminate the suspension.

(E) Notwithstanding the prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, if the violation of division (A) of this section involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in division (A) of section 2941.1410 of the Revised Code, the court, in lieu of the prison term otherwise authorized or required, shall impose upon the offender the mandatory prison term specified in division (B) (3) (a) of section 2929.14 of the Revised Code.

(F) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay a fine imposed for a violation of this section pursuant to 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.

Sec. 2925.37. (A) No person shall knowingly possess any counterfeit controlled substance. 9106
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(B) No person shall knowingly make, sell, offer to sell, or deliver any substance that the person knows is a counterfeit controlled substance. 9108
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(C) No person shall make, possess, sell, offer to sell, or deliver any punch, die, plate, stone, or other device knowing or having reason to know that it will be used to print or reproduce a trademark, trade name, or other identifying mark upon a counterfeit controlled substance. 9111
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(D) No person shall sell, offer to sell, give, or deliver any counterfeit controlled substance to a juvenile. 9116
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(E) No person shall directly or indirectly represent a counterfeit controlled substance as a controlled substance by describing its effects as the physical or psychological effects associated with use of a controlled substance. 9118
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(F) No person shall directly or indirectly falsely represent or advertise a counterfeit controlled substance as a controlled substance. As used in this division, "advertise" means engaging in "advertisement," as defined in section 3715.01 of the Revised Code. 9122
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(G) Whoever violates division (A) of this section is guilty of possession of counterfeit controlled substances, a misdemeanor of the first degree. 9127
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(H) Whoever violates division (B) or (C) of this section is guilty of trafficking in counterfeit controlled substances. Except as otherwise provided in this division, trafficking in counterfeit controlled substances is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code 9130
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applies in determining whether to impose a prison term on the 9135
offender. If the offense was committed in the vicinity of a 9136
school or in the vicinity of a juvenile, trafficking in 9137
counterfeit controlled substances is a felony of the fourth 9138
degree, and division (C) of section 2929.13 of the Revised Code 9139
applies in determining whether to impose a prison term on the 9140
offender. 9141

(I) Whoever violates division (D) of this section is 9142
guilty of aggravated trafficking in counterfeit controlled 9143
substances. Except as otherwise provided in this division, 9144
aggravated trafficking in counterfeit controlled substances is a 9145
felony of the fourth degree, and division (C) of section 2929.13 9146
of the Revised Code applies in determining whether to impose a 9147
prison term on the offender. 9148

(J) Whoever violates division (E) of this section is 9149
guilty of promoting and encouraging drug abuse. Except as 9150
otherwise provided in this division, promoting and encouraging 9151
drug abuse is a felony of the fifth degree, and division (C) of 9152
section 2929.13 of the Revised Code applies in determining 9153
whether to impose a prison term on the offender. If the offense 9154
was committed in the vicinity of a school or in the vicinity of 9155
a juvenile, promoting and encouraging drug abuse is a felony of 9156
the fourth degree, and division (C) of section 2929.13 of the 9157
Revised Code applies in determining whether to impose a prison 9158
term on the offender. 9159

(K) Whoever violates division (F) of this section is 9160
guilty of fraudulent drug advertising. Except as otherwise 9161
provided in this division, fraudulent drug advertising is a 9162
felony of the fifth degree, and division (C) of section 2929.13 9163
of the Revised Code applies in determining whether to impose a 9164

prison term on the offender. If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, fraudulent drug advertising 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.

(L) (1) In addition to any prison term authorized or required by divisions (H) to (K) 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 (B), (C), (D), (E), or (F) of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend 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.

(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 9195
of section 4511.19 of the Revised Code or a substantially 9196
similar municipal ordinance or law of another state or the 9197
United States that arose out of the same set of circumstances as 9198
the violation for which the offender's license or permit was 9199
suspended under this section shall not file such a motion. 9200

Upon the filing of a motion under division (L)(2) of this 9201
section, the sentencing court, in its discretion, may terminate 9202
the suspension. 9203

(M) Notwithstanding any contrary provision of section 9204
3719.21 of the Revised Code, the clerk of the court shall pay a 9205
fine imposed for a violation of this section pursuant to 9206
division (A) of section 2929.18 of the Revised Code in 9207
accordance with and subject to the requirements of division ~~(F)~~ 9208
(N) of section 2925.03 of the Revised Code. The agency that 9209
receives the fine shall use the fine as specified in division 9210
~~(F)~~(N) of section 2925.03 of the Revised Code. 9211

Sec. 2925.38. If a person who is convicted of or pleads 9212
guilty to a violation of section 2925.02, 2925.03, 2925.031, 9213
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 9214
2925.111, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 9215
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code is a 9216
professionally licensed person, in addition to any other 9217
sanctions imposed for the violation, the court, except as 9218
otherwise provided in this section, immediately shall transmit a 9219
certified copy of the judgment entry of conviction to the 9220
regulatory or licensing board or agency that has the 9221
administrative authority to suspend or revoke the offender's 9222
professional license. If the professionally licensed person who 9223
is convicted of or pleads guilty to a violation of any section 9224

listed in this section is a person who has been admitted to the 9225
bar by order of the supreme court in compliance with its 9226
prescribed and published rules, in addition to any other 9227
sanctions imposed for the violation, the court immediately shall 9228
transmit a certified copy of the judgment entry of conviction to 9229
the secretary of the board of commissioners on grievances and 9230
discipline of the supreme court and to either the disciplinary 9231
counsel or the president, secretary, and chairperson of each 9232
certified grievance committee. 9233

Sec. 2925.42. (A) If a person is convicted of or pleads 9234
guilty to a felony drug abuse offense, or a juvenile is found by 9235
a juvenile court to be a delinquent child for an act that, if 9236
committed by an adult, would be a felony drug abuse offense, and 9237
derives profits or other proceeds from the offense or act, the 9238
court that imposes sentence or an order of disposition upon the 9239
offender or delinquent child, in lieu of any fine that the court 9240
is otherwise authorized or required to impose, may impose upon 9241
the offender or delinquent child a fine of not more than twice 9242
the gross profits or other proceeds so derived. 9243

(B) Notwithstanding any contrary provision of section 9244
3719.21 of the Revised Code, all fines imposed pursuant to this 9245
section shall be paid by the clerk of the court to the county, 9246
municipal corporation, township, park district, as created 9247
pursuant to section 511.18 or 1545.01 of the Revised Code, or 9248
state law enforcement agencies in this state that were primarily 9249
responsible for or involved in making the arrest of, and in 9250
prosecuting, the offender. However, no fine so imposed shall be 9251
paid to a law enforcement agency unless the agency has adopted a 9252
written internal control policy under division ~~(F)~~(N)(2) of 9253
section 2925.03 of the Revised Code that addresses the use of 9254
the fine moneys that it receives under this division and 9255

division ~~(F)~~(N)(1) of section 2925.03 of the Revised Code. The 9256
fines imposed and paid pursuant to this division shall be used 9257
by the law enforcement agencies to subsidize their efforts 9258
pertaining to drug offenses, in accordance with the written 9259
internal control policy adopted by the recipient agency under 9260
division ~~(F)~~(N)(2) of section 2925.03 of the Revised Code. 9261

(C) As used in this section: 9262

(1) "Law enforcement agencies" includes, but is not 9263
limited to, the state board of pharmacy and the office of a 9264
prosecutor. 9265

(2) "Prosecutor" has the same meaning as in section 9266
2935.01 of the Revised Code. 9267

Sec. 2925.51. (A) In any criminal prosecution for a 9268
violation of this chapter or Chapter 3719. of the Revised Code, 9269
a laboratory report from the bureau of criminal identification 9270
and investigation, a laboratory operated by another law 9271
enforcement agency, or a laboratory established by or under the 9272
authority of an institution of higher education that has its 9273
main campus in this state and that is accredited by the 9274
association of American universities or the north central 9275
association of colleges and secondary schools, primarily for the 9276
purpose of providing scientific services to law enforcement 9277
agencies and signed by the person performing the analysis, 9278
stating that the substance that is the basis of the alleged 9279
offense has been weighed and analyzed and stating the findings 9280
as to the content, weight, and identity of the substance and 9281
that it contains any amount of a controlled substance and the 9282
number and description of unit dosages, is prima-facie evidence 9283
of the content, identity, and weight or the existence and number 9284
of unit dosages of the substance. In any criminal prosecution 9285

for a violation of section 2925.041 of the Revised Code or a 9286
violation of this chapter or Chapter 3719. of the Revised Code 9287
that is based on the possession of chemicals sufficient to 9288
produce a compound, mixture, preparation, or substance included 9289
in schedule I, II, III, IV, or V, a laboratory report from the 9290
bureau or from any laboratory that is operated or established as 9291
described in this division that is signed by the person 9292
performing the analysis, stating that the substances that are 9293
the basis of the alleged offense have been weighed and analyzed 9294
and stating the findings as to the content, weight, and identity 9295
of each of the substances, is prima-facie evidence of the 9296
content, identity, and weight of the substances. 9297

Attached to that report shall be a copy of a notarized 9298
statement by the signer of the report giving the name of the 9299
signer and stating that the signer is an employee of the 9300
laboratory issuing the report and that performing the analysis 9301
is a part of the signer's regular duties, and giving an outline 9302
of the signer's education, training, and experience for 9303
performing an analysis of materials included under this section. 9304
The signer shall attest that scientifically accepted tests were 9305
performed with due caution, and that the evidence was handled in 9306
accordance with established and accepted procedures while in the 9307
custody of the laboratory. 9308

(B) The prosecuting attorney shall serve a copy of the 9309
report on the attorney of record for the accused, or on the 9310
accused if the accused has no attorney, prior to any proceeding 9311
in which the report is to be used against the accused other than 9312
at a preliminary hearing or grand jury proceeding where the 9313
report may be used without having been previously served upon 9314
the accused. 9315

(C) The report shall not be prima-facie evidence of the 9316
contents, identity, and weight or the existence and number of 9317
unit dosages of the substance if the accused or the accused's 9318
attorney demands the testimony of the person signing the report, 9319
by serving the demand upon the prosecuting attorney within seven 9320
days from the accused or the accused's attorney's receipt of the 9321
report. The time may be extended by a trial judge in the 9322
interests of justice. 9323

(D) Any report issued for use under this section shall 9324
contain notice of the right of the accused to demand, and the 9325
manner in which the accused shall demand, the testimony of the 9326
person signing the report. 9327

(E) Any person who is accused of a violation of this 9328
chapter or of Chapter 3719. of the Revised Code is entitled, 9329
upon written request made to the prosecuting attorney, to have a 9330
portion of the substance that is, or of each of the substances 9331
that are, the basis of the alleged violation preserved for the 9332
benefit of independent analysis performed by a laboratory 9333
analyst employed by the accused person, or, if the accused is 9334
indigent, by a qualified laboratory analyst appointed by the 9335
court. Such portion shall be a representative sample of the 9336
entire substance that is, or of each of the substances that are, 9337
the basis of the alleged violation and shall be of sufficient 9338
size, in the opinion of the court, to permit the accused's 9339
analyst to make a thorough scientific analysis concerning the 9340
identity of the substance or substances. The prosecuting 9341
attorney shall provide the accused's analyst with the sample 9342
portion at least fourteen days prior to trial, unless the trial 9343
is to be held in a court not of record or unless the accused 9344
person is charged with a minor misdemeanor, in which case the 9345
prosecuting attorney shall provide the accused's analyst with 9346

the sample portion at least three days prior to trial. If the 9347
prosecuting attorney determines that such a sample portion 9348
cannot be preserved and given to the accused's analyst, the 9349
prosecuting attorney shall so inform the accused person or his 9350
attorney. In such a circumstance, the accused person is 9351
entitled, upon written request made to the prosecuting attorney, 9352
to have the accused's privately employed or court appointed 9353
analyst present at an analysis of the substance that is, or the 9354
substances that are, the basis of the alleged violation, and, 9355
upon further written request, to receive copies of all recorded 9356
scientific data that result from the analysis and that can be 9357
used by an analyst in arriving at conclusions, findings, or 9358
opinions concerning the identity of the substance or substances 9359
subject to the analysis. 9360

(F) In addition to the rights provided under division (E) 9361
of this section, any person who is accused of a violation of 9362
this chapter or of Chapter 3719. of the Revised Code that 9363
involves a bulk amount of a controlled substance, or any 9364
multiple thereof, or who is accused of a violation of former 9365
section 2925.11 or section 2925.111 of the Revised Code, other 9366
than a minor misdemeanor violation, that involves marihuana, is 9367
entitled, upon written request made to the prosecuting attorney, 9368
to have a laboratory analyst of the accused's choice, or, if the 9369
accused is indigent, a qualified laboratory analyst appointed by 9370
the court present at a measurement or weighing of the substance 9371
that is the basis of the alleged violation. Also, the accused 9372
person is entitled, upon further written request, to receive 9373
copies of all recorded scientific data that result from the 9374
measurement or weighing and that can be used by an analyst in 9375
arriving at conclusions, findings, or opinions concerning the 9376
weight, volume, or number of unit doses of the substance subject 9377

to the measurement or weighing.	9378
Sec. 2927.21. (A) As used in this section:	9379
(1) "Offense subject to forfeiture proceedings" means any of the following:	9380 9381
(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.05, 2903.06, 2903.08, 2903.09, 2903.11, 2903.12, 2903.13, 2903.14, 2903.15, 2903.16, 2903.21, or 2903.211 of the Revised Code;	9382 9383 9384 9385
(b) A violation of section 2905.01, 2905.02, 2905.03, 2905.05, 2905.11, 2905.32, or 2905.33 of the Revised Code;	9386 9387
(c) A violation of section 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.19, 2907.21, 2907.22, 2907.321, 2907.322, or 2907.323 of the Revised Code;	9388 9389 9390
(d) A violation of section 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, or 2909.29 of the Revised Code;	9391 9392 9393
(e) A violation of section 2911.01, 2911.02, 2911.11, 2911.12, or 2911.13 of the Revised Code;	9394 9395
(f) A violation of section 2915.02, 2915.03, 2915.04, or 2915.05 of the Revised Code;	9396 9397
(g) A violation of section 2921.02, 2921.03, 2921.04, 2921.05, 2921.11, 2921.12, or 2921.41 of the Revised Code;	9398 9399
(h) A violation of section 2925.02, 2925.03, <u>2925.031,</u> <u>2925.032,</u> 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, or 2925.11, <u>or 2925.111</u> of the Revised Code;	9400 9401 9402
(i) A conspiracy or attempt to commit, or complicity in committing, any offense under division (A) (1) (a), (b), (c), (d),	9403 9404

(e), (f), (g), or (h) of this section. 9405

(2) "Proceeds" has the same meaning as in section 2981.01 9406
of the Revised Code. 9407

(3) "Vehicle" has the same meaning as in section 4501.01 9408
of the Revised Code. 9409

(B) No person shall receive, retain, possess, or dispose 9410
of proceeds knowing or having reasonable cause to believe that 9411
the proceeds were derived from the commission of an offense 9412
subject to forfeiture proceedings. 9413

(C) It is not a defense to a charge of receiving proceeds 9414
of an offense subject to forfeiture proceedings in violation of 9415
this section that the proceeds were derived by means other than 9416
the commission of an offense subject to forfeiture proceedings 9417
if the property was explicitly represented to the accused person 9418
as having been derived from the commission of an offense subject 9419
to forfeiture proceedings. 9420

(D) A person shall be considered to have received, 9421
retained, possessed, or disposed of proceeds if the proceeds are 9422
found anywhere in a vehicle and the person was the last person 9423
who operated the vehicle immediately prior to the search of the 9424
vehicle by the law enforcement officer who found the proceeds. 9425

(E) Whoever violates this section is guilty of receiving 9426
proceeds of an offense subject to forfeiture proceedings. If the 9427
value of the proceeds involved is less than one thousand 9428
dollars, receiving proceeds of an offense subject to forfeiture 9429
proceedings is a misdemeanor of the first degree. If the value 9430
of the proceeds involved is one thousand dollars or more and is 9431
less than twenty-five thousand dollars, receiving proceeds of an 9432
offense subject to forfeiture proceedings is a felony of the 9433

fifth degree. If the value of the proceeds involved is twenty- 9434
five thousand dollars or more and is less than one hundred fifty 9435
thousand dollars, receiving proceeds of an offense subject to 9436
forfeiture proceedings is a felony of the fourth degree. If the 9437
value of the proceeds involved is one hundred fifty thousand 9438
dollars or more, receiving proceeds of an offense subject to 9439
forfeiture proceedings is a felony of the third degree. 9440

Sec. 2929.141. (A) Upon the conviction of or plea of 9441
guilty to a felony by a person on post-release control at the 9442
time of the commission of the felony, the court may terminate 9443
the term of post-release control, and the court may do either of 9444
the following regardless of whether the sentencing court or 9445
another court of this state imposed the original prison term for 9446
which the person is on post-release control: 9447

(1) In addition to any prison term for the new felony, 9448
impose a prison term for the post-release control violation. The 9449
maximum prison term for the violation shall be the greater of 9450
twelve months or the period of post-release control for the 9451
earlier felony minus any time the person has spent under post- 9452
release control for the earlier felony. In all cases, any prison 9453
term imposed for the violation shall be reduced by any prison 9454
term that is administratively imposed by the parole board as a 9455
post-release control sanction. A prison term imposed for the 9456
violation shall be served consecutively to any prison term 9457
imposed for the new felony. The imposition of a prison term for 9458
the post-release control violation shall terminate the period of 9459
post-release control for the earlier felony. 9460

(2) Impose a sanction under sections 2929.15 to 2929.18 of 9461
the Revised Code for the violation that shall be served 9462
concurrently or consecutively, as specified by the court, with 9463

any community control sanctions for the new felony. 9464

(B) If a person on post-release control was acting 9465
pursuant to division (B) (2) (b) of section 2925.11 or a related 9466
provision under section 2925.111 of the Revised Code and in so 9467
doing violated the conditions of a post-release control sanction 9468
based on a minor drug possession offense, as defined in section 9469
~~2925.11~~ 2925.01 of the Revised Code, the court may consider the 9470
person's conduct in seeking or obtaining medical assistance for 9471
another in good faith or for self or may consider the person 9472
being the subject of another person seeking or obtaining medical 9473
assistance in accordance with that division as a mitigating 9474
factor before imposing any of the penalties described in 9475
division (A) of this section. 9476

(C) Upon the conviction of or plea of guilty to a felony 9477
by a person on transitional control under section 2967.26 of the 9478
Revised Code at the time of the commission of the felony, the 9479
court may, in addition to any prison term for the new felony, 9480
impose a prison term not exceeding twelve months for having 9481
committed the felony while on transitional control. An 9482
additional prison term imposed pursuant to this section shall be 9483
served consecutively to any prison term imposed for the new 9484
felony. The sentencing court may impose the additional prison 9485
term authorized by this section regardless of whether the 9486
sentencing court or another court of this state imposed the 9487
original prison term for which the person is on transitional 9488
control. 9489

Sec. 2929.18. (A) Except as otherwise provided in this 9490
division and in addition to imposing court costs pursuant to 9491
section 2947.23 of the Revised Code, the court imposing a 9492
sentence upon an offender for a felony may sentence the offender 9493

to any financial sanction or combination of financial sanctions 9494
authorized under this section or, in the circumstances specified 9495
in section 2929.32 of the Revised Code, may impose upon the 9496
offender a fine in accordance with that section. Financial 9497
sanctions that may be imposed pursuant to this section include, 9498
but are not limited to, the following: 9499

(1) Restitution by the offender to the victim of the 9500
offender's crime or any survivor of the victim, in an amount 9501
based on the victim's economic loss. If the court imposes 9502
restitution, the court shall order that the restitution be made 9503
to the victim in open court, to the adult probation department 9504
that serves the county on behalf of the victim, to the clerk of 9505
courts, or to another agency designated by the court. If the 9506
court imposes restitution, at sentencing, the court shall 9507
determine the amount of restitution to be made by the offender. 9508
If the court imposes restitution, the court may base the amount 9509
of restitution it orders on an amount recommended by the victim, 9510
the offender, a presentence investigation report, estimates or 9511
receipts indicating the cost of repairing or replacing property, 9512
and other information, provided that the amount the court orders 9513
as restitution shall not exceed the amount of the economic loss 9514
suffered by the victim as a direct and proximate result of the 9515
commission of the offense. If the court decides to impose 9516
restitution, the court shall hold a hearing on restitution if 9517
the offender, victim, or survivor disputes the amount. All 9518
restitution payments shall be credited against any recovery of 9519
economic loss in a civil action brought by the victim or any 9520
survivor of the victim against the offender. 9521

If the court imposes restitution, the court may order that 9522
the offender pay a surcharge of not more than five per cent of 9523
the amount of the restitution otherwise ordered to the entity 9524

responsible for collecting and processing restitution payments. 9525

The victim or survivor may request that the prosecutor in 9526
the case file a motion, or the offender may file a motion, for 9527
modification of the payment terms of any restitution ordered. If 9528
the court grants the motion, it may modify the payment terms as 9529
it determines appropriate. 9530

(2) Except as provided in division (B)(1), (3), or (4) of 9531
this section, a fine payable by the offender to the state, to a 9532
political subdivision, or as described in division (B)(2) of 9533
this section to one or more law enforcement agencies, with the 9534
amount of the fine based on a standard percentage of the 9535
offender's daily income over a period of time determined by the 9536
court and based upon the seriousness of the offense. A fine 9537
ordered under this division shall not exceed the maximum 9538
conventional fine amount authorized for the level of the offense 9539
under division (A)(3) of this section. 9540

(3) Except as provided in division (B)(1), (3), or (4) of 9541
this section, a fine payable by the offender to the state, to a 9542
political subdivision when appropriate for a felony, or as 9543
described in division (B)(2) of this section to one or more law 9544
enforcement agencies, in the following amount: 9545

(a) For a felony of the first degree, not more than twenty 9546
thousand dollars; 9547

(b) For a felony of the second degree, not more than 9548
fifteen thousand dollars; 9549

(c) For a felony of the third degree, not more than ten 9550
thousand dollars; 9551

(d) For a felony of the fourth degree, not more than five 9552
thousand dollars; 9553

(e) For a felony of the fifth degree, not more than two thousand five hundred dollars. 9554
9555

(4) A state fine or costs as defined in section 2949.111 of the Revised Code. 9556
9557

(5) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following: 9558
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(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code; 9561
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9563

(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement; 9564
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(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code. 9571
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(b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, if, pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 9576
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section 2929.37 of the Revised Code, the board, legislative 9583
authority, or other local governmental entity requires prisoners 9584
to reimburse the county, municipal corporation, or other entity 9585
for its expenses incurred by reason of the prisoner's 9586
confinement, and if the court does not impose a financial 9587
sanction under division (A)(5)(a)(ii) of this section, 9588
confinement costs may be assessed pursuant to section 2929.37 of 9589
the Revised Code. In addition, the offender may be required to 9590
pay the fees specified in section 2929.38 of the Revised Code in 9591
accordance with that section. 9592

(c) Reimbursement by the offender for costs pursuant to 9593
section 2929.71 of the Revised Code. 9594

(B)(1) For a first, second, or third degree felony 9595
violation of any provision of Chapter 2925., 3719., or 4729. of 9596
the Revised Code, the sentencing court shall impose upon the 9597
offender a mandatory fine of at least one-half of, but not more 9598
than, the maximum statutory fine amount authorized for the level 9599
of the offense pursuant to division (A)(3) of this section. If 9600
an offender alleges in an affidavit filed with the court prior 9601
to sentencing that the offender is indigent and unable to pay 9602
the mandatory fine and if the court determines the offender is 9603
an indigent person and is unable to pay the mandatory fine 9604
described in this division, the court shall not impose the 9605
mandatory fine upon the offender. 9606

(2) Any mandatory fine imposed upon an offender under 9607
division (B)(1) of this section and any fine imposed upon an 9608
offender under division (A)(2) or (3) of this section for any 9609
fourth or fifth degree felony violation of any provision of 9610
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 9611
to law enforcement agencies pursuant to division ~~(F)~~(N) of 9612

section 2925.03 of the Revised Code. 9613

(3) For a fourth degree felony OVI offense and for a third 9614
degree felony OVI offense, the sentencing court shall impose 9615
upon the offender a mandatory fine in the amount specified in 9616
division (G)(1)(d) or (e) of section 4511.19 of the Revised 9617
Code, whichever is applicable. The mandatory fine so imposed 9618
shall be disbursed as provided in the division pursuant to which 9619
it is imposed. 9620

(4) Notwithstanding any fine otherwise authorized or 9621
required to be imposed under division (A)(2) or (3) or (B)(1) of 9622
this section or section 2929.31 of the Revised Code for a 9623
violation of section 2925.03, 2925.031, or 2925.032 of the 9624
Revised Code, in addition to any penalty or sanction imposed for 9625
that offense under section 2925.03, 2925.031, or 2925.032 or 9626
sections 2929.11 to 2929.18 of the Revised Code and in addition 9627
to the forfeiture of property in connection with the offense as 9628
prescribed in Chapter 2981. of the Revised Code, the court that 9629
sentences an offender for a violation of section 2925.03 of the 9630
Revised Code may impose upon the offender a fine in addition to 9631
any fine imposed under division (A)(2) or (3) of this section 9632
and in addition to any mandatory fine imposed under division (B) 9633
(1) of this section. The fine imposed under division (B)(4) of 9634
this section shall be used as provided in division (H) of 9635
section 2925.03 of the Revised Code. A fine imposed under 9636
division (B)(4) of this section shall not exceed whichever of 9637
the following is applicable: 9638

(a) The total value of any personal or real property in 9639
which the offender has an interest and that was used in the 9640
course of, intended for use in the course of, derived from, or 9641
realized through conduct in violation of section 2925.03, 9642

2925.031, or 2925.032 of the Revised Code, including any 9643
property that constitutes proceeds derived from that offense; 9644

(b) If the offender has no interest in any property of the 9645
type described in division (B) (4) (a) of this section or if it is 9646
not possible to ascertain whether the offender has an interest 9647
in any property of that type in which the offender may have an 9648
interest, the amount of the mandatory fine for the offense 9649
imposed under division (B) (1) of this section or, if no 9650
mandatory fine is imposed under division (B) (1) of this section, 9651
the amount of the fine authorized for the level of the offense 9652
imposed under division (A) (3) of this section. 9653

(5) Prior to imposing a fine under division (B) (4) of this 9654
section, the court shall determine whether the offender has an 9655
interest in any property of the type described in division (B) 9656
(4) (a) of this section. Except as provided in division (B) (6) or 9657
(7) of this section, a fine that is authorized and imposed under 9658
division (B) (4) of this section does not limit or affect the 9659
imposition of the penalties and sanctions for a violation of 9660
section 2925.03, 2925.031, or 2925.032 of the Revised Code 9661
prescribed under those sections or sections 2929.11 to 2929.18 9662
of the Revised Code and does not limit or affect a forfeiture of 9663
property in connection with the offense as prescribed in Chapter 9664
2981. of the Revised Code. 9665

(6) If the sum total of a mandatory fine amount imposed 9666
for a first, second, or third degree felony violation of section 9667
2925.03 of the Revised Code under division (B) (1) of this 9668
section plus the amount of any fine imposed under division (B) 9669
(4) of this section does not exceed the maximum statutory fine 9670
amount authorized for the level of the offense under division 9671
(A) (3) of this section or section 2929.31 of the Revised Code, 9672

the court may impose a fine for the offense in addition to the 9673
mandatory fine and the fine imposed under division (B) (4) of 9674
this section. The sum total of the amounts of the mandatory 9675
fine, the fine imposed under division (B) (4) of this section, 9676
and the additional fine imposed under division (B) (6) of this 9677
section shall not exceed the maximum statutory fine amount 9678
authorized for the level of the offense under division (A) (3) of 9679
this section or section 2929.31 of the Revised Code. The clerk 9680
of the court shall pay any fine that is imposed under division 9681
(B) (6) of this section to the county, township, municipal 9682
corporation, park district as created pursuant to section 511.18 9683
or 1545.04 of the Revised Code, or state law enforcement 9684
agencies in this state that primarily were responsible for or 9685
involved in making the arrest of, and in prosecuting, the 9686
offender pursuant to division ~~(F)~~(N) of section 2925.03 of the 9687
Revised Code. 9688

(7) If the sum total of the amount of a mandatory fine 9689
imposed for a first, second, or third degree felony violation of 9690
section 2925.03, 2925.031, or 2925.032 of the Revised Code plus 9691
the amount of any fine imposed under division (B) (4) of this 9692
section exceeds the maximum statutory fine amount authorized for 9693
the level of the offense under division (A) (3) of this section 9694
or section 2929.31 of the Revised Code, the court shall not 9695
impose a fine under division (B) (6) of this section. 9696

(8) (a) If an offender who is convicted of or pleads guilty 9697
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 9698
2923.32, division (A) (1) or (2) of section 2907.323 involving a 9699
minor, or division (B) (1), (2), (3), (4), or (5) of section 9700
2919.22 of the Revised Code also is convicted of or pleads 9701
guilty to a specification of the type described in section 9702
2941.1422 of the Revised Code that charges that the offender 9703

knowingly committed the offense in furtherance of human 9704
trafficking, the sentencing court shall sentence the offender to 9705
a financial sanction of restitution by the offender to the 9706
victim or any survivor of the victim, with the restitution 9707
including the costs of housing, counseling, and medical and 9708
legal assistance incurred by the victim as a direct result of 9709
the offense and the greater of the following: 9710

(i) The gross income or value to the offender of the 9711
victim's labor or services; 9712

(ii) The value of the victim's labor as guaranteed under 9713
the minimum wage and overtime provisions of the "Federal Fair 9714
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 9715
state labor laws. 9716

(b) If a court imposing sentence upon an offender for a 9717
felony is required to impose upon the offender a financial 9718
sanction of restitution under division (B) (8) (a) of this 9719
section, in addition to that financial sanction of restitution, 9720
the court may sentence the offender to any other financial 9721
sanction or combination of financial sanctions authorized under 9722
this section, including a restitution sanction under division 9723
(A) (1) of this section. 9724

(9) In addition to any other fine that is or may be 9725
imposed under this section, the court imposing sentence upon an 9726
offender for a felony that is a sexually oriented offense or a 9727
child-victim oriented offense, as those terms are defined in 9728
section 2950.01 of the Revised Code, may impose a fine of not 9729
less than fifty nor more than five hundred dollars. 9730

(10) For a felony violation of division (A) of section 9731
2921.321 of the Revised Code that results in the death of the 9732

police dog or horse that is the subject of the violation, the 9733
sentencing court shall impose upon the offender a mandatory fine 9734
from the range of fines provided under division (A) (3) of this 9735
section for a felony of the third degree. A mandatory fine 9736
imposed upon an offender under division (B) (10) of this section 9737
shall be paid to the law enforcement agency that was served by 9738
the police dog or horse that was killed in the felony violation 9739
of division (A) of section 2921.321 of the Revised Code to be 9740
used as provided in division (E) (1) (b) of that section. 9741

(11) In addition to any other fine that is or may be 9742
imposed under this section, the court imposing sentence upon an 9743
offender for any of the following offenses that is a felony may 9744
impose a fine of not less than seventy nor more than five 9745
hundred dollars, which shall be transmitted to the treasurer of 9746
state to be credited to the address confidentiality program fund 9747
created by section 111.48 of the Revised Code: 9748

(a) Domestic violence; 9749

(b) Menacing by stalking; 9750

(c) Rape; 9751

(d) Sexual battery; 9752

(e) Trafficking in persons; 9753

(f) A violation of section 2905.01, 2905.02, 2907.21, 9754
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 9755
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 9756
section 2919.22 of the Revised Code, if the offender also is 9757
convicted of a specification of the type described in section 9758
2941.1422 of the Revised Code that charges that the offender 9759
knowingly committed the offense in furtherance of human 9760
trafficking. 9761

(C) (1) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A) (5) (a) of this section to pay the costs incurred by a county pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the county treasurer. The county treasurer shall deposit the reimbursements in the sanction cost reimbursement fund that each board of county commissioners shall create in its county treasury. The county shall use the amounts deposited in the fund to pay the costs incurred by the county pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

(2) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A) (5) (a) of this section to pay the costs incurred by a municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the treasurer of the municipal corporation. The treasurer shall deposit the reimbursements in a special fund that shall be established in the treasury of each municipal corporation. The municipal corporation shall use the amounts deposited in the fund to pay the costs incurred by the municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to

a sanction imposed under section 2929.16 of the Revised Code. 9793

(3) Except as provided in section 2951.021 of the Revised 9794
Code, the offender shall pay reimbursements imposed pursuant to 9795
division (A)(5)(a) of this section for the costs incurred by a 9796
private provider pursuant to a sanction imposed under this 9797
section or section 2929.16 or 2929.17 of the Revised Code to the 9798
provider. 9799

(D) Except as otherwise provided in this division, a 9800
financial sanction imposed pursuant to division (A) or (B) of 9801
this section is a judgment in favor of the state or a political 9802
subdivision in which the court that imposed the financial 9803
sanction is located, and the offender subject to the financial 9804
sanction is the judgment debtor. A financial sanction of 9805
reimbursement imposed pursuant to division (A)(5)(a)(ii) of this 9806
section upon an offender who is incarcerated in a state facility 9807
or a municipal jail is a judgment in favor of the state or the 9808
municipal corporation, and the offender subject to the financial 9809
sanction is the judgment debtor. A financial sanction of 9810
reimbursement imposed upon an offender pursuant to this section 9811
for costs incurred by a private provider of sanctions is a 9812
judgment in favor of the private provider, and the offender 9813
subject to the financial sanction is the judgment debtor. A 9814
financial sanction of a mandatory fine imposed under division 9815
(B)(10) of this section that is required under that division to 9816
be paid to a law enforcement agency is a judgment in favor of 9817
the specified law enforcement agency, and the offender subject 9818
to the financial sanction is the judgment debtor. A financial 9819
sanction of restitution imposed pursuant to division (A)(1) or 9820
(B)(8) of this section is an order in favor of the victim of the 9821
offender's criminal act that can be collected through a 9822
certificate of judgment as described in division (D)(1) of this 9823

section, through execution as described in division (D) (2) of 9824
this section, or through an order as described in division (D) 9825
(3) of this section, and the offender shall be considered for 9826
purposes of the collection as the judgment debtor. Imposition of 9827
a financial sanction and execution on the judgment does not 9828
preclude any other power of the court to impose or enforce 9829
sanctions on the offender. Once the financial sanction is 9830
imposed as a judgment or order under this division, the victim, 9831
private provider, state, or political subdivision may do any of 9832
the following: 9833

(1) Obtain from the clerk of the court in which the 9834
judgment was entered a certificate of judgment that shall be in 9835
the same manner and form as a certificate of judgment issued in 9836
a civil action; 9837

(2) Obtain execution of the judgment or order through any 9838
available procedure, including: 9839

(a) An execution against the property of the judgment 9840
debtor under Chapter 2329. of the Revised Code; 9841

(b) An execution against the person of the judgment debtor 9842
under Chapter 2331. of the Revised Code; 9843

(c) A proceeding in aid of execution under Chapter 2333. 9844
of the Revised Code, including: 9845

(i) A proceeding for the examination of the judgment 9846
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 9847
2333.27 of the Revised Code; 9848

(ii) A proceeding for attachment of the person of the 9849
judgment debtor under section 2333.28 of the Revised Code; 9850

(iii) A creditor's suit under section 2333.01 of the 9851

Revised Code.	9852
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	9853 9854
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	9855 9856
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	9857 9858
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	9859 9860 9861 9862
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code, a court shall comply with sections 307.86 to 307.92 of the Revised Code.	9863 9864 9865 9866 9867 9868 9869 9870 9871 9872 9873 9874 9875
(G) If a court that imposes a financial sanction under division (A) or (B) of this section finds that an offender satisfactorily has completed all other sanctions imposed upon the offender and that all restitution that has been ordered has been paid as ordered, the court may suspend any financial	9876 9877 9878 9879 9880

sanctions imposed pursuant to this section or section 2929.32 of 9881
the Revised Code that have not been paid. 9882

(H) No financial sanction imposed under this section or 9883
section 2929.32 of the Revised Code shall preclude a victim from 9884
bringing a civil action against the offender. 9885

Sec. 2929.25. (A) (1) Except as provided in sections 9886
2929.22 and 2929.23 of the Revised Code or when a jail term is 9887
required by law, in sentencing an offender for a misdemeanor, 9888
other than a minor misdemeanor, the sentencing court may do 9889
either of the following: 9890

(a) Directly impose a sentence that consists of one or 9891
more community control sanctions authorized by section 2929.26, 9892
2929.27, or 2929.28 of the Revised Code. The court may impose 9893
any other conditions of release under a community control 9894
sanction that the court considers appropriate. If the court 9895
imposes a jail term upon the offender, the court may impose any 9896
community control sanction or combination of community control 9897
sanctions in addition to the jail term. 9898

(b) Impose a jail term under section 2929.24 of the 9899
Revised Code from the range of jail terms authorized under that 9900
section for the offense, suspend all or a portion of the jail 9901
term imposed, and place the offender under a community control 9902
sanction or combination of community control sanctions 9903
authorized under section 2929.26, 2929.27, or 2929.28 of the 9904
Revised Code. 9905

(2) The duration of all community control sanctions 9906
imposed upon an offender and in effect for an offender at any 9907
time shall not exceed five years. 9908

(3) At sentencing, if a court directly imposes a community 9909

control sanction or combination of community control sanctions 9910
pursuant to division (A) (1) (a) or (B) of this section, the court 9911
shall state the duration of the community control sanctions 9912
imposed and shall notify the offender that if any of the 9913
conditions of the community control sanctions are violated the 9914
court may do any of the following: 9915

(a) Impose a longer time under the same community control 9916
sanction if the total time under all of the offender's community 9917
control sanctions does not exceed the five-year limit specified 9918
in division (A) (2) of this section; 9919

(b) Impose a more restrictive community control sanction 9920
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 9921
but the court is not required to impose any particular sanction 9922
or sanctions; 9923

(c) Impose a definite jail term from the range of jail 9924
terms authorized for the offense under section 2929.24 of the 9925
Revised Code. 9926

(B) If a court sentences an offender to any community 9927
control sanction or combination of community control sanctions 9928
pursuant to division (A) (1) (a) of this section, the sentencing 9929
court retains jurisdiction over the offender and the period of 9930
community control for the duration of the period of community 9931
control. Upon the motion of either party or on the court's own 9932
motion, the court, in the court's sole discretion and as the 9933
circumstances warrant, may modify the community control 9934
sanctions or conditions of release previously imposed, 9935
substitute a community control sanction or condition of release 9936
for another community control sanction or condition of release 9937
previously imposed, or impose an additional community control 9938
sanction or condition of release. 9939

(C) (1) If a court sentences an offender to any community control sanction or combination of community control sanctions authorized under section 2929.26, 2929.27, or 2929.28 of the Revised Code, the court shall place the offender under the general control and supervision of the court or of a department of probation in the jurisdiction that serves the court for purposes of reporting to the court a violation of any of the conditions of the sanctions imposed. If the offender resides in another jurisdiction and a department of probation has been established to serve the municipal court or county court in that jurisdiction, the sentencing court may request the municipal court or the county court to receive the offender into the general control and supervision of that department of probation for purposes of reporting to the sentencing court a violation of any of the conditions of the sanctions imposed. The sentencing court retains jurisdiction over any offender whom it sentences for the duration of the sanction or sanctions imposed.

(2) The sentencing court shall require as a condition of any community control sanction that the offender abide by the law and not leave the state without the permission of the court or the offender's probation officer. In the interests of doing justice, rehabilitating the offender, and ensuring the offender's good behavior, the court may impose additional requirements on the offender. The offender's compliance with the additional requirements also shall be a condition of the community control sanction imposed upon the offender.

(D) (1) If the court imposing sentence upon an offender sentences the offender to any community control sanction or combination of community control sanctions authorized under section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if the offender violates any of the conditions of the sanctions,

the public or private person or entity that supervises or 9971
administers the program or activity that comprises the sanction 9972
shall report the violation directly to the sentencing court or 9973
to the department of probation or probation officer with general 9974
control and supervision over the offender. If the public or 9975
private person or entity reports the violation to the department 9976
of probation or probation officer, the department or officer 9977
shall report the violation to the sentencing court. 9978

(2) If an offender violates any condition of a community 9979
control sanction, the sentencing court may impose upon the 9980
violator one or more of the following penalties: 9981

(a) A longer time under the same community control 9982
sanction if the total time under all of the community control 9983
sanctions imposed on the violator does not exceed the five-year 9984
limit specified in division (A) (2) of this section; 9985

(b) A more restrictive community control sanction; 9986

(c) A combination of community control sanctions, 9987
including a jail term. 9988

(3) If an offender was acting pursuant to division (B) (2) 9989
(b) of section 2925.11 of the Revised Code and in so doing 9990
violated the conditions of a community control sanction based on 9991
a minor drug possession offense, as defined in section ~~2925.11~~ 9992
2925.01 of the Revised Code, the sentencing court may consider 9993
the offender's conduct in seeking or obtaining medical 9994
assistance for another in good faith or for self or may consider 9995
the offender being the subject of another person seeking or 9996
obtaining medical assistance in accordance with that division as 9997
a mitigating factor before imposing any of the penalties 9998
described in division (D) (2) of this section. 9999

(4) If the court imposes a jail term upon a violator pursuant to division (D) (2) of this section, the total time spent in jail for the misdemeanor offense and the violation of a condition of the community control sanction shall not exceed the maximum jail term available for the offense for which the sanction that was violated was imposed. The court may reduce the longer period of time that the violator is required to spend under the longer sanction or the more restrictive sanction imposed under division (D) (2) of this section by all or part of the time the violator successfully spent under the sanction that was initially imposed.

(E) Except as otherwise provided in this division, if an offender, for a significant period of time, fulfills the conditions of a community control sanction imposed pursuant to section 2929.26, 2929.27, or 2929.28 of the Revised Code in an exemplary manner, the court may reduce the period of time under the community control sanction or impose a less restrictive community control sanction. Fulfilling the conditions of a community control sanction does not relieve the offender of a duty to make restitution under section 2929.28 of the Revised Code.

Sec. 2929.34. (A) A person who is convicted of or pleads guilty to aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of life imprisonment or a prison term pursuant to that conviction shall serve that term in an institution under the control of the department of rehabilitation and correction.

(B) (1) A person who is convicted of or pleads guilty to a felony other than aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term

of imprisonment or a prison term pursuant to that conviction 10030
shall serve that term as follows: 10031

(a) Subject to divisions (B) (1) (b), (B) (2), and (B) (3) of 10032
this section, in an institution under the control of the 10033
department of rehabilitation and correction if the term is a 10034
prison term or as otherwise determined by the sentencing court 10035
pursuant to section 2929.16 of the Revised Code if the term is 10036
not a prison term; 10037

(b) In a facility of a type described in division (G) (1) 10038
of section 2929.13 of the Revised Code, if the offender is 10039
sentenced pursuant to that division. 10040

(2) If the term is a prison term, the person may be 10041
imprisoned in a jail that is not a minimum security jail 10042
pursuant to agreement under section 5120.161 of the Revised Code 10043
between the department of rehabilitation and correction and the 10044
local authority that operates the jail. 10045

(3) (a) As used in divisions (B) (3) (a) to (d) of this 10046
section: 10047

(i) "Target county" means Franklin county, Cuyahoga 10048
county, Hamilton county, Summit county, Montgomery county, Lucas 10049
county, Butler county, Stark county, Lorain county, and Mahoning 10050
county. 10051

(ii) "Voluntary county" means any county in which the 10052
board of county commissioners of the county and the 10053
administrative judge of the general division of the court of 10054
common pleas of the county enter into an agreement of the type 10055
described in division (B) (3) (b) of this section and in which the 10056
agreement has not been terminated as described in that division. 10057

(b) In any county other than a target county, the board of 10058

county commissioners of the county and the administrative judge 10059
of the general division of the court of common pleas of the 10060
county may agree to having the county participate in the 10061
procedures regarding local and state confinement established 10062
under division (B) (3) (c) of this section. A board of county 10063
commissioners and an administrative judge of a court of common 10064
pleas that enter into an agreement of the type described in this 10065
division may terminate the agreement, but a termination under 10066
this division shall take effect only at the end of the state 10067
fiscal biennium in which the termination decision is made. 10068

(c) Except as provided in division (B) (3) (d) of this 10069
section, on and after July 1, 2018, no person sentenced by the 10070
court of common pleas of a target county or of a voluntary 10071
county to a prison term that is twelve months or less for a 10072
felony of the fifth degree shall serve the term in an 10073
institution under the control of the department of 10074
rehabilitation and correction. The person shall instead serve 10075
the sentence as a term of confinement in a facility of a type 10076
described in division (C) or (D) of this section. Nothing in 10077
this division relieves the state of its obligation to pay for 10078
the cost of confinement of the person in a community-based 10079
correctional facility under division (D) of this section. 10080

(d) Division (B) (3) (c) of this section does not apply to 10081
any person to whom any of the following apply: 10082

(i) The felony of the fifth degree was an offense of 10083
violence, as defined in section 2901.01 of the Revised Code, a 10084
sex offense under Chapter 2907. of the Revised Code, a violation 10085
of section 2925.03, 2925.031, or 2925.032 of the Revised Code, 10086
or any offense for which a mandatory prison term is required. 10087

(ii) The person previously has been convicted of or 10088

pleaded guilty to any felony offense of violence, as defined in 10089
section 2901.01 of the Revised Code, unless the felony of the 10090
fifth degree for which the person is being sentenced is a 10091
violation of division (I) (1) of section 2903.43 of the Revised 10092
Code. 10093

(iii) The person previously has been convicted of or 10094
pleaded guilty to any felony sex offense under Chapter 2907. of 10095
the Revised Code. 10096

(iv) The person's sentence is required to be served 10097
concurrently to any other sentence imposed upon the person for a 10098
felony that is required to be served in an institution under the 10099
control of the department of rehabilitation and correction. 10100

(C) A person who is convicted of or pleads guilty to one 10101
or more misdemeanors and who is sentenced to a jail term or term 10102
of imprisonment pursuant to the conviction or convictions shall 10103
serve that term in a county, multicounty, municipal, municipal- 10104
county, or multicounty-municipal jail or workhouse; in a 10105
community alternative sentencing center or district community 10106
alternative sentencing center when authorized by section 307.932 10107
of the Revised Code; or, if the misdemeanor or misdemeanors are 10108
not offenses of violence, in a minimum security jail. 10109

(D) Nothing in this section prohibits the commitment, 10110
referral, or sentencing of a person who is convicted of or 10111
pleads guilty to a felony to a community-based correctional 10112
facility. 10113

Sec. 2933.51. As used in sections 2933.51 to 2933.66 of 10114
the Revised Code: 10115

(A) "Wire communication" means an aural transfer that is 10116
made in whole or in part through the use of facilities for the 10117

transmission of communications by the aid of wires or similar 10118
methods of connecting the point of origin of the communication 10119
and the point of reception of the communication, including the 10120
use of a method of connecting the point of origin and the point 10121
of reception of the communication in a switching station, if the 10122
facilities are furnished or operated by a person engaged in 10123
providing or operating the facilities for the transmission of 10124
communications. "Wire communication" includes an electronic 10125
storage of a wire communication. 10126

(B) "Oral communication" means an oral communication 10127
uttered by a person exhibiting an expectation that the 10128
communication is not subject to interception under circumstances 10129
justifying that expectation. "Oral communication" does not 10130
include an electronic communication. 10131

(C) "Intercept" means the aural or other acquisition of 10132
the contents of any wire, oral, or electronic communication 10133
through the use of an interception device. 10134

(D) "Interception device" means an electronic, mechanical, 10135
or other device or apparatus that can be used to intercept a 10136
wire, oral, or electronic communication. "Interception device" 10137
does not mean any of the following: 10138

(1) A telephone or telegraph instrument, equipment, or 10139
facility, or any of its components, if the instrument, 10140
equipment, facility, or component is any of the following: 10141

(a) Furnished to the subscriber or user by a provider of 10142
wire or electronic communication service in the ordinary course 10143
of its business and being used by the subscriber or user in the 10144
ordinary course of its business; 10145

(b) Furnished by a subscriber or user for connection to 10146

the facilities of a provider of wire or electronic communication 10147
service and used in the ordinary course of that subscriber's or 10148
user's business; 10149

(c) Being used by a provider of wire or electronic 10150
communication service in the ordinary course of its business or 10151
by an investigative or law enforcement officer in the ordinary 10152
course of the officer's duties that do not involve the 10153
interception of wire, oral, or electronic communications. 10154

(2) A hearing aid or similar device being used to correct 10155
subnormal hearing to not better than normal. 10156

(E) "Investigative officer" means any of the following: 10157

(1) An officer of this state or a political subdivision of 10158
this state, who is empowered by law to conduct investigations or 10159
to make arrests for a designated offense; 10160

(2) A person described in divisions (A) (11) (a) and (b) of 10161
section 2901.01 of the Revised Code; 10162

(3) An attorney authorized by law to prosecute or 10163
participate in the prosecution of a designated offense; 10164

(4) A secret service officer appointed pursuant to section 10165
309.07 of the Revised Code; 10166

(5) An officer of the United States, a state, or a 10167
political subdivision of a state who is authorized to conduct 10168
investigations pursuant to the "Electronic Communications 10169
Privacy Act of 1986," 100 Stat. 1848-1857, 18 U.S.C. 2510-2521 10170
(1986), as amended. 10171

(F) "Interception warrant" means a court order that 10172
authorizes the interception of wire, oral, or electronic 10173
communications and that is issued pursuant to sections 2933.53 10174

to 2933.56 of the Revised Code. 10175

(G) "Contents," when used with respect to a wire, oral, or 10176
electronic communication, includes any information concerning 10177
the substance, purport, or meaning of the communication. 10178

(H) "Communications common carrier" means a person who is 10179
engaged as a common carrier for hire in intrastate, interstate, 10180
or foreign communications by wire, radio, or radio transmission 10181
of energy. "Communications common carrier" does not include, to 10182
the extent that the person is engaged in radio broadcasting, a 10183
person engaged in radio broadcasting. 10184

(I) "Designated offense" means any of the following: 10185

(1) A felony violation of section 1315.53, 1315.55, 10186
2903.01, 2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 10187
2905.32, 2907.02, 2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 10188
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 10189
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.04, 2913.42, 10190
2913.51, 2915.02, 2915.03, 2917.01, 2917.02, 2921.02, 2921.03, 10191
2921.04, 2921.32, 2921.34, 2923.20, 2923.32, 2925.03, 2925.031, 10192
2925.032, 2925.04, 2925.05, or 2925.06 or of division (B) of 10193
section 2915.05 or of division (E) or (G) of section 3772.99 of 10194
the Revised Code; 10195

(2) A violation of section 2919.23 of the Revised Code 10196
that, had it occurred prior to July 1, 1996, would have been a 10197
violation of section 2905.04 of the Revised Code as it existed 10198
prior to that date; 10199

(3) A felony violation of section 2925.11 or 2925.111 of 10200
the Revised Code that is not a minor drug possession offense, as 10201
defined in section 2925.01 of the Revised Code; 10202

(4) Complicity in the commission of a felony violation of 10203

a section listed in division (I)(1), (2), or (3) of this 10204
section; 10205

(5) An attempt to commit, or conspiracy in the commission 10206
of, a felony violation of a section listed in division (I)(1), 10207
(2), or (3) of this section, if the attempt or conspiracy is 10208
punishable by a term of imprisonment of more than one year. 10209

(J) "Aggrieved person" means a person who was a party to 10210
an intercepted wire, oral, or electronic communication or a 10211
person against whom the interception of the communication was 10212
directed. 10213

(K) "Person" means a person, as defined in section 1.59 of 10214
the Revised Code, or a governmental officer, employee, or 10215
entity. 10216

(L) "Special need" means a showing that a licensed 10217
physician, licensed practicing psychologist, attorney, 10218
practicing cleric, journalist, or either spouse is personally 10219
engaging in continuing criminal activity, was engaged in 10220
continuing criminal activity over a period of time, or is 10221
committing, has committed, or is about to commit, a designated 10222
offense, or a showing that specified public facilities are being 10223
regularly used by someone who is personally engaging in 10224
continuing criminal activity, was engaged in continuing criminal 10225
activity over a period of time, or is committing, has committed, 10226
or is about to commit, a designated offense. 10227

(M) "Journalist" means a person engaged in, connected 10228
with, or employed by, any news media, including a newspaper, 10229
magazine, press association, news agency, or wire service, a 10230
radio or television station, or a similar media, for the purpose 10231
of gathering, processing, transmitting, compiling, editing, or 10232

disseminating news for the general public. 10233

(N) "Electronic communication" means a transfer of a sign, 10234
signal, writing, image, sound, datum, or intelligence of any 10235
nature that is transmitted in whole or in part by a wire, radio, 10236
electromagnetic, photoelectronic, or photo-optical system. 10237

"Electronic communication" does not mean any of the following: 10238

(1) A wire or oral communication; 10239

(2) A communication made through a tone-only paging 10240
device; 10241

(3) A communication from an electronic or mechanical 10242
tracking device that permits the tracking of the movement of a 10243
person or object. 10244

(O) "User" means a person or entity that uses an 10245
electronic communication service and is duly authorized by the 10246
provider of the service to engage in the use of the electronic 10247
communication service. 10248

(P) "Electronic communications system" means a wire, 10249
radio, electromagnetic, photoelectronic, or photo-optical 10250
facility for the transmission of electronic communications, and 10251
a computer facility or related electronic equipment for the 10252
electronic storage of electronic communications. 10253

(Q) "Electronic communication service" means a service 10254
that provides to users of the service the ability to send or 10255
receive wire or electronic communications. 10256

(R) "Readily accessible to the general public" means, with 10257
respect to a radio communication, that the communication is none 10258
of the following: 10259

(1) Scrambled or encrypted; 10260

(2) Transmitted using a modulation technique, the 10261
essential parameters of which have been withheld from the public 10262
with the intention of preserving the privacy of the 10263
communication; 10264

(3) Carried on a subcarrier or other signal subsidiary to 10265
a radio transmission; 10266

(4) Transmitted over a communications system provided by a 10267
communications common carrier, unless the communication is a 10268
tone-only paging system communication; 10269

(5) Transmitted on a frequency allocated under part 25, 10270
subpart D, E, or F of part 74, or part 94 of the Rules of the 10271
Federal Communications Commission, as those provisions existed 10272
on July 1, 1996, unless, in the case of a communication 10273
transmitted on a frequency allocated under part 74 that is not 10274
exclusively allocated to broadcast auxiliary services, the 10275
communication is a two-way voice communication by radio. 10276

(S) "Electronic storage" means a temporary, intermediate 10277
storage of a wire or electronic communication that is incidental 10278
to the electronic transmission of the communication, and a 10279
storage of a wire or electronic communication by an electronic 10280
communication service for the purpose of backup protection of 10281
the communication. 10282

(T) "Aural transfer" means a transfer containing the human 10283
voice at a point between and including the point of origin and 10284
the point of reception. 10285

(U) "Pen register" means a device that records or decodes 10286
electronic impulses that identify the numbers dialed, pulsed, or 10287
otherwise transmitted on telephone lines to which the device is 10288
attached. 10289

(V) "Trap and trace device" means a device that captures 10290
the incoming electronic or other impulses that identify the 10291
originating number of an instrument or device from which a wire 10292
communication or electronic communication was transmitted but 10293
that does not intercept the contents of the wire communication 10294
or electronic communication. 10295

(W) "Judge of a court of common pleas" means a judge of 10296
that court who is elected or appointed as a judge of general 10297
jurisdiction or as a judge who exercises both general 10298
jurisdiction and probate, domestic relations, or juvenile 10299
jurisdiction. "Judge of a court of common pleas" does not mean a 10300
judge of that court who is elected or appointed specifically as 10301
a probate, domestic relations, or juvenile judge. 10302

Sec. 2935.36. (A) The prosecuting attorney may establish 10303
pre-trial diversion programs for adults who are accused of 10304
committing criminal offenses and whom the prosecuting attorney 10305
believes probably will not offend again. The prosecuting 10306
attorney may require, as a condition of an accused's 10307
participation in the program, the accused to pay a reasonable 10308
fee for supervision services that include, but are not limited 10309
to, monitoring and drug testing. The programs shall be operated 10310
pursuant to written standards approved by journal entry by the 10311
presiding judge or, in courts with only one judge, the judge of 10312
the court of common pleas and shall not be applicable to any of 10313
the following: 10314

(1) Repeat offenders or dangerous offenders; 10315

(2) Persons accused of an offense of violence, of a 10316
violation of section 2903.06, 2907.04, 2907.05, 2907.21, 10317
2907.22, 2907.31, 2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 10318
2919.22, 2921.02, 2921.11, 2921.12, 2921.32, or 2923.20 of the 10319

Revised Code, or of a violation of section 2905.01, 2905.02, or 10320
2919.23 of the Revised Code that, had it occurred prior to July 10321
1, 1996, would have been a violation of section 2905.04 of the 10322
Revised Code as it existed prior to that date, with the 10323
exception that the prosecuting attorney may permit persons 10324
accused of any such offense to enter a pre-trial diversion 10325
program, if the prosecuting attorney finds any of the following: 10326

(a) The accused did not cause, threaten, or intend serious 10327
physical harm to any person; 10328

(b) The offense was the result of circumstances not likely 10329
to recur; 10330

(c) The accused has no history of prior delinquency or 10331
criminal activity; 10332

(d) The accused has led a law-abiding life for a 10333
substantial time before commission of the alleged offense; 10334

(e) Substantial grounds tending to excuse or justify the 10335
alleged offense. 10336

(3) Persons accused of a violation of Chapter 2925. or 10337
3719. of the Revised Code, with the exception that the 10338
prosecuting attorney may permit persons accused of any of the 10339
following to enter a pre-trial diversion program: 10340

(a) A misdemeanor, fifth degree felony, or fourth degree 10341
felony violation of section 2925.11 or 2925.111 of the Revised 10342
Code; 10343

(b) A misdemeanor violation of section 2925.12, 2925.13, 10344
or division (C) (1) of section 2925.14 of the Revised Code. 10345

(4) Persons accused of a violation of section 4511.19 of 10346
the Revised Code or a violation of any substantially similar 10347

municipal ordinance; 10348

(5) (a) Persons who are accused of an offense while 10349
operating a commercial motor vehicle or persons who hold a 10350
commercial driver's license and are accused of any offense, if 10351
conviction of the offense would disqualify the person from 10352
operating a commercial motor vehicle under Chapter 4506. of the 10353
Revised Code or would subject the person to any other sanction 10354
under that chapter; 10355

(b) As used in division (A) (5) of this section, 10356
"commercial driver's license" and "commercial motor vehicle" 10357
have the same meanings as in section 4506.01 of the Revised 10358
Code. 10359

(B) An accused who enters a diversion program shall do all 10360
of the following: 10361

(1) Waive, in writing and contingent upon the accused's 10362
successful completion of the program, the accused's right to a 10363
speedy trial, the preliminary hearing, the time period within 10364
which the grand jury may consider an indictment against the 10365
accused, and arraignment, unless the hearing, indictment, or 10366
arraignment has already occurred; 10367

(2) Agree, in writing, to the tolling while in the program 10368
of all periods of limitation established by statutes or rules of 10369
court, that are applicable to the offense with which the accused 10370
is charged and to the conditions of the diversion program 10371
established by the prosecuting attorney; 10372

(3) Agree, in writing, to pay any reasonable fee for 10373
supervision services established by the prosecuting attorney. 10374

(C) The trial court, upon the application of the 10375
prosecuting attorney, shall order the release from confinement 10376

of any accused who has agreed to enter a pre-trial diversion 10377
program and shall discharge and release any existing bail and 10378
release any sureties on recognizances and shall release the 10379
accused on a recognizance bond conditioned upon the accused's 10380
compliance with the terms of the diversion program. The 10381
prosecuting attorney shall notify every victim of the crime and 10382
the arresting officers of the prosecuting attorney's intent to 10383
permit the accused to enter a pre-trial diversion program. The 10384
victim of the crime and the arresting officers shall have the 10385
opportunity to file written objections with the prosecuting 10386
attorney prior to the commencement of the pre-trial diversion 10387
program. 10388

(D) If the accused satisfactorily completes the diversion 10389
program, the prosecuting attorney shall recommend to the trial 10390
court that the charges against the accused be dismissed, and the 10391
court, upon the recommendation of the prosecuting attorney, 10392
shall dismiss the charges. If the accused chooses not to enter 10393
the prosecuting attorney's diversion program, or if the accused 10394
violates the conditions of the agreement pursuant to which the 10395
accused has been released, the accused may be brought to trial 10396
upon the charges in the manner provided by law, and the waiver 10397
executed pursuant to division (B)(1) of this section shall be 10398
void on the date the accused is removed from the program for the 10399
violation. 10400

(E) As used in this section: 10401

(1) "Repeat offender" means a person who has a history of 10402
persistent criminal activity and whose character and condition 10403
reveal a substantial risk that the person will commit another 10404
offense. It is prima-facie evidence that a person is a repeat 10405
offender if any of the following applies: 10406

(a) Having been convicted of one or more offenses of 10407
violence and having been imprisoned pursuant to sentence for any 10408
such offense, the person commits a subsequent offense of 10409
violence; 10410

(b) Having been convicted of one or more sexually oriented 10411
offenses or child-victim oriented offenses, both as defined in 10412
section 2950.01 of the Revised Code, and having been imprisoned 10413
pursuant to sentence for one or more of those offenses, the 10414
person commits a subsequent sexually oriented offense or child- 10415
victim oriented offense; 10416

(c) Having been convicted of one or more theft offenses as 10417
defined in section 2913.01 of the Revised Code and having been 10418
imprisoned pursuant to sentence for one or more of those theft 10419
offenses, the person commits a subsequent theft offense; 10420

(d) Having been convicted of one or more felony drug abuse 10421
offenses as defined in section 2925.01 of the Revised Code and 10422
having been imprisoned pursuant to sentence for one or more of 10423
those felony drug abuse offenses, the person commits a 10424
subsequent felony drug abuse offense; 10425

(e) Having been convicted of two or more felonies and 10426
having been imprisoned pursuant to sentence for one or more 10427
felonies, the person commits a subsequent offense; 10428

(f) Having been convicted of three or more offenses of any 10429
type or degree other than traffic offenses, alcoholic 10430
intoxication offenses, or minor misdemeanors and having been 10431
imprisoned pursuant to sentence for any such offense, the person 10432
commits a subsequent offense. 10433

(2) "Dangerous offender" means a person who has committed 10434
an offense, whose history, character, and condition reveal a 10435

substantial risk that the person will be a danger to others, and 10436
whose conduct has been characterized by a pattern of repetitive, 10437
compulsive, or aggressive behavior with heedless indifference to 10438
the consequences. 10439

Sec. 2951.041. (A) (1) If an offender is charged with a 10440
criminal offense, including but not limited to a violation of 10441
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 10442
of the Revised Code, and the court has reason to believe that 10443
drug or alcohol usage by the offender was a factor leading to 10444
the criminal offense with which the offender is charged or that, 10445
at the time of committing that offense, the offender had a 10446
mental illness, was a person with an intellectual disability, or 10447
was a victim of a violation of section 2905.32 or 2907.21 of the 10448
Revised Code and that the mental illness, status as a person 10449
with an intellectual disability, or fact that the offender was a 10450
victim of a violation of section 2905.32 or 2907.21 of the 10451
Revised Code was a factor leading to the offender's criminal 10452
behavior, the court may accept, prior to the entry of a guilty 10453
plea, the offender's request for intervention in lieu of 10454
conviction. The request shall include a statement from the 10455
offender as to whether the offender is alleging that drug or 10456
alcohol usage by the offender was a factor leading to the 10457
criminal offense with which the offender is charged or is 10458
alleging that, at the time of committing that offense, the 10459
offender had a mental illness, was a person with an intellectual 10460
disability, or was a victim of a violation of section 2905.32 or 10461
2907.21 of the Revised Code and that the mental illness, status 10462
as a person with an intellectual disability, or fact that the 10463
offender was a victim of a violation of section 2905.32 or 10464
2907.21 of the Revised Code was a factor leading to the criminal 10465
offense with which the offender is charged. The request also 10466

shall include a waiver of the defendant's right to a speedy 10467
trial, the preliminary hearing, the time period within which the 10468
grand jury may consider an indictment against the offender, and 10469
arraignment, unless the hearing, indictment, or arraignment has 10470
already occurred. The court may reject an offender's request 10471
without a hearing. If the court elects to consider an offender's 10472
request, the court shall conduct a hearing to determine whether 10473
the offender is eligible under this section for intervention in 10474
lieu of conviction and shall stay all criminal proceedings 10475
pending the outcome of the hearing. If the court schedules a 10476
hearing, the court shall order an assessment of the offender for 10477
the purpose of determining the offender's program eligibility 10478
for intervention in lieu of conviction and recommending an 10479
appropriate intervention plan. 10480

If the offender alleges that drug or alcohol usage by the 10481
offender was a factor leading to the criminal offense with which 10482
the offender is charged, the court may order that the offender 10483
be assessed by a community addiction services provider or a 10484
properly credentialed professional for the purpose of 10485
determining the offender's program eligibility for intervention 10486
in lieu of conviction and recommending an appropriate 10487
intervention plan. The community addiction services provider or 10488
the properly credentialed professional shall provide a written 10489
assessment of the offender to the court. 10490

(2) The victim notification provisions of division (C) of 10491
section 2930.06 of the Revised Code apply in relation to any 10492
hearing held under division (A) (1) of this section. 10493

(B) An offender is eligible for intervention in lieu of 10494
conviction if the court finds all of the following: 10495

(1) The offender previously has not been convicted of or 10496

pleaded guilty to any felony offense of violence. 10497

(2) The offense is not a felony of the first, second, or 10498
third degree, is not an offense of violence, is not a violation 10499
of division (A) (1) or (2) of section 2903.06 of the Revised 10500
Code, is not a violation of division (A) (1) of section 2903.08 10501
of the Revised Code, is not a violation of division (A) of 10502
section 4511.19 of the Revised Code or a municipal ordinance 10503
that is substantially similar to that division, and is not an 10504
offense for which a sentencing court is required to impose a 10505
mandatory prison term. 10506

(3) The offender is not charged with a violation of 10507
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 10508
charged with a violation of section 2925.03, 2925.031, or 10509
2925.032 of the Revised Code that is a felony of the first, 10510
second, third, or fourth degree, and is not charged with a 10511
violation of section 2925.11 or 2925.111 of the Revised Code 10512
that is a felony of the first or second degree. 10513

(4) If an offender alleges that drug or alcohol usage by 10514
the offender was a factor leading to the criminal offense with 10515
which the offender is charged, the court has ordered that the 10516
offender be assessed by a community addiction services provider 10517
or a properly credentialed professional for the purpose of 10518
determining the offender's program eligibility for intervention 10519
in lieu of conviction and recommending an appropriate 10520
intervention plan, the offender has been assessed by a community 10521
addiction services provider of that nature or a properly 10522
credentialed professional in accordance with the court's order, 10523
and the community addiction services provider or properly 10524
credentialed professional has filed the written assessment of 10525
the offender with the court. 10526

(5) If an offender alleges that, at the time of committing the criminal offense with which the offender is charged, the offender had a mental illness, was a person with an intellectual disability, or was a victim of a violation of section 2905.32 or 2907.21 of the Revised Code and that the mental illness, status as a person with an intellectual disability, or fact that the offender was a victim of a violation of section 2905.32 or 2907.21 of the Revised Code was a factor leading to that offense, the offender has been assessed by a psychiatrist, psychologist, independent social worker, licensed professional clinical counselor, or independent marriage and family therapist for the purpose of determining the offender's program eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan.

(6) The offender's drug usage, alcohol usage, mental illness, or intellectual disability, or the fact that the offender was a victim of a violation of section 2905.32 or 2907.21 of the Revised Code, whichever is applicable, was a factor leading to the criminal offense with which the offender is charged, intervention in lieu of conviction would not demean the seriousness of the offense, and intervention would substantially reduce the likelihood of any future criminal activity.

(7) The alleged victim of the offense was not sixty-five years of age or older, permanently and totally disabled, under thirteen years of age, or a peace officer engaged in the officer's official duties at the time of the alleged offense.

(8) If the offender is charged with a violation of section 2925.24 of the Revised Code, the alleged violation did not result in physical harm to any person.

(9) The offender is willing to comply with all terms and conditions imposed by the court pursuant to division (D) of this section. 10557
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(10) The offender is not charged with an offense that would result in the offender being disqualified under Chapter 4506. of the Revised Code from operating a commercial motor vehicle or would subject the offender to any other sanction under that chapter. 10560
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(C) At the conclusion of a hearing held pursuant to division (A) of this section, the court shall enter its determination as to whether the offender will be granted intervention in lieu of conviction. If the court finds under this division and division (B) of this section that the offender is eligible for intervention in lieu of conviction and grants the offender's request, the court shall accept the offender's plea of guilty and waiver of the defendant's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the offender, and arraignment, unless the hearing, indictment, or arraignment has already occurred. In addition, the court then may stay all criminal proceedings and order the offender to comply with all terms and conditions imposed by the court pursuant to division (D) of this section. If the court finds that the offender is not eligible or does not grant the offender's request, the criminal proceedings against the offender shall proceed as if the offender's request for intervention in lieu of conviction had not been made. 10565
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(D) If the court grants an offender's request for intervention in lieu of conviction, the court shall place the offender under the general control and supervision of the county 10584
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probation department, the adult parole authority, or another 10587
appropriate local probation or court services agency, if one 10588
exists, as if the offender was subject to a community control 10589
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 10590
the Revised Code. The court shall establish an intervention plan 10591
for the offender. The terms and conditions of the intervention 10592
plan shall require the offender, for at least one year from the 10593
date on which the court grants the order of intervention in lieu 10594
of conviction, to abstain from the use of illegal drugs and 10595
alcohol, to participate in treatment and recovery support 10596
services, and to submit to regular random testing for drug and 10597
alcohol use and may include any other treatment terms and 10598
conditions, or terms and conditions similar to community control 10599
sanctions, which may include community service or restitution, 10600
that are ordered by the court. 10601

(E) If the court grants an offender's request for 10602
intervention in lieu of conviction and the court finds that the 10603
offender has successfully completed the intervention plan for 10604
the offender, including the requirement that the offender 10605
abstain from using illegal drugs and alcohol for a period of at 10606
least one year from the date on which the court granted the 10607
order of intervention in lieu of conviction, the requirement 10608
that the offender participate in treatment and recovery support 10609
services, and all other terms and conditions ordered by the 10610
court, the court shall dismiss the proceedings against the 10611
offender. Successful completion of the intervention plan and 10612
period of abstinence under this section shall be without 10613
adjudication of guilt and is not a criminal conviction for 10614
purposes of any disqualification or disability imposed by law 10615
and upon conviction of a crime, and the court may order the 10616
sealing of records related to the offense in question in the 10617

manner provided in sections 2953.31 to 2953.36 of the Revised Code. 10618
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(F) If the court grants an offender's request for 10620
intervention in lieu of conviction and the offender fails to 10621
comply with any term or condition imposed as part of the 10622
intervention plan for the offender, the supervising authority 10623
for the offender promptly shall advise the court of this 10624
failure, and the court shall hold a hearing to determine whether 10625
the offender failed to comply with any term or condition imposed 10626
as part of the plan. If the court determines that the offender 10627
has failed to comply with any of those terms and conditions, it 10628
may continue the offender on intervention in lieu of conviction, 10629
continue the offender on intervention in lieu of conviction with 10630
additional terms, conditions, and sanctions, or enter a finding 10631
of guilty and impose an appropriate sanction under Chapter 2929. 10632
of the Revised Code. If the court sentences the offender to a 10633
prison term, the court, after consulting with the department of 10634
rehabilitation and correction regarding the availability of 10635
services, may order continued court-supervised activity and 10636
treatment of the offender during the prison term and, upon 10637
consideration of reports received from the department concerning 10638
the offender's progress in the program of activity and 10639
treatment, may consider judicial release under section 2929.20 10640
of the Revised Code. 10641

(G) As used in this section: 10642

(1) "Community addiction services provider" has the same 10643
meaning as in section 5119.01 of the Revised Code. 10644

(2) "Community control sanction" has the same meaning as 10645
in section 2929.01 of the Revised Code. 10646

(3) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section. 10647
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(4) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code. 10649
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(5) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 10651
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(6) "Mental illness" and "psychiatrist" have the same meanings as in section 5122.01 of the Revised Code. 10653
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(7) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code. 10655
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Sec. 2967.18. (A) Whenever the director of rehabilitation and correction determines that the total population of the state correctional institutions for males and females, the total population of the state correctional institutions for males, or the total population of the state correctional institutions for females exceeds the capacity of those institutions and that an overcrowding emergency exists, the director shall notify the correctional institution inspection committee of the emergency and provide the committee with information in support of the director's determination. The director shall not notify the committee that an overcrowding emergency exists unless the director determines that no other reasonable method is available to resolve the overcrowding emergency. 10657
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(B) On receipt of the notice given pursuant to division (A) of this section, the correctional institution inspection committee promptly shall review the determination of the director of rehabilitation and correction. Notwithstanding any other provision of the Revised Code or the Administrative Code that governs the lengths of criminal sentences, sets forth the 10670
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time within which a prisoner is eligible for parole or within 10676
which a prisoner may apply for release, or regulates the 10677
procedure for granting parole or release to prisoners confined 10678
in state correctional institutions, the committee may recommend 10679
to the governor that the prison terms of eligible male, female, 10680
or all prisoners, as determined under division (E) of this 10681
section, be reduced by thirty, sixty, or ninety days, in the 10682
manner prescribed in that division. 10683

(C) If the correctional institution inspection committee 10684
disagrees with the determination of the director of 10685
rehabilitation and correction that an overcrowding emergency 10686
exists, if the committee finds that an overcrowding emergency 10687
exists but does not make a recommendation pursuant to division 10688
(B) of this section, or if the committee does not make a finding 10689
or a recommendation pursuant to that division within thirty days 10690
of receipt of the notice given pursuant to division (A) of this 10691
section, the director may recommend to the governor that the 10692
action set forth in division (B) of this section be taken. 10693

(D) Upon receipt of a recommendation from the correctional 10694
institution inspection committee or the director of 10695
rehabilitation and correction made pursuant to this section, the 10696
governor may declare in writing that an overcrowding emergency 10697
exists in all of the institutions within the control of the 10698
department in which men are confined, in which women are 10699
confined, or both. The declaration shall state that the adult 10700
parole authority shall take the action set forth in division (B) 10701
of this section. After the governor makes the declaration, the 10702
director shall file a copy of it with the secretary of state, 10703
and the copy is a public record. 10704

The department may begin to implement the declaration of 10705

the governor made pursuant to this section on the date that it 10706
is filed with the secretary of state. The department shall begin 10707
to implement the declaration within thirty days after the date 10708
of filing. The declaration shall be implemented in accordance 10709
with division (E) of this section. 10710

(E) (1) No reduction of sentence pursuant to division (B) 10711
of this section shall be granted to any of the following: 10712

(a) A person who is serving a term of imprisonment for 10713
aggravated murder, murder, voluntary manslaughter, involuntary 10714
manslaughter, felonious assault, kidnapping, rape, aggravated 10715
arson, aggravated robbery, or any other offense punishable by 10716
life imprisonment or by an indefinite term of a specified number 10717
of years to life, or for conspiracy in, complicity in, or 10718
attempt to commit any of those offenses; 10719

(b) A person who is serving a term of imprisonment for any 10720
felony other than carrying a concealed weapon that was committed 10721
while the person had a firearm, as defined in section 2923.11 of 10722
the Revised Code, on or about the offender's person or under the 10723
offender's control; 10724

(c) A person who is serving a term of imprisonment for a 10725
violation of section 2925.03, 2925.031, or 2925.032 of the 10726
Revised Code; 10727

(d) A person who is serving a term of imprisonment for 10728
engaging in a pattern of corrupt activity; 10729

(e) A person who is serving a prison term or term of life 10730
imprisonment without parole imposed pursuant to section 2971.03 10731
of the Revised Code; 10732

(f) A person who was denied parole or release pursuant to 10733
section 2929.20 of the Revised Code during the term of 10734

imprisonment the person currently is serving. 10735

(2) A declaration of the governor that requires the adult 10736
parole authority to take the action set forth in division (B) of 10737
this section shall be implemented only by reducing the prison 10738
terms of prisoners who are not in any of the categories set 10739
forth in division (E) (1) of this section, and only by granting 10740
reductions of prison terms in the following order: 10741

(a) Under any such declaration, prison terms initially 10742
shall be reduced only for persons who are not in any of the 10743
categories set forth in division (E) (1) of this section and who 10744
are not serving a term of imprisonment for any of the following 10745
offenses: 10746

(i) An offense of violence that is a felony of the first, 10747
second, or third degree or that, under the law in existence 10748
prior to ~~the effective date of this amendment~~ July 1, 1996, was 10749
an aggravated felony of the first, second, or third degree or a 10750
felony of the first or second degree; 10751

(ii) An offense set forth in Chapter 2925. of the Revised 10752
Code that is a felony of the first or second degree. 10753

(b) If every person serving a term of imprisonment at the 10754
time of the implementation of any such declaration who is in the 10755
class of persons eligible for the initial reduction of prison 10756
terms, as described in division (E) (2) (a) of this section, has 10757
received a total of ninety days of term reduction for each three 10758
years of imprisonment actually served, then prison terms may be 10759
reduced for all other persons serving a term of imprisonment at 10760
that time who are not in any of the categories set forth in 10761
division (E) (1) of this section. 10762

(F) An offender who is released from a state correctional 10763

institution pursuant to this section is subject to post-release 10764
control sanctions imposed by the adult parole authority as if 10765
the offender was a prisoner described in division (B) of section 10766
2967.28 of the Revised Code who was being released from 10767
imprisonment. 10768

(G) If more than one overcrowding emergency is declared 10769
while a prisoner is serving a prison term, the total term 10770
reduction for that prisoner as the result of multiple 10771
declarations shall not exceed ninety days for each three years 10772
of imprisonment actually served. 10773

Sec. 2967.19. (A) As used in this section: 10774

(1) "Deadly weapon" and "dangerous ordnance" have the same 10775
meanings as in section 2923.11 of the Revised Code. 10776

(2) "Disqualifying prison term" means any of the 10777
following: 10778

(a) A prison term imposed for aggravated murder, murder, 10779
voluntary manslaughter, involuntary manslaughter, felonious 10780
assault, kidnapping, rape, aggravated arson, aggravated 10781
burglary, or aggravated robbery; 10782

(b) A prison term imposed for complicity in, an attempt to 10783
commit, or conspiracy to commit any offense listed in division 10784
(A) (2) (a) of this section; 10785

(c) A prison term of life imprisonment, including any term 10786
of life imprisonment that has parole eligibility; 10787

(d) A prison term imposed for any felony other than 10788
carrying a concealed weapon an essential element of which is any 10789
conduct or failure to act expressly involving any deadly weapon 10790
or dangerous ordnance; 10791

(e) A prison term imposed for any violation of section 10792
2925.03, 2925.031, or 2925.032 of the Revised Code that is a 10793
felony of the first or second degree; 10794

(f) A prison term imposed for engaging in a pattern of 10795
corrupt activity in violation of section 2923.32 of the Revised 10796
Code; 10797

(g) A prison term imposed pursuant to section 2971.03 of 10798
the Revised Code; 10799

(h) A prison term imposed for any sexually oriented 10800
offense. 10801

(3) "Eligible prison term" means any prison term that is 10802
not a disqualifying prison term and is not a restricting prison 10803
term. 10804

(4) "Restricting prison term" means any of the following: 10805

(a) A mandatory prison term imposed under division (B) (1) 10806
(a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of 10807
section 2929.14 of the Revised Code for a specification of the 10808
type described in that division; 10809

(b) In the case of an offender who has been sentenced to a 10810
mandatory prison term for a specification of the type described 10811
in division (A) (4) (a) of this section, the prison term imposed 10812
for the felony offense for which the specification was stated at 10813
the end of the body of the indictment, count in the indictment, 10814
or information charging the offense; 10815

(c) A prison term imposed for trafficking in persons; 10816

(d) A prison term imposed for any offense that is 10817
described in division (A) (4) (d) (i) of this section if division 10818
(A) (4) (d) (ii) of this section applies to the offender: 10819

(i) The offense is a felony of the first or second degree that is an offense of violence and that is not described in division (A) (2) (a) or (b) of this section, an attempt to commit a felony of the first or second degree that is an offense of violence and that is not described in division (A) (2) (a) or (b) of this section if the attempt is a felony of the first or second degree, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to any other offense described in this division.

(ii) The offender previously was convicted of or pleaded guilty to any offense listed in division (A) (2) or (A) (4) (d) (i) of this section.

(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(6) "Stated prison term of one year or more" means a definite prison term of one year or more imposed as a stated prison term, or a minimum prison term of one year or more imposed as part of a stated prison term that is a non-life felony indefinite prison term.

(B) The director of the department of rehabilitation and correction may recommend in writing to the sentencing court that the court consider releasing from prison any offender who, on or after September 30, 2011, is confined in a state correctional institution, who is serving a stated prison term of one year or more, and who is eligible under division (C) of this section for a release under this section. If the director wishes to recommend that the sentencing court consider releasing an offender under this section, the director shall notify the sentencing court in writing of the offender's eligibility not

earlier than ninety days prior to the date on which the offender 10850
becomes eligible as described in division (C) of this section. 10851
The director's submission of the written notice constitutes a 10852
recommendation by the director that the court strongly consider 10853
release of the offender consistent with the purposes and 10854
principles of sentencing set forth in sections 2929.11 and 10855
2929.13 of the Revised Code. Only an offender recommended by the 10856
director under division (B) of this section may be considered 10857
for early release under this section. 10858

(C) (1) An offender serving a stated prison term of one 10859
year or more and who has commenced service of that stated prison 10860
term becomes eligible for release from prison under this section 10861
only as described in this division. An offender serving a stated 10862
prison term that includes a disqualifying prison term is not 10863
eligible for release from prison under this section. An offender 10864
serving a stated prison term that consists solely of one or more 10865
restricting prison terms is not eligible for release under this 10866
section. An offender serving a stated prison term of one year or 10867
more that includes one or more restricting prison terms and one 10868
or more eligible prison terms becomes eligible for release under 10869
this section after having fully served all restricting prison 10870
terms and having served eighty per cent of that stated prison 10871
term that remains to be served after all restricting prison 10872
terms have been fully served. An offender serving a stated 10873
prison term of one year or more that consists solely of one or 10874
more eligible prison terms becomes eligible for release under 10875
this section after having served eighty per cent of that stated 10876
prison term. For purposes of determining an offender's 10877
eligibility for release under this section, if the offender's 10878
stated prison term includes consecutive prison terms, any 10879
restricting prison terms shall be deemed served prior to any 10880

eligible prison terms that run consecutively to the restricting 10881
prison terms, and the eligible prison terms are deemed to 10882
commence after all of the restricting prison terms have been 10883
fully served. 10884

An offender serving a stated prison term of one year or 10885
more that includes a mandatory prison term that is not a 10886
disqualifying prison term and is not a restricting prison term 10887
is not automatically ineligible as a result of the offender's 10888
service of that mandatory term for release from prison under 10889
this section, and the offender's eligibility for release from 10890
prison under this section is determined in accordance with this 10891
division. 10892

(2) If an offender confined in a state correctional 10893
institution under a stated prison term is eligible for release 10894
under this section as described in division (C) (1) of this 10895
section, the director of the department of rehabilitation and 10896
correction may recommend in writing that the sentencing court 10897
consider releasing the offender from prison under this section 10898
by submitting to the sentencing court the written notice 10899
described in division (B) of this section. 10900

(D) The director shall include with any notice submitted 10901
to the sentencing court under division (B) of this section an 10902
institutional summary report that covers the offender's 10903
participation while confined in a state correctional institution 10904
in school, training, work, treatment, and other rehabilitative 10905
activities and any disciplinary action taken against the 10906
offender while so confined. The director shall include with the 10907
notice any other documentation requested by the court, if 10908
available. 10909

(E) (1) When the director submits a written notice to a 10910

sentencing court that an offender is eligible to be considered 10911
for early release under this section, the department promptly 10912
shall provide to the prosecuting attorney of the county in which 10913
the offender was indicted a copy of the written notice, a copy 10914
of the institutional summary report, and any other information 10915
provided to the court and shall provide a copy of the 10916
institutional summary report to any law enforcement agency that 10917
requests the report. The department also promptly shall do 10918
whichever of the following is applicable: 10919

(a) Subject to division (E) (1) (b) of this section, give 10920
written notice of the submission to any victim of the offender 10921
or victim's representative of any victim of the offender who is 10922
registered with the office of victim's services. 10923

(b) If the offense was aggravated murder, murder, an 10924
offense of violence that is a felony of the first, second, or 10925
third degree, or an offense punished by a sentence of life 10926
imprisonment, except as otherwise provided in this division, 10927
notify the victim or the victim's representative of the filing 10928
of the petition regardless of whether the victim or victim's 10929
representative has registered with the office of victim's 10930
services. The notice of the filing of the petition shall not be 10931
given under this division to a victim or victim's representative 10932
if the victim or victim's representative has requested pursuant 10933
to division (B) (2) of section 2930.03 of the Revised Code that 10934
the victim or the victim's representative not be provided the 10935
notice. If notice is to be provided to a victim or victim's 10936
representative under this division, the department may give the 10937
notice by any reasonable means, including regular mail, 10938
telephone, and electronic mail, in accordance with division (D) 10939
(1) of section 2930.16 of the Revised Code. If the notice is 10940
based on an offense committed prior to March 22, 2013, the 10941

notice also shall include the opt-out information described in 10942
division (D) (1) of section 2930.16 of the Revised Code. The 10943
department, in accordance with division (D) (2) of section 10944
2930.16 of the Revised Code, shall keep a record of all attempts 10945
to provide the notice, and of all notices provided, under this 10946
division. 10947

Division (E) (1) (b) of this section, and the notice-related 10948
provisions of divisions (E) (2) and (K) of section 2929.20, 10949
division (D) (1) of section 2930.16, division (H) of section 10950
2967.12, division (A) (3) (b) of section 2967.26, division (D) (1) 10951
of section 2967.28, and division (A) (2) of section 5149.101 of 10952
the Revised Code enacted in the act in which division (E) (2) of 10953
this section was enacted, shall be known as "Roberta's Law." 10954

(2) When the director submits a petition under this 10955
section, the department also promptly shall post a copy of the 10956
written notice on the database it maintains under section 10957
5120.66 of the Revised Code and include information on where a 10958
person may send comments regarding the recommendation of early 10959
release. 10960

The information provided to the court, the prosecutor, and 10961
the victim or victim's representative under divisions (D) and 10962
(E) of this section shall include the name and contact 10963
information of a specific department of rehabilitation and 10964
correction employee who is available to answer questions about 10965
the offender who is the subject of the written notice submitted 10966
by the director, including, but not limited to, the offender's 10967
institutional conduct and rehabilitative activities while 10968
incarcerated. 10969

(F) Upon receipt of a written notice submitted by the 10970
director under division (B) of this section, the court either 10971

shall, on its own motion, schedule a hearing to consider 10972
releasing the offender who is the subject of the notice or shall 10973
inform the department that it will not be conducting a hearing 10974
relative to the offender. The court shall not grant an early 10975
release to an offender without holding a hearing. If a court 10976
declines to hold a hearing relative to an offender with respect 10977
to a written notice submitted by the director, the court may 10978
later consider release of that offender under this section on 10979
its own motion by scheduling a hearing for that purpose. Within 10980
thirty days after the written notice is submitted, the court 10981
shall inform the department whether or not the court is 10982
scheduling a hearing on the offender who is the subject of the 10983
notice. 10984

(G) If the court schedules a hearing upon receiving a 10985
written notice submitted under division (B) of this section or 10986
upon its own motion under division (F) of this section, the 10987
court shall notify the head of the state correctional 10988
institution in which the offender is confined of the hearing 10989
prior to the hearing. If the court makes a journal entry 10990
ordering the offender to be conveyed to the hearing, except as 10991
otherwise provided in this division, the head of the 10992
correctional institution shall deliver the offender to the 10993
sheriff of the county in which the hearing is to be held, and 10994
the sheriff shall convey the offender to and from the hearing. 10995
Upon the court's own motion or the motion of the offender or the 10996
prosecuting attorney of the county in which the offender was 10997
indicted, the court may permit the offender to appear at the 10998
hearing by video conferencing equipment if equipment of that 10999
nature is available and compatible. 11000

Upon receipt of notice from a court of a hearing on the 11001
release of an offender under this division, the head of the 11002

state correctional institution in which the offender is confined 11003
immediately shall notify the appropriate person at the 11004
department of rehabilitation and correction of the hearing, and 11005
the department within twenty-four hours after receipt of the 11006
notice shall post on the database it maintains pursuant to 11007
section 5120.66 of the Revised Code the offender's name and all 11008
of the information specified in division (A)(1)(c)(i) of that 11009
section. If the court schedules a hearing under this section, 11010
the court promptly shall give notice of the hearing to the 11011
prosecuting attorney of the county in which the offender was 11012
indicted. Upon receipt of the notice from the court, the 11013
prosecuting attorney shall notify pursuant to section 2930.16 of 11014
the Revised Code any victim of the offender or the victim's 11015
representative of the hearing. 11016

(H) If the court schedules a hearing under this section, 11017
at the hearing, the court shall afford the offender and the 11018
offender's attorney an opportunity to present written 11019
information and, if present, oral information relevant to the 11020
offender's early release. The court shall afford a similar 11021
opportunity to the prosecuting attorney, victim or victim's 11022
representative, as defined in section 2930.01 of the Revised 11023
Code, and any other person the court determines is likely to 11024
present additional relevant information. If the court pursuant 11025
to division (G) of this section permits the offender to appear 11026
at the hearing by video conferencing equipment, the offender's 11027
opportunity to present oral information shall be as a part of 11028
the video conferencing. The court shall consider any statement 11029
of a victim made under section 2930.14 or 2930.17 of the Revised 11030
Code, any victim impact statement prepared under section 11031
2947.051 of the Revised Code, and any report and other 11032
documentation submitted by the director under division (D) of 11033

this section. After ruling on whether to grant the offender 11034
early release, the court shall notify the victim in accordance 11035
with sections 2930.03 and 2930.16 of the Revised Code. 11036

(I) If the court grants an offender early release under 11037
this section, it shall order the release of the offender, shall 11038
place the offender under one or more appropriate community 11039
control sanctions, under appropriate conditions, and under the 11040
supervision of the department of probation that serves the 11041
court, and shall reserve the right to reimpose the sentence that 11042
it reduced and from which the offender was released if the 11043
offender violates the sanction. The court shall not make a 11044
release under this section effective prior to the date on which 11045
the offender becomes eligible as described in division (C) of 11046
this section. If the sentence under which the offender is 11047
confined in a state correctional institution and from which the 11048
offender is being released was imposed for a felony of the first 11049
or second degree, the court shall consider ordering that the 11050
offender be monitored by means of a global positioning device. 11051
If the court reimposes the sentence that it reduced and from 11052
which the offender was released and if the violation of the 11053
sanction is a new offense, the court may order that the 11054
reimposed sentence be served either concurrently with, or 11055
consecutive to, any new sentence imposed upon the offender as a 11056
result of the violation that is a new offense. The period of all 11057
community control sanctions imposed under this division shall 11058
not exceed five years. The court, in its discretion, may reduce 11059
the period of community control sanctions by the amount of time 11060
the offender spent in jail or prison for the offense. 11061

If the court grants an offender early release under this 11062
section, it shall notify the appropriate person at the 11063
department of rehabilitation and correction of the release, and 11064

the department shall post notice of the release on the database 11065
it maintains pursuant to section 5120.66 of the Revised Code. 11066

(J) The department shall adopt under Chapter 119. of the 11067
Revised Code any rules necessary to implement this section. 11068

Sec. 2967.28. (A) As used in this section: 11069

(1) "Monitored time" means the monitored time sanction 11070
specified in section 2929.17 of the Revised Code. 11071

(2) "Deadly weapon" and "dangerous ordnance" have the same 11072
meanings as in section 2923.11 of the Revised Code. 11073

(3) "Felony sex offense" means a violation of a section 11074
contained in Chapter 2907. of the Revised Code that is a felony. 11075

(4) "Risk reduction sentence" means a prison term imposed 11076
by a court, when the court recommends pursuant to section 11077
2929.143 of the Revised Code that the offender serve the 11078
sentence under section 5120.036 of the Revised Code, and the 11079
offender may potentially be released from imprisonment prior to 11080
the expiration of the prison term if the offender successfully 11081
completes all assessment and treatment or programming required 11082
by the department of rehabilitation and correction under section 11083
5120.036 of the Revised Code. 11084

(5) "Victim's immediate family" has the same meaning as in 11085
section 2967.12 of the Revised Code. 11086

(6) "Minor drug possession offense" has the same meaning 11087
as in section ~~2925.11~~2925.01 of the Revised Code. 11088

(B) Each sentence to a prison term, other than a term of 11089
life imprisonment, for a felony of the first degree, for a 11090
felony of the second degree, for a felony sex offense, or for a 11091
felony of the third degree that is an offense of violence and is 11092

not a felony sex offense shall include a requirement that the offender be subject to a period of post-release control imposed by the parole board after the offender's release from imprisonment. This division applies with respect to all prison terms of a type described in this division, including a term of any such type that is a risk reduction sentence. If a court imposes a sentence including a prison term of a type described in this division on or after July 11, 2006, the failure of a sentencing court to notify the offender pursuant to division (B) (2) (d) of section 2929.19 of the Revised Code of this requirement or to include in the judgment of conviction entered on the journal a statement that the offender's sentence includes this requirement does not negate, limit, or otherwise affect the mandatory period of supervision that is required for the offender under this division. This division applies with respect to all prison terms of a type described in this division, including a non-life felony indefinite prison term. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to notify the offender pursuant to division (B) (2) (d) of section 2929.19 of the Revised Code regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence pursuant to division (D) (1) of section 2929.14 of the Revised Code a statement regarding post-release control. Unless reduced by the parole board pursuant to division (D) of this section when authorized under that division, a period of post-release control required by this division for an offender shall be of one of the following periods:

- (1) For a felony of the first degree or for a felony sex offense, five years;

(2) For a felony of the second degree that is not a felony sex offense, three years; 11124
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(3) For a felony of the third degree that is an offense of violence and is not a felony sex offense, three years. 11126
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(C) Any sentence to a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (B) (1) or (3) of this section shall include a requirement that the offender be subject to a period of post-release control of up to three years after the offender's release from imprisonment, if the parole board, in accordance with division (D) of this section, determines that a period of post-release control is necessary for that offender. This division applies with respect to all prison terms of a type described in this division, including a term of any such type that is a risk reduction sentence. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to notify the offender pursuant to division (B) (2) (e) of section 2929.19 of the Revised Code regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence pursuant to division (D) (2) of section 2929.14 of the Revised Code a statement regarding post-release control. Pursuant to an agreement entered into under section 2967.29 of the Revised Code, a court of common pleas or parole board may impose sanctions or conditions on an offender who is placed on post-release control under this division. 11128
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(D) (1) Before the prisoner is released from imprisonment, the parole board or, pursuant to an agreement under section 2967.29 of the Revised Code, the court shall impose upon a prisoner described in division (B) of this section, shall impose 11150
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upon a prisoner described in division (C) of this section who is 11154
to be released before the expiration of the prisoner's stated 11155
prison term under a risk reduction sentence, may impose upon a 11156
prisoner described in division (C) of this section who is not to 11157
be released before the expiration of the prisoner's stated 11158
prison term under a risk reduction sentence, and shall impose 11159
upon a prisoner described in division (B) (2) (b) of section 11160
5120.031 or in division (B) (1) of section 5120.032 of the 11161
Revised Code, one or more post-release control sanctions to 11162
apply during the prisoner's period of post-release control. 11163
Whenever the board or court imposes one or more post-release 11164
control sanctions upon a prisoner, the board or court, in 11165
addition to imposing the sanctions, also shall include as a 11166
condition of the post-release control that the offender not 11167
leave the state without permission of the court or the 11168
offender's parole or probation officer and that the offender 11169
abide by the law. The board or court may impose any other 11170
conditions of release under a post-release control sanction that 11171
the board or court considers appropriate, and the conditions of 11172
release may include any community residential sanction, 11173
community nonresidential sanction, or financial sanction that 11174
the sentencing court was authorized to impose pursuant to 11175
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 11176
Prior to the release of a prisoner for whom it will impose one 11177
or more post-release control sanctions under this division, the 11178
parole board or court shall review the prisoner's criminal 11179
history, results from the single validated risk assessment tool 11180
selected by the department of rehabilitation and correction 11181
under section 5120.114 of the Revised Code, all juvenile court 11182
adjudications finding the prisoner, while a juvenile, to be a 11183
delinquent child, and the record of the prisoner's conduct while 11184
imprisoned. The parole board or court shall consider any 11185

recommendation regarding post-release control sanctions for the 11186
prisoner made by the office of victims' services. After 11187
considering those materials, the board or court shall determine, 11188
for a prisoner described in division (B) of this section, 11189
division (B) (2) (b) of section 5120.031, or division (B) (1) of 11190
section 5120.032 of the Revised Code and for a prisoner 11191
described in division (C) of this section who is to be released 11192
before the expiration of the prisoner's stated prison term under 11193
a risk reduction sentence, which post-release control sanction 11194
or combination of post-release control sanctions is reasonable 11195
under the circumstances or, for a prisoner described in division 11196
(C) of this section who is not to be released before the 11197
expiration of the prisoner's stated prison term under a risk 11198
reduction sentence, whether a post-release control sanction is 11199
necessary and, if so, which post-release control sanction or 11200
combination of post-release control sanctions is reasonable 11201
under the circumstances. In the case of a prisoner convicted of 11202
a felony of the fourth or fifth degree other than a felony sex 11203
offense, the board or court shall presume that monitored time is 11204
the appropriate post-release control sanction unless the board 11205
or court determines that a more restrictive sanction is 11206
warranted. A post-release control sanction imposed under this 11207
division takes effect upon the prisoner's release from 11208
imprisonment. 11209

Regardless of whether the prisoner was sentenced to the 11210
prison term prior to, on, or after July 11, 2006, prior to the 11211
release of a prisoner for whom it will impose one or more post- 11212
release control sanctions under this division, the parole board 11213
shall notify the prisoner that, if the prisoner violates any 11214
sanction so imposed or any condition of post-release control 11215
described in division (B) of section 2967.131 of the Revised 11216

Code that is imposed on the prisoner, the parole board may 11217
impose a prison term of up to one-half of the stated prison term 11218
originally imposed upon the prisoner. 11219

At least thirty days before the prisoner is released from 11220
imprisonment under post-release control, except as otherwise 11221
provided in this paragraph, the department of rehabilitation and 11222
correction shall notify the victim and the victim's immediate 11223
family of the date on which the prisoner will be released, the 11224
period for which the prisoner will be under post-release control 11225
supervision, and the terms and conditions of the prisoner's 11226
post-release control regardless of whether the victim or 11227
victim's immediate family has requested the notification. The 11228
notice described in this paragraph shall not be given to a 11229
victim or victim's immediate family if the victim or the 11230
victim's immediate family has requested pursuant to division (B) 11231
(2) of section 2930.03 of the Revised Code that the notice not 11232
be provided to the victim or the victim's immediate family. At 11233
least thirty days before the prisoner is released from 11234
imprisonment and regardless of whether the victim or victim's 11235
immediate family has requested that the notice described in this 11236
paragraph be provided or not be provided to the victim or the 11237
victim's immediate family, the department also shall provide 11238
notice of that nature to the prosecuting attorney in the case 11239
and the law enforcement agency that arrested the prisoner if any 11240
officer of that agency was a victim of the offense. 11241

If the notice given under the preceding paragraph to the 11242
victim or the victim's immediate family is based on an offense 11243
committed prior to March 22, 2013, and if the department of 11244
rehabilitation and correction has not previously successfully 11245
provided any notice to the victim or the victim's immediate 11246
family under division (B), (C), or (D) of section 2930.16 of the 11247

Revised Code with respect to that offense and the offender who 11248
committed it, the notice also shall inform the victim or the 11249
victim's immediate family that the victim or the victim's 11250
immediate family may request that the victim or the victim's 11251
immediate family not be provided any further notices with 11252
respect to that offense and the offender who committed it and 11253
shall describe the procedure for making that request. The 11254
department may give the notices to which the preceding paragraph 11255
applies by any reasonable means, including regular mail, 11256
telephone, and electronic mail. If the department attempts to 11257
provide notice to any specified person under the preceding 11258
paragraph but the attempt is unsuccessful because the department 11259
is unable to locate the specified person, is unable to provide 11260
the notice by its chosen method because it cannot determine the 11261
mailing address, electronic mail address, or telephone number at 11262
which to provide the notice, or, if the notice is sent by mail, 11263
the notice is returned, the department shall make another 11264
attempt to provide the notice to the specified person. If the 11265
second attempt is unsuccessful, the department shall make at 11266
least one more attempt to provide the notice. If the notice is 11267
based on an offense committed prior to March 22, 2013, in each 11268
attempt to provide the notice to the victim or victim's 11269
immediate family, the notice shall include the opt-out 11270
information described in this paragraph. The department, in the 11271
manner described in division (D)(2) of section 2930.16 of the 11272
Revised Code, shall keep a record of all attempts to provide the 11273
notice, and of all notices provided, under this paragraph and 11274
the preceding paragraph. The record shall be considered as if it 11275
was kept under division (D)(2) of section 2930.16 of the Revised 11276
Code. This paragraph, the preceding paragraph, and the notice- 11277
related provisions of divisions (E)(2) and (K) of section 11278
2929.20, division (D)(1) of section 2930.16, division (H) of 11279

section 2967.12, division (E) (1) (b) of section 2967.19, division 11280
(A) (3) (b) of section 2967.26, and division (A) (2) of section 11281
5149.101 of the Revised Code enacted in the act in which this 11282
paragraph and the preceding paragraph were enacted, shall be 11283
known as "Roberta's Law." 11284

(2) If a prisoner who is placed on post-release control 11285
under this section is released before the expiration of the 11286
definite term that is the prisoner's stated prison term or the 11287
expiration of the minimum term that is part of the prisoner's 11288
indefinite prison term imposed under a non-life felony 11289
indefinite prison term by reason of credit earned under section 11290
2967.193 or a reduction under division (F) of section 2967.271 11291
of the Revised Code and if the prisoner earned sixty or more 11292
days of credit, the adult parole authority shall supervise the 11293
offender with an active global positioning system device for the 11294
first fourteen days after the offender's release from 11295
imprisonment. This division does not prohibit or limit the 11296
imposition of any post-release control sanction otherwise 11297
authorized by this section. 11298

(3) At any time after a prisoner is released from 11299
imprisonment and during the period of post-release control 11300
applicable to the releasee, the adult parole authority or, 11301
pursuant to an agreement under section 2967.29 of the Revised 11302
Code, the court may review the releasee's behavior under the 11303
post-release control sanctions imposed upon the releasee under 11304
this section. The authority or court may determine, based upon 11305
the review and in accordance with the standards established 11306
under division (E) of this section, that a more restrictive or a 11307
less restrictive sanction is appropriate and may impose a 11308
different sanction. The authority also may recommend that the 11309
parole board or court increase or reduce the duration of the 11310

period of post-release control imposed by the court. If the 11311
authority recommends that the board or court increase the 11312
duration of post-release control, the board or court shall 11313
review the releasee's behavior and may increase the duration of 11314
the period of post-release control imposed by the court up to 11315
eight years. If the authority recommends that the board or court 11316
reduce the duration of control for an offense described in 11317
division (B) or (C) of this section, the board or court shall 11318
review the releasee's behavior and, subject to divisions (D) (3) 11319
(a) to (c) of this section, may reduce the duration of the 11320
period of control imposed by the court or, if the period of 11321
control was imposed for a non-life felony indefinite prison 11322
term, reduce the duration of or terminate the period of control 11323
imposed by the court. In no case shall the board or court do any 11324
of the following: 11325

(a) Reduce the duration of the period of control imposed 11326
for an offense described in division (B) (1) of this section to a 11327
period less than the length of the definite prison term included 11328
in the stated prison term originally imposed on the offender as 11329
part of the sentence or, with respect to a stated non-life 11330
felony indefinite prison term, to a period less than the length 11331
of the minimum prison term imposed as part of that stated prison 11332
term; 11333

(b) Consider any reduction or termination of the duration 11334
of the period of control imposed on a releasee prior to the 11335
expiration of one year after the commencement of the period of 11336
control, if the period of control was imposed for a non-life 11337
felony indefinite prison term and the releasee's minimum prison 11338
term or presumptive earned early release date under that term 11339
was extended for any length of time under division (C) or (D) of 11340
section 2967.271 of the Revised Code. 11341

(c) Permit the releasee to leave the state without 11342
permission of the court or the releasee's parole or probation 11343
officer. 11344

(4) The department of rehabilitation and correction shall 11345
develop factors that the parole board or court shall consider in 11346
determining under division (D) (3) of this section whether to 11347
terminate the period of control imposed on a releasee for a non- 11348
life felony indefinite prison term. 11349

(E) The department of rehabilitation and correction, in 11350
accordance with Chapter 119. of the Revised Code, shall adopt 11351
rules that do all of the following: 11352

(1) Establish standards for the imposition by the parole 11353
board of post-release control sanctions under this section that 11354
are consistent with the overriding purposes and sentencing 11355
principles set forth in section 2929.11 of the Revised Code and 11356
that are appropriate to the needs of releasees; 11357

(2) Establish standards that provide for a period of post- 11358
release control of up to three years for all prisoners described 11359
in division (C) of this section who are to be released before 11360
the expiration of their stated prison term under a risk 11361
reduction sentence and standards by which the parole board can 11362
determine which prisoners described in division (C) of this 11363
section who are not to be released before the expiration of 11364
their stated prison term under a risk reduction sentence should 11365
be placed under a period of post-release control; 11366

(3) Establish standards to be used by the parole board in 11367
reducing the duration of the period of post-release control 11368
imposed by the court when authorized under division (D) of this 11369
section, in imposing a more restrictive post-release control 11370

sanction than monitored time upon a prisoner convicted of a 11371
felony of the fourth or fifth degree other than a felony sex 11372
offense, or in imposing a less restrictive control sanction upon 11373
a releasee based on the releasee's activities including, but not 11374
limited to, remaining free from criminal activity and from the 11375
abuse of alcohol or other drugs, successfully participating in 11376
approved rehabilitation programs, maintaining employment, and 11377
paying restitution to the victim or meeting the terms of other 11378
financial sanctions; 11379

(4) Establish standards to be used by the adult parole 11380
authority in modifying a releasee's post-release control 11381
sanctions pursuant to division (D) (2) of this section; 11382

(5) Establish standards to be used by the adult parole 11383
authority or parole board in imposing further sanctions under 11384
division (F) of this section on releasees who violate post- 11385
release control sanctions, including standards that do the 11386
following: 11387

(a) Classify violations according to the degree of 11388
seriousness; 11389

(b) Define the circumstances under which formal action by 11390
the parole board is warranted; 11391

(c) Govern the use of evidence at violation hearings; 11392

(d) Ensure procedural due process to an alleged violator; 11393

(e) Prescribe nonresidential community control sanctions 11394
for most misdemeanor and technical violations; 11395

(f) Provide procedures for the return of a releasee to 11396
imprisonment for violations of post-release control. 11397

(F) (1) Whenever the parole board imposes one or more post- 11398

release control sanctions upon an offender under this section, 11399
the offender upon release from imprisonment shall be under the 11400
general jurisdiction of the adult parole authority and generally 11401
shall be supervised by the field services section through its 11402
staff of parole and field officers as described in section 11403
5149.04 of the Revised Code, as if the offender had been placed 11404
on parole. If the offender upon release from imprisonment 11405
violates the post-release control sanction or any conditions 11406
described in division (A) of section 2967.131 of the Revised 11407
Code that are imposed on the offender, the public or private 11408
person or entity that operates or administers the sanction or 11409
the program or activity that comprises the sanction shall report 11410
the violation directly to the adult parole authority or to the 11411
officer of the authority who supervises the offender. The 11412
authority's officers may treat the offender as if the offender 11413
were on parole and in violation of the parole, and otherwise 11414
shall comply with this section. 11415

(2) If the adult parole authority or, pursuant to an 11416
agreement under section 2967.29 of the Revised Code, the court 11417
determines that a releasee has violated a post-release control 11418
sanction or any conditions described in division (A) of section 11419
2967.131 of the Revised Code imposed upon the releasee and that 11420
a more restrictive sanction is appropriate, the authority or 11421
court may impose a more restrictive sanction upon the releasee, 11422
in accordance with the standards established under division (E) 11423
of this section or in accordance with the agreement made under 11424
section 2967.29 of the Revised Code, or may report the violation 11425
to the parole board for a hearing pursuant to division (F) (3) of 11426
this section. The authority or court may not, pursuant to this 11427
division, increase the duration of the releasee's post-release 11428
control or impose as a post-release control sanction a 11429

residential sanction that includes a prison term, but the 11430
authority or court may impose on the releasee any other 11431
residential sanction, nonresidential sanction, or financial 11432
sanction that the sentencing court was authorized to impose 11433
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 11434
Revised Code. 11435

(3) The parole board or, pursuant to an agreement under 11436
section 2967.29 of the Revised Code, the court may hold a 11437
hearing on any alleged violation by a releasee of a post-release 11438
control sanction or any conditions described in division (A) of 11439
section 2967.131 of the Revised Code that are imposed upon the 11440
releasee. If after the hearing the board or court finds that the 11441
releasee violated the sanction or condition, the board or court 11442
may increase the duration of the releasee's post-release control 11443
up to the maximum duration authorized by division (B) or (C) of 11444
this section or impose a more restrictive post-release control 11445
sanction. If a releasee was acting pursuant to division (B) (2) 11446
(b) of section 2925.11 or a related provision of section 11447
2925.111 of the Revised Code and in so doing violated the 11448
conditions of a post-release control sanction based on a minor 11449
drug possession offense as defined in ~~that~~ section 2925.01 of 11450
the Revised Code, the board or the court may consider the 11451
releasee's conduct in seeking or obtaining medical assistance 11452
for another in good faith or for self or may consider the 11453
releasee being the subject of another person seeking or 11454
obtaining medical assistance in accordance with that division as 11455
a mitigating factor before imposing any of the penalties 11456
described in this division. When appropriate, the board or court 11457
may impose as a post-release control sanction a residential 11458
sanction that includes a prison term. The board or court shall 11459
consider a prison term as a post-release control sanction 11460

imposed for a violation of post-release control when the 11461
violation involves a deadly weapon or dangerous ordnance, 11462
physical harm or attempted serious physical harm to a person, or 11463
sexual misconduct. Unless a releasee's stated prison term was 11464
reduced pursuant to section 5120.032 of the Revised Code, the 11465
period of a prison term that is imposed as a post-release 11466
control sanction under this division shall not exceed nine 11467
months, and the maximum cumulative prison term for all 11468
violations under this division shall not exceed one-half of the 11469
definite prison term that was the stated prison term originally 11470
imposed upon the offender as part of this sentence or, with 11471
respect to a stated non-life felony indefinite prison term, one- 11472
half of the minimum prison term that was imposed as part of that 11473
stated prison term originally imposed upon the offender. If a 11474
releasee's stated prison term was reduced pursuant to section 11475
5120.032 of the Revised Code, the period of a prison term that 11476
is imposed as a post-release control sanction under this 11477
division and the maximum cumulative prison term for all 11478
violations under this division shall not exceed the period of 11479
time not served in prison under the sentence imposed by the 11480
court. The period of a prison term that is imposed as a post- 11481
release control sanction under this division shall not count as, 11482
or be credited toward, the remaining period of post-release 11483
control. 11484

If an offender is imprisoned for a felony committed while 11485
under post-release control supervision and is again released on 11486
post-release control for a period of time determined by division 11487
(F) (4) (d) of this section, the maximum cumulative prison term 11488
for all violations under this division shall not exceed one-half 11489
of the total stated prison terms of the earlier felony, reduced 11490
by any prison term administratively imposed by the parole board 11491

or court, plus one-half of the total stated prison term of the 11492
new felony. 11493

(4) Any period of post-release control shall commence upon 11494
an offender's actual release from prison. If an offender is 11495
serving an indefinite prison term or a life sentence in addition 11496
to a stated prison term, the offender shall serve the period of 11497
post-release control in the following manner: 11498

(a) If a period of post-release control is imposed upon 11499
the offender and if the offender also is subject to a period of 11500
parole under a life sentence or an indefinite sentence, and if 11501
the period of post-release control ends prior to the period of 11502
parole, the offender shall be supervised on parole. The offender 11503
shall receive credit for post-release control supervision during 11504
the period of parole. The offender is not eligible for final 11505
release under section 2967.16 of the Revised Code until the 11506
post-release control period otherwise would have ended. 11507

(b) If a period of post-release control is imposed upon 11508
the offender and if the offender also is subject to a period of 11509
parole under an indefinite sentence, and if the period of parole 11510
ends prior to the period of post-release control, the offender 11511
shall be supervised on post-release control. The requirements of 11512
parole supervision shall be satisfied during the post-release 11513
control period. 11514

(c) If an offender is subject to more than one period of 11515
post-release control, the period of post-release control for all 11516
of the sentences shall be the period of post-release control 11517
that expires last, as determined by the parole board or court. 11518
Periods of post-release control shall be served concurrently and 11519
shall not be imposed consecutively to each other. 11520

(d) The period of post-release control for a releasee who
commits a felony while under post-release control for an earlier
felony shall be the longer of the period of post-release control
specified for the new felony under division (B) or (C) of this
section or the time remaining under the period of post-release
control imposed for the earlier felony as determined by the
parole board or court.

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
check, the chief administrator shall request that the
superintendent obtain information from the federal bureau of
investigation as a part of the criminal records check for the
applicant. If the applicant presents proof that the applicant
has been a resident of this state for that five-year period, the
chief administrator may request that the superintendent include
information from the federal bureau of investigation in the
criminal records check.

(2) Any person required by division (A) (1) of this section
to request a criminal records check shall provide to each
applicant a copy of the form prescribed pursuant to division (C)
(1) of section 109.572 of the Revised Code, provide to each

applicant a standard impression sheet to obtain fingerprint 11552
impressions prescribed pursuant to division (C) (2) of section 11553
109.572 of the Revised Code, obtain the completed form and 11554
impression sheet from each applicant, and forward the completed 11555
form and impression sheet to the superintendent of the bureau of 11556
criminal identification and investigation at the time the chief 11557
administrator requests a criminal records check pursuant to 11558
division (A) (1) of this section. 11559

(3) Any applicant who receives pursuant to division (A) (2) 11560
of this section a copy of the form prescribed pursuant to 11561
division (C) (1) of section 109.572 of the Revised Code and a 11562
copy of an impression sheet prescribed pursuant to division (C) 11563
(2) of that section and who is requested to complete the form 11564
and provide a set of fingerprint impressions shall complete the 11565
form or provide all the information necessary to complete the 11566
form and shall provide the impression sheets with the 11567
impressions of the applicant's fingerprints. If an applicant, 11568
upon request, fails to provide the information necessary to 11569
complete the form or fails to provide impressions of the 11570
applicant's fingerprints, the head start agency shall not employ 11571
that applicant for any position for which a criminal records 11572
check is required by division (A) (1) of this section. 11573

(B) (1) Except as provided in rules adopted by the director 11574
of job and family services in accordance with division (E) of 11575
this section, no head start agency shall employ a person as a 11576
person responsible for the care, custody, or control of a child 11577
if the person previously has been convicted of or pleaded guilty 11578
to any of the following: 11579

(a) A violation of section 2903.01, 2903.02, 2903.03, 11580
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 11581

2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 11582
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 11583
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 11584
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 11585
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 11586
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 11587
Code, a violation of section 2905.04 of the Revised Code as it 11588
existed prior to July 1, 1996, a violation of section 2919.23 of 11589
the Revised Code that would have been a violation of section 11590
2905.04 of the Revised Code as it existed prior to July 1, 1996, 11591
had the violation occurred prior to that date, a violation of 11592
section 2925.11 or 2925.111 of the Revised Code that is not a 11593
minor drug possession offense, or felonious sexual penetration 11594
in violation of former section 2907.12 of the Revised Code; 11595

(b) A violation of an existing or former law of this 11596
state, any other state, or the United States that is 11597
substantially equivalent to any of the offenses or violations 11598
described in division (B) (1) (a) of this section. 11599

(2) A head start agency may employ an applicant 11600
conditionally until the criminal records check required by this 11601
section is completed and the agency receives the results of the 11602
criminal records check. If the results of the criminal records 11603
check indicate that, pursuant to division (B) (1) of this 11604
section, the applicant does not qualify for employment, the 11605
agency shall release the applicant from employment. 11606

(C) (1) Each head start agency shall pay to the bureau of 11607
criminal identification and investigation the fee prescribed 11608
pursuant to division (C) (3) of section 109.572 of the Revised 11609
Code for each criminal records check conducted in accordance 11610
with that section upon the request pursuant to division (A) (1) 11611

of this section of the chief administrator of the head start agency. 11612
11613

(2) A head start agency may charge an applicant a fee for 11614
the costs it incurs in obtaining a criminal records check under 11615
this section. A fee charged under this division shall not exceed 11616
the amount of fees the agency pays under division (C) (1) of this 11617
section. If a fee is charged under this division, the agency 11618
shall notify the applicant at the time of the applicant's 11619
initial application for employment of the amount of the fee and 11620
that, unless the fee is paid, the head start agency will not 11621
consider the applicant for employment. 11622

(D) The report of any criminal records check conducted by 11623
the bureau of criminal identification and investigation in 11624
accordance with section 109.572 of the Revised Code and pursuant 11625
to a request made under division (A) (1) of this section is not a 11626
public record for the purposes of section 149.43 of the Revised 11627
Code and shall not be made available to any person other than 11628
the applicant who is the subject of the criminal records check 11629
or the applicant's representative, the head start agency 11630
requesting the criminal records check or its representative, and 11631
any court, hearing officer, or other necessary individual 11632
involved in a case dealing with the denial of employment to the 11633
applicant. 11634

(E) The director of job and family services shall adopt 11635
rules pursuant to Chapter 119. of the Revised Code to implement 11636
this section, including rules specifying circumstances under 11637
which a head start agency may hire a person who has been 11638
convicted of an offense listed in division (B) (1) of this 11639
section but who meets standards in regard to rehabilitation set 11640
by the director. 11641

(F) Any person required by division (A) (1) of this section 11642
to request a criminal records check shall inform each person, at 11643
the time of the person's initial application for employment, 11644
that the person is required to provide a set of impressions of 11645
the person's fingerprints and that a criminal records check is 11646
required to be conducted and satisfactorily completed in 11647
accordance with section 109.572 of the Revised Code if the 11648
person comes under final consideration for appointment or 11649
employment as a precondition to employment for that position. 11650

(G) As used in this section: 11651

(1) "Applicant" means a person who is under final 11652
consideration for appointment or employment in a position with a 11653
head start agency as a person responsible for the care, custody, 11654
or control of a child. 11655

(2) "Head start agency" means an entity in this state that 11656
has been approved to be an agency for purposes of the "Head 11657
Start Act," 95 State 489 (1981), 42 U.S.C. 9831, as amended. 11658

(3) "Criminal records check" has the same meaning as in 11659
section 109.572 of the Revised Code. 11660

(4) "Minor drug possession offense" has the same meaning 11661
as in section 2925.01 of the Revised Code. 11662

Sec. 3301.541. (A) (1) The director, head teacher, 11663
elementary principal, or site administrator of a preschool 11664
program shall request the superintendent of the bureau of 11665
criminal identification and investigation to conduct a criminal 11666
records check with respect to any applicant who has applied to 11667
the preschool program for employment as a person responsible for 11668
the care, custody, or control of a child. If the applicant does 11669
not present proof that the applicant has been a resident of this 11670

state for the five-year period immediately prior to the date 11671
upon which the criminal records check is requested or does not 11672
provide evidence that within that five-year period the 11673
superintendent has requested information about the applicant 11674
from the federal bureau of investigation in a criminal records 11675
check, the director, head teacher, or elementary principal shall 11676
request that the superintendent obtain information from the 11677
federal bureau of investigation as a part of the criminal 11678
records check for the applicant. If the applicant presents proof 11679
that the applicant has been a resident of this state for that 11680
five-year period, the director, head teacher, or elementary 11681
principal may request that the superintendent include 11682
information from the federal bureau of investigation in the 11683
criminal records check. 11684

(2) Any director, head teacher, elementary principal, or 11685
site administrator required by division (A) (1) of this section 11686
to request a criminal records check shall provide to each 11687
applicant a copy of the form prescribed pursuant to division (C) 11688
(1) of section 109.572 of the Revised Code, provide to each 11689
applicant a standard impression sheet to obtain fingerprint 11690
impressions prescribed pursuant to division (C) (2) of section 11691
109.572 of the Revised Code, obtain the completed form and 11692
impression sheet from each applicant, and forward the completed 11693
form and impression sheet to the superintendent of the bureau of 11694
criminal identification and investigation at the time the person 11695
requests a criminal records check pursuant to division (A) (1) of 11696
this section. 11697

(3) Any applicant who receives pursuant to division (A) (2) 11698
of this section a copy of the form prescribed pursuant to 11699
division (C) (1) of section 109.572 of the Revised Code and a 11700
copy of an impression sheet prescribed pursuant to division (C) 11701

(2) of that section and who is requested to complete the form 11702
and provide a set of fingerprint impressions shall complete the 11703
form or provide all the information necessary to complete the 11704
form and provide the impression sheet with the impressions of 11705
the applicant's fingerprints. If an applicant, upon request, 11706
fails to provide the information necessary to complete the form 11707
or fails to provide impressions of the applicant's fingerprints, 11708
the preschool program shall not employ that applicant for any 11709
position for which a criminal records check is required by 11710
division (A) (1) of this section. 11711

(B) (1) Except as provided in rules adopted by the 11712
department of education in accordance with division (E) of this 11713
section, no preschool program shall employ a person as a person 11714
responsible for the care, custody, or control of a child if the 11715
person previously has been convicted of or pleaded guilty to any 11716
of the following: 11717

(a) A violation of section 2903.01, 2903.02, 2903.03, 11718
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 11719
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 11720
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 11721
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 11722
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 11723
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 11724
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 11725
Code, a violation of section 2905.04 of the Revised Code as it 11726
existed prior to July 1, 1996, a violation of section 2919.23 of 11727
the Revised Code that would have been a violation of section 11728
2905.04 of the Revised Code as it existed prior to July 1, 1996, 11729
had the violation occurred prior to that date, a violation of 11730
section 2925.11 or 2925.111 of the Revised Code that is not a 11731
minor drug possession offense, or felonious sexual penetration 11732

in violation of former section 2907.12 of the Revised Code; 11733

(b) A violation of an existing or former law of this 11734
state, any other state, or the United States that is 11735
substantially equivalent to any of the offenses or violations 11736
described in division (B) (1) (a) of this section. 11737

(2) A preschool program may employ an applicant 11738
conditionally until the criminal records check required by this 11739
section is completed and the preschool program receives the 11740
results of the criminal records check. If the results of the 11741
criminal records check indicate that, pursuant to division (B) 11742
(1) of this section, the applicant does not qualify for 11743
employment, the preschool program shall release the applicant 11744
from employment. 11745

(C) (1) Each preschool program shall pay to the bureau of 11746
criminal identification and investigation the fee prescribed 11747
pursuant to division (C) (3) of section 109.572 of the Revised 11748
Code for each criminal records check conducted in accordance 11749
with that section upon the request pursuant to division (A) (1) 11750
of this section of the director, head teacher, elementary 11751
principal, or site administrator of the preschool program. 11752

(2) A preschool program may charge an applicant a fee for 11753
the costs it incurs in obtaining a criminal records check under 11754
this section. A fee charged under this division shall not exceed 11755
the amount of fees the preschool program pays under division (C) 11756
(1) of this section. If a fee is charged under this division, 11757
the preschool program shall notify the applicant at the time of 11758
the applicant's initial application for employment of the amount 11759
of the fee and that, unless the fee is paid, the applicant will 11760
not be considered for employment. 11761

(D) The report of any criminal records check conducted by 11762
the bureau of criminal identification and investigation in 11763
accordance with section 109.572 of the Revised Code and pursuant 11764
to a request under division (A) (1) of this section is not a 11765
public record for the purposes of section 149.43 of the Revised 11766
Code and shall not be made available to any person other than 11767
the applicant who is the subject of the criminal records check 11768
or the applicant's representative, the preschool program 11769
requesting the criminal records check or its representative, and 11770
any court, hearing officer, or other necessary individual in a 11771
case dealing with the denial of employment to the applicant. 11772

(E) The department of education shall adopt rules pursuant 11773
to Chapter 119. of the Revised Code to implement this section, 11774
including rules specifying circumstances under which a preschool 11775
program may hire a person who has been convicted of an offense 11776
listed in division (B) (1) of this section but who meets 11777
standards in regard to rehabilitation set by the department. 11778

(F) Any person required by division (A) (1) of this section 11779
to request a criminal records check shall inform each person, at 11780
the time of the person's initial application for employment, 11781
that the person is required to provide a set of impressions of 11782
the person's fingerprints and that a criminal records check is 11783
required to be conducted and satisfactorily completed in 11784
accordance with section 109.572 of the Revised Code if the 11785
person comes under final consideration for appointment or 11786
employment as a precondition to employment for that position. 11787

(G) As used in this section: 11788

(1) "Applicant" means a person who is under final 11789
consideration for appointment or employment in a position with a 11790
preschool program as a person responsible for the care, custody, 11791

or control of a child, except that "applicant" does not include 11792
a person already employed by a board of education, community 11793
school, or chartered nonpublic school in a position of care, 11794
custody, or control of a child who is under consideration for a 11795
different position with such board or school. 11796

(2) "Criminal records check" has the same meaning as in 11797
section 109.572 of the Revised Code. 11798

(3) "Minor drug possession offense" has the same meaning 11799
as in section 2925.01 of the Revised Code. 11800

(H) If the board of education of a local school district 11801
adopts a resolution requesting the assistance of the educational 11802
service center in which the local district has territory in 11803
conducting criminal records checks of substitute teachers under 11804
this section, the appointing or hiring officer of such 11805
educational service center governing board shall serve for 11806
purposes of this section as the appointing or hiring officer of 11807
the local board in the case of hiring substitute teachers for 11808
employment in the local district. 11809

Sec. 3313.662. (A) The superintendent of public 11810
instruction, pursuant to this section and the adjudication 11811
procedures of section 3301.121 of the Revised Code, may issue an 11812
adjudication order that permanently excludes a pupil from 11813
attending any of the public schools of this state if the pupil 11814
is convicted of, or adjudicated a delinquent child for, 11815
committing, when the pupil was sixteen years of age or older, an 11816
act that would be a criminal offense if committed by an adult 11817
and if the act is any of the following: 11818

(1) A violation of section 2923.122 of the Revised Code; 11819

(2) A violation of section 2923.12 of the Revised Code, of 11820

a substantially similar municipal ordinance, or of section 11821
2925.03, 2925.031, or 2925.032 of the Revised Code that was 11822
committed on property owned or controlled by, or at an activity 11823
held under the auspices of, a board of education of a city, 11824
local, exempted village, or joint vocational school district; 11825

(3) A violation of section 2925.11 or 2925.111 of the 11826
Revised Code, other than a violation of that section that would 11827
be a minor drug possession offense, that was committed on 11828
property owned or controlled by, or at an activity held under 11829
the auspices of, the board of education of a city, local, 11830
exempted village, or joint vocational school district; 11831

(4) A violation of section 2903.01, 2903.02, 2903.03, 11832
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former 11833
section 2907.12 of the Revised Code that was committed on 11834
property owned or controlled by, or at an activity held under 11835
the auspices of, a board of education of a city, local, exempted 11836
village, or joint vocational school district, if the victim at 11837
the time of the commission of the act was an employee of that 11838
board of education; 11839

(5) Complicity in any violation described in division (A) 11840
(1), (2), (3), or (4) of this section that was alleged to have 11841
been committed in the manner described in division (A) (1), (2), 11842
(3), or (4) of this section, regardless of whether the act of 11843
complicity was committed on property owned or controlled by, or 11844
at an activity held under the auspices of, a board of education 11845
of a city, local, exempted village, or joint vocational school 11846
district. 11847

(B) A pupil may be suspended or expelled in accordance 11848
with section 3313.66 of the Revised Code prior to being 11849
permanently excluded from public school attendance under this 11850

section and section 3301.121 of the Revised Code. 11851

(C) (1) If the superintendent of a city, local, exempted 11852
village, or joint vocational school district in which a pupil 11853
attends school obtains or receives proof that the pupil has been 11854
convicted of committing when the pupil was sixteen years of age 11855
or older a violation listed in division (A) of this section or 11856
adjudicated a delinquent child for the commission when the pupil 11857
was sixteen years of age or older of a violation listed in 11858
division (A) of this section, the superintendent may issue to 11859
the board of education of the school district a request that the 11860
pupil be permanently excluded from public school attendance, if 11861
both of the following apply: 11862

(a) After obtaining or receiving proof of the conviction 11863
or adjudication, the superintendent or the superintendent's 11864
designee determines that the pupil's continued attendance in 11865
school may endanger the health and safety of other pupils or 11866
school employees and gives the pupil and the pupil's parent, 11867
guardian, or custodian written notice that the superintendent 11868
intends to recommend to the board of education that the board 11869
adopt a resolution requesting the superintendent of public 11870
instruction to permanently exclude the pupil from public school 11871
attendance. 11872

(b) The superintendent or the superintendent's designee 11873
forwards to the board of education the superintendent's written 11874
recommendation that includes the determinations the 11875
superintendent or designee made pursuant to division (C) (1) (a) 11876
of this section and a copy of the proof the superintendent 11877
received showing that the pupil has been convicted of or 11878
adjudicated a delinquent child for a violation listed in 11879
division (A) of this section that was committed when the pupil 11880

was sixteen years of age or older. 11881

(2) Within fourteen days after receipt of a recommendation 11882
from the superintendent pursuant to division (C) (1) (b) of this 11883
section that a pupil be permanently excluded from public school 11884
attendance, the board of education of a city, local, exempted 11885
village, or joint vocational school district, after review and 11886
consideration of all of the following available information, may 11887
adopt a resolution requesting the superintendent of public 11888
instruction to permanently exclude the pupil who is the subject 11889
of the recommendation from public school attendance: 11890

(a) The academic record of the pupil and a record of any 11891
extracurricular activities in which the pupil previously was 11892
involved; 11893

(b) The disciplinary record of the pupil and any available 11894
records of the pupil's prior behavioral problems other than the 11895
behavioral problems contained in the disciplinary record; 11896

(c) The social history of the pupil; 11897

(d) The pupil's response to the imposition of prior 11898
discipline and sanctions imposed for behavioral problems; 11899

(e) Evidence regarding the seriousness of and any 11900
aggravating factors related to the offense that is the basis of 11901
the resolution seeking permanent exclusion; 11902

(f) Any mitigating circumstances surrounding the offense 11903
that gave rise to the request for permanent exclusion; 11904

(g) Evidence regarding the probable danger posed to the 11905
health and safety of other pupils or of school employees by the 11906
continued presence of the pupil in a public school setting; 11907

(h) Evidence regarding the probable disruption of the 11908

teaching of any school district's graded course of study by the 11909
continued presence of the pupil in a public school setting; 11910

(i) Evidence regarding the availability of alternative 11911
sanctions of a less serious nature than permanent exclusion that 11912
would enable the pupil to remain in a public school setting 11913
without posing a significant danger to the health and safety of 11914
other pupils or of school employees and without posing a threat 11915
of the disruption of the teaching of any district's graded 11916
course of study. 11917

(3) If the board does not adopt a resolution requesting 11918
the superintendent of public instruction to permanently exclude 11919
the pupil, it immediately shall send written notice of that fact 11920
to the superintendent who sought the resolution, to the pupil 11921
who was the subject of the proposed resolution, and to that 11922
pupil's parent, guardian, or custodian. 11923

(D) (1) Upon adoption of a resolution under division (C) of 11924
this section, the board of education immediately shall forward 11925
to the superintendent of public instruction the written 11926
resolution, proof of the conviction or adjudication that is the 11927
basis of the resolution, a copy of the pupil's entire school 11928
record, and any other relevant information and shall forward a 11929
copy of the resolution to the pupil who is the subject of the 11930
recommendation and to that pupil's parent, guardian, or 11931
custodian. 11932

(2) The board of education that adopted and forwarded the 11933
resolution requesting the permanent exclusion of the pupil to 11934
the superintendent of public instruction promptly shall 11935
designate a representative of the school district to present the 11936
case for permanent exclusion to the superintendent or the 11937
referee appointed by the superintendent. The representative of 11938

the school district may be an attorney admitted to the practice 11939
of law in this state. At the adjudication hearing held pursuant 11940
to section 3301.121 of the Revised Code, the representative of 11941
the school district shall present evidence in support of the 11942
requested permanent exclusion. 11943

(3) Upon receipt of a board of education's resolution 11944
requesting the permanent exclusion of a pupil from public school 11945
attendance, the superintendent of public instruction, in 11946
accordance with the adjudication procedures of section 3301.121 11947
of the Revised Code, promptly shall issue an adjudication order 11948
that either permanently excludes the pupil from attending any of 11949
the public schools of this state or that rejects the resolution 11950
of the board of education. 11951

(E) Notwithstanding any provision of section 3313.64 of 11952
the Revised Code or an order of any court of this state that 11953
otherwise requires the admission of the pupil to a school, no 11954
school official in a city, local, exempted village, or joint 11955
vocational school district knowingly shall admit to any school 11956
in the school district a pupil who has been permanently excluded 11957
from public school attendance by the superintendent of public 11958
instruction. 11959

(F) (1) (a) Upon determining that the school attendance of a 11960
pupil who has been permanently excluded from public school 11961
attendance no longer will endanger the health and safety of 11962
other students or school employees, the superintendent of any 11963
city, local, exempted village, or joint vocational school 11964
district in which the pupil desires to attend school may issue 11965
to the board of education of the school district a 11966
recommendation, including the reasons for the recommendation, 11967
that the permanent exclusion of a pupil be revoked and the pupil 11968

be allowed to return to the public schools of the state. 11969

If any violation which in whole or in part gave rise to 11970
the permanent exclusion of any pupil involved the pupil's 11971
bringing a firearm to a school operated by the board of 11972
education of a school district or onto any other property owned 11973
or operated by such a board, no superintendent shall recommend 11974
under this division an effective date for the revocation of the 11975
pupil's permanent exclusion that is less than one year after the 11976
date on which the last such firearm incident occurred. However, 11977
on a case-by-case basis, a superintendent may recommend an 11978
earlier effective date for such a revocation for any of the 11979
reasons for which the superintendent may reduce the one-year 11980
expulsion requirement in division (B) (2) of section 3313.66 of 11981
the Revised Code. 11982

(b) Upon receipt of the recommendation of the 11983
superintendent that a permanent exclusion of a pupil be revoked, 11984
the board of education of a city, local, exempted village, or 11985
joint vocational school district may adopt a resolution by a 11986
majority vote of its members requesting the superintendent of 11987
public instruction to revoke the permanent exclusion of the 11988
pupil. Upon adoption of the resolution, the board of education 11989
shall forward a copy of the resolution, the reasons for the 11990
resolution, and any other relevant information to the 11991
superintendent of public instruction. 11992

(c) Upon receipt of a resolution of a board of education 11993
requesting the revocation of a permanent exclusion of a pupil, 11994
the superintendent of public instruction, in accordance with the 11995
adjudication procedures of Chapter 119. of the Revised Code, 11996
shall issue an adjudication order that revokes the permanent 11997
exclusion of the pupil from public school attendance or that 11998

rejects the resolution of the board of education. 11999

(2) (a) A pupil who has been permanently excluded pursuant 12000
to this section and section 3301.121 of the Revised Code may 12001
request the superintendent of any city, local, exempted village, 12002
or joint vocational school district in which the pupil desires 12003
to attend school to admit the pupil on a probationary basis for 12004
a period not to exceed ninety school days. Upon receiving the 12005
request, the superintendent may enter into discussions with the 12006
pupil and with the pupil's parent, guardian, or custodian or a 12007
person designated by the pupil's parent, guardian, or custodian 12008
to develop a probationary admission plan designed to assist the 12009
pupil's probationary admission to the school. The plan may 12010
include a treatment program, a behavioral modification program, 12011
or any other program reasonably designed to meet the educational 12012
needs of the child and the disciplinary requirements of the 12013
school. 12014

If any violation which in whole or in part gave rise to 12015
the permanent exclusion of the pupil involved the pupil's 12016
bringing a firearm to a school operated by the board of 12017
education of any school district or onto any other property 12018
owned or operated by such a board, no plan developed under this 12019
division for the pupil shall include an effective date for the 12020
probationary admission of the pupil that is less than one year 12021
after the date on which the last such firearm incident occurred 12022
except that on a case-by-case basis, a plan may include an 12023
earlier effective date for such an admission for any of the 12024
reasons for which the superintendent of the district may reduce 12025
the one-year expulsion requirement in division (B) (2) of section 12026
3313.66 of the Revised Code. 12027

(b) If the superintendent of a school district, a pupil, 12028

and the pupil's parent, guardian, or custodian or a person 12029
designated by the pupil's parent, guardian, or custodian agree 12030
upon a probationary admission plan prepared pursuant to division 12031
(F) (2) (a) of this section, the superintendent of the school 12032
district shall issue to the board of education of the school 12033
district a recommendation that the pupil be allowed to attend 12034
school within the school district under probationary admission, 12035
the reasons for the recommendation, and a copy of the agreed 12036
upon probationary admission plan. Within fourteen days after the 12037
board of education receives the recommendation, reasons, and 12038
plan, the board may adopt the recommendation by a majority vote 12039
of its members. If the board adopts the recommendation, the 12040
pupil may attend school under probationary admission within that 12041
school district for a period not to exceed ninety days or any 12042
additional probationary period permitted under divisions (F) (2) 12043
(d) and (e) of this section in accordance with the probationary 12044
admission plan prepared pursuant to division (F) (2) (a) of this 12045
section. 12046

(c) If a pupil who is permitted to attend school under 12047
probationary admission pursuant to division (F) (2) (b) of this 12048
section fails to comply with the probationary admission plan 12049
prepared pursuant to division (F) (2) (a) of this section, the 12050
superintendent of the school district immediately may remove the 12051
pupil from the school and issue to the board of education of the 12052
school district a recommendation that the probationary admission 12053
be revoked. Within five days after the board of education 12054
receives the recommendation, the board may adopt the 12055
recommendation to revoke the pupil's probationary admission by a 12056
majority vote of its members. If a majority of the board does 12057
not adopt the recommendation to revoke the pupil's probationary 12058
admission, the pupil shall continue to attend school in 12059

compliance with the pupil's probationary admission plan. 12060

(d) If a pupil who is permitted to attend school under 12061
probationary admission pursuant to division (F)(2)(b) of this 12062
section complies with the probationary admission plan prepared 12063
pursuant to division (F)(2)(a) of this section, the pupil or the 12064
pupil's parent, guardian, or custodian, at any time before the 12065
expiration of the ninety-day probationary admission period, may 12066
request the superintendent of the school district to extend the 12067
terms and period of the pupil's probationary admission for a 12068
period not to exceed ninety days or to issue a recommendation 12069
pursuant to division (F)(1) of this section that the pupil's 12070
permanent exclusion be revoked and the pupil be allowed to 12071
return to the public schools of this state. 12072

(e) If a pupil is granted an extension of the pupil's 12073
probationary admission pursuant to division (F)(2)(d) of this 12074
section, the pupil or the pupil's parent, guardian, or 12075
custodian, in the manner described in that division, may 12076
request, and the superintendent and board, in the manner 12077
described in that division, may recommend and grant, subsequent 12078
probationary admission periods not to exceed ninety days each. 12079
If a pupil who is permitted to attend school under an extension 12080
of a probationary admission plan complies with the probationary 12081
admission plan prepared pursuant to the extension, the pupil or 12082
the pupil's parent, guardian, or custodian may request a 12083
revocation of the pupil's permanent exclusion in the manner 12084
described in division (F)(2)(d) of this section. 12085

(f) Any extension of a probationary admission requested by 12086
a pupil or a pupil's parent, guardian, or custodian pursuant to 12087
divisions (F)(2)(d) or (e) of this section shall be subject to 12088
the adoption and approval of a probationary admission plan in 12089

the manner described in divisions (F) (2) (a) and (b) of this 12090
section and may be terminated as provided in division (F) (2) (c) 12091
of this section. 12092

(g) If the pupil has complied with any probationary 12093
admission plan and the superintendent issues a recommendation 12094
that seeks revocation of the pupil's permanent exclusion 12095
pursuant to division (F) (1) of this section, the pupil's 12096
compliance with any probationary admission plan may be 12097
considered along with other relevant factors in any 12098
determination or adjudication conducted pursuant to division (F) 12099
(1) of this section. 12100

(G) (1) Except as provided in division (G) (2) of this 12101
section, any information regarding the permanent exclusion of a 12102
pupil shall be included in the pupil's official records and 12103
shall be included in any records sent to any school district 12104
that requests the pupil's records. 12105

(2) When a pupil who has been permanently excluded from 12106
public school attendance reaches the age of twenty-two or when 12107
the permanent exclusion of a pupil has been revoked, all school 12108
districts that maintain records regarding the pupil's permanent 12109
exclusion shall remove all references to the exclusion from the 12110
pupil's file and shall destroy them. 12111

A pupil who has reached the age of twenty-two or whose 12112
permanent exclusion has been revoked may send a written notice 12113
to the superintendent of any school district maintaining records 12114
of the pupil's permanent exclusion requesting the superintendent 12115
to ensure that the records are removed from the pupil's file and 12116
destroyed. Upon receipt of the request and a determination that 12117
the pupil is twenty-two years of age or older or that the 12118
pupil's permanent exclusion has been revoked, the superintendent 12119

shall ensure that the records are removed from the pupil's file 12120
and destroyed. 12121

(H) (1) This section does not apply to any of the 12122
following: 12123

(a) An institution that is a residential facility, that 12124
receives and cares for children, that is maintained by the 12125
department of youth services, and that operates a school 12126
chartered by the state board of education under section 3301.16 12127
of the Revised Code; 12128

(b) Any on-premises school operated by an out-of-home care 12129
entity, other than a school district, that is chartered by the 12130
state board of education under section 3301.16 of the Revised 12131
Code; 12132

(c) Any school operated in connection with an out-of-home 12133
care entity or a nonresidential youth treatment program that 12134
enters into a contract or agreement with a school district for 12135
the provision of educational services in a setting other than a 12136
setting that is a building or structure owned or controlled by 12137
the board of education of the school district during normal 12138
school hours. 12139

(2) This section does not prohibit any person who has been 12140
permanently excluded pursuant to this section and section 12141
3301.121 of the Revised Code from seeking a certificate of high 12142
school equivalence. A person who has been permanently excluded 12143
may be permitted to participate in a course of study in 12144
preparation for a high school equivalency test approved by the 12145
department of education pursuant to division (B) of section 12146
3301.80 of the Revised Code, except that the person shall not 12147
participate during normal school hours in that course of study 12148

in any building or structure owned or controlled by the board of 12149
education of a school district. 12150

(3) This section does not relieve any school district from 12151
any requirement under section 2151.362 or 3313.64 of the Revised 12152
Code to pay for the cost of educating any child who has been 12153
permanently excluded pursuant to this section and section 12154
3301.121 of the Revised Code. 12155

(I) As used in this section: 12156

(1) "Permanently exclude" means to forever prohibit an 12157
individual from attending any public school in this state that 12158
is operated by a city, local, exempted village, or joint 12159
vocational school district. 12160

(2) "Permanent exclusion" means the prohibition of a pupil 12161
forever from attending any public school in this state that is 12162
operated by a city, local, exempted village, or joint vocational 12163
school district. 12164

(3) "Out-of-home care" has the same meaning as in section 12165
2151.011 of the Revised Code. 12166

(4) "Certificate of high school equivalence" has the same 12167
meaning as in section 4109.06 of the Revised Code. 12168

(5) "Nonresidential youth treatment program" means a 12169
program designed to provide services to persons under the age of 12170
eighteen in a setting that does not regularly provide long-term 12171
overnight care, including settlement houses, diversion and 12172
prevention programs, run-away centers, and alternative education 12173
programs. 12174

(6) "Firearm" has the same meaning as provided pursuant to 12175
the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 12176

8001(a) (2) .	12177
(7) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	12178 12179
Sec. 3319.31. (A) As used in this section and sections 3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" means a certificate, license, or permit described in this chapter or in division (B) of section 3301.071 or in section 3301.074 of the Revised Code.	12180 12181 12182 12183 12184
(B) For any of the following reasons, the state board of education, in accordance with Chapter 119. and section 3319.311 of the Revised Code, may refuse to issue a license to an applicant; may limit a license it issues to an applicant; may suspend, revoke, or limit a license that has been issued to any person; or may revoke a license that has been issued to any person and has expired:	12185 12186 12187 12188 12189 12190 12191
(1) Engaging in an immoral act, incompetence, negligence, or conduct that is unbecoming to the applicant's or person's position;	12192 12193 12194
(2) A plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the following:	12195 12196
(a) A felony other than a felony listed in division (C) of this section;	12197 12198
(b) An offense of violence other than an offense of violence listed in division (C) of this section;	12199 12200
(c) A theft offense, as defined in section 2913.01 of the Revised Code, other than a theft offense listed in division (C) of this section;	12201 12202 12203
(d) A drug abuse offense, as defined in section 2925.01 of	12204

the Revised Code, that is not a minor misdemeanor, other than a 12205
drug abuse offense listed in division (C) of this section; 12206

(e) A violation of an ordinance of a municipal corporation 12207
that is substantively comparable to an offense listed in 12208
divisions (B)(2)(a) to (d) of this section. 12209

(3) A judicial finding of eligibility for intervention in 12210
lieu of conviction under section 2951.041 of the Revised Code, 12211
or agreeing to participate in a pre-trial diversion program 12212
under section 2935.36 of the Revised Code, or a similar 12213
diversion program under rules of a court, for any offense listed 12214
in division (B)(2) or (C) of this section; 12215

(4) Failure to comply with section 3313.536, 3314.40, 12216
3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code. 12217

(C) Upon learning of a plea of guilty to, a finding of 12218
guilt by a jury or court of, or a conviction of any of the 12219
offenses listed in this division by a person who holds a current 12220
or expired license or is an applicant for a license or renewal 12221
of a license, the state board or the superintendent of public 12222
instruction, if the state board has delegated the duty pursuant 12223
to division (D) of this section, shall by a written order revoke 12224
the person's license or deny issuance or renewal of the license 12225
to the person. The state board or the superintendent shall 12226
revoke a license that has been issued to a person to whom this 12227
division applies and has expired in the same manner as a license 12228
that has not expired. 12229

Revocation of a license or denial of issuance or renewal 12230
of a license under this division is effective immediately at the 12231
time and date that the board or superintendent issues the 12232
written order and is not subject to appeal in accordance with 12233

Chapter 119. of the Revised Code. Revocation of a license or 12234
denial of issuance or renewal of license under this division 12235
remains in force during the pendency of an appeal by the person 12236
of the plea of guilty, finding of guilt, or conviction that is 12237
the basis of the action taken under this division. 12238

The state board or superintendent shall take the action 12239
required by this division for a violation of division (B) (1), 12240
(2), (3), or (4) of section 2919.22 of the Revised Code; a 12241
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 12242
2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 12243
2905.11, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 12244
2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 12245
2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 12246
2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 12247
2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 12248
2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 2921.04, 12249
2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 12250
2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.031, 12251
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 12252
2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 2927.24, or 3716.11 12253
of the Revised Code; a violation of section 2905.04 of the 12254
Revised Code as it existed prior to July 1, 1996; a violation of 12255
section 2919.23 of the Revised Code that would have been a 12256
violation of section 2905.04 of the Revised Code as it existed 12257
prior to July 1, 1996, had the violation been committed prior to 12258
that date; felonious sexual penetration in violation of former 12259
section 2907.12 of the Revised Code; or a violation of an 12260
ordinance of a municipal corporation that is substantively 12261
comparable to an offense listed in this paragraph. 12262

(D) The state board may delegate to the superintendent of 12263
public instruction the authority to revoke a person's license or 12264

to deny issuance or renewal of a license to a person under 12265
division (C) or (F) of this section. 12266

(E) (1) If the plea of guilty, finding of guilt, or 12267
conviction that is the basis of the action taken under division 12268
(B) (2) or (C) of this section, or under the version of division 12269
(F) of section 3319.311 of the Revised Code in effect prior to 12270
September 12, 2008, is overturned on appeal, upon exhaustion of 12271
the criminal appeal, the clerk of the court that overturned the 12272
plea, finding, or conviction or, if applicable, the clerk of the 12273
court that accepted an appeal from the court that overturned the 12274
plea, finding, or conviction, shall notify the state board that 12275
the plea, finding, or conviction has been overturned. Within 12276
thirty days after receiving the notification, the state board 12277
shall initiate proceedings to reconsider the revocation or 12278
denial of the person's license in accordance with division (E) 12279
(2) of this section. In addition, the person whose license was 12280
revoked or denied may file with the state board a petition for 12281
reconsideration of the revocation or denial along with 12282
appropriate court documents. 12283

(2) Upon receipt of a court notification or a petition and 12284
supporting court documents under division (E) (1) of this 12285
section, the state board, after offering the person an 12286
opportunity for an adjudication hearing under Chapter 119. of 12287
the Revised Code, shall determine whether the person committed 12288
the act in question in the prior criminal action against the 12289
person that is the basis of the revocation or denial and may 12290
continue the revocation or denial, may reinstate the person's 12291
license, with or without limits, or may grant the person a new 12292
license, with or without limits. The decision of the board shall 12293
be based on grounds for revoking, denying, suspending, or 12294
limiting a license adopted by rule under division (G) of this 12295

section and in accordance with the evidentiary standards the 12296
board employs for all other licensure hearings. The decision of 12297
the board under this division is subject to appeal under Chapter 12298
119. of the Revised Code. 12299

(3) A person whose license is revoked or denied under 12300
division (C) of this section shall not apply for any license if 12301
the plea of guilty, finding of guilt, or conviction that is the 12302
basis of the revocation or denial, upon completion of the 12303
criminal appeal, either is upheld or is overturned but the state 12304
board continues the revocation or denial under division (E) (2) 12305
of this section and that continuation is upheld on final appeal. 12306

(F) The state board may take action under division (B) of 12307
this section, and the state board or the superintendent shall 12308
take the action required under division (C) of this section, on 12309
the basis of substantially comparable conduct occurring in a 12310
jurisdiction outside this state or occurring before a person 12311
applies for or receives any license. 12312

(G) The state board may adopt rules in accordance with 12313
Chapter 119. of the Revised Code to carry out this section and 12314
section 3319.311 of the Revised Code. 12315

Sec. 3319.39. (A) (1) Except as provided in division (F) (2) 12316
(b) of section 109.57 of the Revised Code, the appointing or 12317
hiring officer of the board of education of a school district, 12318
the governing board of an educational service center, or of a 12319
chartered nonpublic school shall request the superintendent of 12320
the bureau of criminal identification and investigation to 12321
conduct a criminal records check with respect to any applicant 12322
who has applied to the school district, educational service 12323
center, or school for employment in any position. The appointing 12324
or hiring officer shall request that the superintendent include 12325

information from the federal bureau of investigation in the 12326
criminal records check, unless all of the following apply to the 12327
applicant: 12328

(a) The applicant is applying to be an instructor of adult 12329
education. 12330

(b) The duties of the position for which the applicant is 12331
applying do not involve routine interaction with a child or 12332
regular responsibility for the care, custody, or control of a 12333
child or, if the duties do involve such interaction or 12334
responsibility, during any period of time in which the 12335
applicant, if hired, has such interaction or responsibility, 12336
another employee of the school district, educational service 12337
center, or chartered nonpublic school will be present in the 12338
same room with the child or, if outdoors, will be within a 12339
thirty-yard radius of the child or have visual contact with the 12340
child. 12341

(c) The applicant presents proof that the applicant has 12342
been a resident of this state for the five-year period 12343
immediately prior to the date upon which the criminal records 12344
check is requested or provides evidence that within that five- 12345
year period the superintendent has requested information about 12346
the applicant from the federal bureau of investigation in a 12347
criminal records check. 12348

(2) A person required by division (A)(1) of this section 12349
to request a criminal records check shall provide to each 12350
applicant a copy of the form prescribed pursuant to division (C) 12351
(1) of section 109.572 of the Revised Code, provide to each 12352
applicant a standard impression sheet to obtain fingerprint 12353
impressions prescribed pursuant to division (C)(2) of section 12354
109.572 of the Revised Code, obtain the completed form and 12355

impression sheet from each applicant, and forward the completed 12356
form and impression sheet to the superintendent of the bureau of 12357
criminal identification and investigation at the time the person 12358
requests a criminal records check pursuant to division (A) (1) of 12359
this section. 12360

(3) An applicant who receives pursuant to division (A) (2) 12361
of this section a copy of the form prescribed pursuant to 12362
division (C) (1) of section 109.572 of the Revised Code and a 12363
copy of an impression sheet prescribed pursuant to division (C) 12364
(2) of that section and who is requested to complete the form 12365
and provide a set of fingerprint impressions shall complete the 12366
form or provide all the information necessary to complete the 12367
form and shall provide the impression sheet with the impressions 12368
of the applicant's fingerprints. If an applicant, upon request, 12369
fails to provide the information necessary to complete the form 12370
or fails to provide impressions of the applicant's fingerprints, 12371
the board of education of a school district, governing board of 12372
an educational service center, or governing authority of a 12373
chartered nonpublic school shall not employ that applicant for 12374
any position. 12375

(4) Notwithstanding any provision of this section to the 12376
contrary, an applicant who meets the conditions prescribed in 12377
divisions (A) (1) (a) and (b) of this section and who, within the 12378
two-year period prior to the date of application, was the 12379
subject of a criminal records check under this section prior to 12380
being hired for short-term employment with the school district, 12381
educational service center, or chartered nonpublic school to 12382
which application is being made shall not be required to undergo 12383
a criminal records check prior to the applicant's rehiring by 12384
that district, service center, or school. 12385

(B) (1) Except as provided in rules adopted by the
department of education in accordance with division (E) of this
section and as provided in division (B) (3) of this section, no
board of education of a school district, no governing board of
an educational service center, and no governing authority of a
chartered nonpublic school shall employ a person if the person
previously 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, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323,
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24,
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031,
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised
Code, a violation of section 2905.04 of the Revised Code as it
existed prior to July 1, 1996, a violation of section 2919.23 of
the Revised Code that would have been a violation of section
2905.04 of the Revised Code as it existed prior to July 1, 1996,
had the violation been committed prior to that date, a violation
of section 2925.11 or 2925.111 of the Revised Code that is not a
minor drug possession offense, or felonious sexual penetration
in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former law of this
state, another state, or the United States that is substantially
equivalent to any of the offenses or violations described in
division (B) (1) (a) of this section.

(2) A board, governing board of an educational service
center, or a governing authority of a chartered nonpublic school

may employ an applicant conditionally until the criminal records 12416
check required by this section is completed and the board or 12417
governing authority receives the results of the criminal records 12418
check. If the results of the criminal records check indicate 12419
that, pursuant to division (B)(1) of this section, the applicant 12420
does not qualify for employment, the board or governing 12421
authority shall release the applicant from employment. 12422

(3) No board and no governing authority of a chartered 12423
nonpublic school shall employ a teacher who previously has been 12424
convicted of or pleaded guilty to any of the offenses listed in 12425
section 3319.31 of the Revised Code. 12426

(C)(1) Each board and each governing authority of a 12427
chartered nonpublic school shall pay to the bureau of criminal 12428
identification and investigation the fee prescribed pursuant to 12429
division (C)(3) of section 109.572 of the Revised Code for each 12430
criminal records check conducted in accordance with that section 12431
upon the request pursuant to division (A)(1) of this section of 12432
the appointing or hiring officer of the board or governing 12433
authority. 12434

(2) A board and the governing authority of a chartered 12435
nonpublic school may charge an applicant a fee for the costs it 12436
incurs in obtaining a criminal records check under this section. 12437
A fee charged under this division shall not exceed the amount of 12438
fees the board or governing authority pays under division (C)(1) 12439
of this section. If a fee is charged under this division, the 12440
board or governing authority shall notify the applicant at the 12441
time of the applicant's initial application for employment of 12442
the amount of the fee and that, unless the fee is paid, the 12443
board or governing authority will not consider the applicant for 12444
employment. 12445

(D) The report of any criminal records check conducted by 12446
the bureau of criminal identification and investigation in 12447
accordance with section 109.572 of the Revised Code and pursuant 12448
to a request under division (A) (1) of this section is not a 12449
public record for the purposes of section 149.43 of the Revised 12450
Code and shall not be made available to any person other than 12451
the applicant who is the subject of the criminal records check 12452
or the applicant's representative, the board or governing 12453
authority requesting the criminal records check or its 12454
representative, and any court, hearing officer, or other 12455
necessary individual involved in a case dealing with the denial 12456
of employment to the applicant. 12457

(E) The department of education shall adopt rules pursuant 12458
to Chapter 119. of the Revised Code to implement this section, 12459
including rules specifying circumstances under which the board 12460
or governing authority may hire a person who has been convicted 12461
of an offense listed in division (B) (1) or (3) of this section 12462
but who meets standards in regard to rehabilitation set by the 12463
department. 12464

The department shall amend rule 3301-83-23 of the Ohio 12465
Administrative Code that took effect August 27, 2009, and that 12466
specifies the offenses that disqualify a person for employment 12467
as a school bus or school van driver and establishes 12468
rehabilitation standards for school bus and school van drivers. 12469

(F) Any person required by division (A) (1) of this section 12470
to request a criminal records check shall inform each person, at 12471
the time of the person's initial application for employment, of 12472
the requirement to provide a set of fingerprint impressions and 12473
that a criminal records check is required to be conducted and 12474
satisfactorily completed in accordance with section 109.572 of 12475

the Revised Code if the person comes under final consideration 12476
for appointment or employment as a precondition to employment 12477
for the school district, educational service center, or school 12478
for that position. 12479

(G) As used in this section: 12480

(1) "Applicant" means a person who is under final 12481
consideration for appointment or employment in a position with a 12482
board of education, governing board of an educational service 12483
center, or a chartered nonpublic school, except that "applicant" 12484
does not include a person already employed by a board or 12485
chartered nonpublic school who is under consideration for a 12486
different position with such board or school. 12487

(2) "Teacher" means a person holding an educator license 12488
or permit issued under section 3319.22 or 3319.301 of the 12489
Revised Code and teachers in a chartered nonpublic school. 12490

(3) "Criminal records check" has the same meaning as in 12491
section 109.572 of the Revised Code. 12492

(4) "Minor drug possession offense" has the same meaning 12493
as in section 2925.01 of the Revised Code. 12494

(H) If the board of education of a local school district 12495
adopts a resolution requesting the assistance of the educational 12496
service center in which the local district has territory in 12497
conducting criminal records checks of substitute teachers and 12498
substitutes for other district employees under this section, the 12499
appointing or hiring officer of such educational service center 12500
shall serve for purposes of this section as the appointing or 12501
hiring officer of the local board in the case of hiring 12502
substitute teachers and other substitute employees for the local 12503
district. 12504

Sec. 3712.09. (A) As used in this section: 12505

(1) "Applicant" means a person who is under final 12506
consideration for employment with a hospice care program or 12507
pediatric respite care program in a full-time, part-time, or 12508
temporary position that involves providing direct care to an 12509
older adult or pediatric respite care patient. "Applicant" does 12510
not include a person who provides direct care as a volunteer 12511
without receiving or expecting to receive any form of 12512
remuneration other than reimbursement for actual expenses. 12513

(2) "Criminal records check" has the same meaning as in 12514
section 109.572 of the Revised Code. 12515

(3) "Older adult" means a person age sixty or older. 12516

(B)(1) Except as provided in division (I) of this section, 12517
the chief administrator of a hospice care program or pediatric 12518
respite care program shall request that the superintendent of 12519
the bureau of criminal identification and investigation conduct 12520
a criminal records check of each applicant. If an applicant for 12521
whom a criminal records check request is required under this 12522
division does not present proof of having been a resident of 12523
this state for the five-year period immediately prior to the 12524
date the criminal records check is requested or provide evidence 12525
that within that five-year period the superintendent has 12526
requested information about the applicant from the federal 12527
bureau of investigation in a criminal records check, the chief 12528
administrator shall request that the superintendent obtain 12529
information from the federal bureau of investigation as part of 12530
the criminal records check of the applicant. Even if an 12531
applicant for whom a criminal records check request is required 12532
under this division presents proof of having been a resident of 12533
this state for the five-year period, the chief administrator may 12534

request that the superintendent include information from the 12535
federal bureau of investigation in the criminal records check. 12536

(2) A person required by division (B)(1) of this section 12537
to request a criminal records check shall do both of the 12538
following: 12539

(a) Provide to each applicant for whom a criminal records 12540
check request is required under that division a copy of the form 12541
prescribed pursuant to division (C)(1) of section 109.572 of the 12542
Revised Code and a standard fingerprint impression sheet 12543
prescribed pursuant to division (C)(2) of that section, and 12544
obtain the completed form and impression sheet from the 12545
applicant; 12546

(b) Forward the completed form and impression sheet to the 12547
superintendent of the bureau of criminal identification and 12548
investigation. 12549

(3) An applicant provided the form and fingerprint 12550
impression sheet under division (B)(2)(a) of this section who 12551
fails to complete the form or provide fingerprint impressions 12552
shall not be employed in any position for which a criminal 12553
records check is required by this section. 12554

(C)(1) Except as provided in rules adopted by the director 12555
of health in accordance with division (F) of this section and 12556
subject to division (C)(2) of this section, no hospice care 12557
program or pediatric respite care program shall employ a person 12558
in a position that involves providing direct care to an older 12559
adult or pediatric respite care patient if the person has been 12560
convicted of or pleaded guilty to any of the following: 12561

(a) A violation of section 2903.01, 2903.02, 2903.03, 12562
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 12563

2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 12564
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 12565
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 12566
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 12567
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 12568
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 12569
2925.032, 2925.11, 2925.111, 2925.13, 2925.22, 2925.23, or 12570
3716.11 of the Revised Code. 12571

(b) A violation of an existing or former law of this 12572
state, any other state, or the United States that is 12573
substantially equivalent to any of the offenses listed in 12574
division (C) (1) (a) of this section. 12575

(2) (a) A hospice care program or pediatric respite care 12576
program may employ conditionally an applicant for whom a 12577
criminal records check request is required under division (B) of 12578
this section prior to obtaining the results of a criminal 12579
records check regarding the individual, provided that the 12580
program shall request a criminal records check regarding the 12581
individual in accordance with division (B) (1) of this section 12582
not later than five business days after the individual begins 12583
conditional employment. In the circumstances described in 12584
division (I) (2) of this section, a hospice care program or 12585
pediatric respite care program may employ conditionally an 12586
applicant who has been referred to the hospice care program or 12587
pediatric respite care program by an employment service that 12588
supplies full-time, part-time, or temporary staff for positions 12589
involving the direct care of older adults or pediatric respite 12590
care patients and for whom, pursuant to that division, a 12591
criminal records check is not required under division (B) of 12592
this section. 12593

(b) A hospice care program or pediatric respite care 12594
program that employs an individual conditionally under authority 12595
of division (C) (2) (a) of this section shall terminate the 12596
individual's employment if the results of the criminal records 12597
check requested under division (B) of this section or described 12598
in division (I) (2) of this section, other than the results of 12599
any request for information from the federal bureau of 12600
investigation, are not obtained within the period ending thirty 12601
days after the date the request is made. Regardless of when the 12602
results of the criminal records check are obtained, if the 12603
results indicate that the individual has been convicted of or 12604
pleaded guilty to any of the offenses listed or described in 12605
division (C) (1) of this section, the program shall terminate the 12606
individual's employment unless the program chooses to employ the 12607
individual pursuant to division (F) of this section. Termination 12608
of employment under this division shall be considered just cause 12609
for discharge for purposes of division (D) (2) of section 4141.29 12610
of the Revised Code if the individual makes any attempt to 12611
deceive the program about the individual's criminal record. 12612

(D) (1) Each hospice care program or pediatric respite care 12613
program shall pay to the bureau of criminal identification and 12614
investigation the fee prescribed pursuant to division (C) (3) of 12615
section 109.572 of the Revised Code for each criminal records 12616
check conducted pursuant to a request made under division (B) of 12617
this section. 12618

(2) A hospice care program or pediatric respite care 12619
program may charge an applicant a fee not exceeding the amount 12620
the program pays under division (D) (1) of this section. A 12621
program may collect a fee only if both of the following apply: 12622

(a) The program notifies the person at the time of initial 12623

application for employment of the amount of the fee and that, 12624
unless the fee is paid, the person will not be considered for 12625
employment; 12626

(b) The medicaid program does not reimburse the program 12627
the fee it pays under division (D)(1) of this section. 12628

(E) The report of a criminal records check conducted 12629
pursuant to a request made under this section is not a public 12630
record for the purposes of section 149.43 of the Revised Code 12631
and shall not be made available to any person other than the 12632
following: 12633

(1) The individual who is the subject of the criminal 12634
records check or the individual's representative; 12635

(2) The chief administrator of the program requesting the 12636
criminal records check or the administrator's representative; 12637

(3) The administrator of any other facility, agency, or 12638
program that provides direct care to older adults or pediatric 12639
respite care patients that is owned or operated by the same 12640
entity that owns or operates the hospice care program or 12641
pediatric respite care program; 12642

(4) A court, hearing officer, or other necessary 12643
individual involved in a case dealing with a denial of 12644
employment of the applicant or dealing with employment or 12645
unemployment benefits of the applicant; 12646

(5) Any person to whom the report is provided pursuant to, 12647
and in accordance with, division (I)(1) or (2) of this section. 12648

(F) The director of health shall adopt rules in accordance 12649
with Chapter 119. of the Revised Code to implement this section. 12650
The rules shall specify circumstances under which a hospice care 12651

program or pediatric respite care program may employ a person 12652
who has been convicted of or pleaded guilty to an offense listed 12653
or described in division (C) (1) of this section but meets 12654
personal character standards set by the director. 12655

(G) The chief administrator of a hospice care program or 12656
pediatric respite care program shall inform each individual, at 12657
the time of initial application for a position that involves 12658
providing direct care to an older adult or pediatric respite 12659
care patient, that the individual is required to provide a set 12660
of fingerprint impressions and that a criminal records check is 12661
required to be conducted if the individual comes under final 12662
consideration for employment. 12663

(H) In a tort or other civil action for damages that is 12664
brought as the result of an injury, death, or loss to person or 12665
property caused by an individual who a hospice care program or 12666
pediatric respite care program employs in a position that 12667
involves providing direct care to older adults or pediatric 12668
respite care patients, all of the following shall apply: 12669

(1) If the program employed the individual in good faith 12670
and reasonable reliance on the report of a criminal records 12671
check requested under this section, the program shall not be 12672
found negligent solely because of its reliance on the report, 12673
even if the information in the report is determined later to 12674
have been incomplete or inaccurate; 12675

(2) If the program employed the individual in good faith 12676
on a conditional basis pursuant to division (C) (2) of this 12677
section, the program shall not be found negligent solely because 12678
it employed the individual prior to receiving the report of a 12679
criminal records check requested under this section; 12680

(3) If the program in good faith employed the individual 12681
according to the personal character standards established in 12682
rules adopted under division (F) of this section, the program 12683
shall not be found negligent solely because the individual prior 12684
to being employed had been convicted of or pleaded guilty to an 12685
offense listed or described in division (C)(1) of this section. 12686

(I)(1) The chief administrator of a hospice care program 12687
or pediatric respite care program is not required to request 12688
that the superintendent of the bureau of criminal identification 12689
and investigation conduct a criminal records check of an 12690
applicant if the applicant has been referred to the program by 12691
an employment service that supplies full-time, part-time, or 12692
temporary staff for positions involving the direct care of older 12693
adults or pediatric respite care patients and both of the 12694
following apply: 12695

(a) The chief administrator receives from the employment 12696
service or the applicant a report of the results of a criminal 12697
records check regarding the applicant that has been conducted by 12698
the superintendent within the one-year period immediately 12699
preceding the applicant's referral; 12700

(b) The report of the criminal records check demonstrates 12701
that the person has not been convicted of or pleaded guilty to 12702
an offense listed or described in division (C)(1) of this 12703
section, or the report demonstrates that the person has been 12704
convicted of or pleaded guilty to one or more of those offenses, 12705
but the hospice care program or pediatric respite care program 12706
chooses to employ the individual pursuant to division (F) of 12707
this section. 12708

(2) The chief administrator of a hospice care program or 12709
pediatric respite care program is not required to request that 12710

the superintendent of the bureau of criminal identification and 12711
investigation conduct a criminal records check of an applicant 12712
and may employ the applicant conditionally as described in this 12713
division, if the applicant has been referred to the program by 12714
an employment service that supplies full-time, part-time, or 12715
temporary staff for positions involving the direct care of older 12716
adults or pediatric respite care patients and if the chief 12717
administrator receives from the employment service or the 12718
applicant a letter from the employment service that is on the 12719
letterhead of the employment service, dated, and signed by a 12720
supervisor or another designated official of the employment 12721
service and that states that the employment service has 12722
requested the superintendent to conduct a criminal records check 12723
regarding the applicant, that the requested criminal records 12724
check will include a determination of whether the applicant has 12725
been convicted of or pleaded guilty to any offense listed or 12726
described in division (C) (1) of this section, that, as of the 12727
date set forth on the letter, the employment service had not 12728
received the results of the criminal records check, and that, 12729
when the employment service receives the results of the criminal 12730
records check, it promptly will send a copy of the results to 12731
the hospice care program or pediatric respite care program. If a 12732
hospice care program or pediatric respite care program employs 12733
an applicant conditionally in accordance with this division, the 12734
employment service, upon its receipt of the results of the 12735
criminal records check, promptly shall send a copy of the 12736
results to the hospice care program or pediatric respite care 12737
program, and division (C) (2) (b) of this section applies 12738
regarding the conditional employment. 12739

Sec. 3719.013. Except as otherwise provided in section 12740
2925.03~~04~~, 2925.031, 2925.032, 2925.11, or 2925.111 of the 12741

Revised Code, a controlled substance analog, to the extent 12742
intended for human consumption, shall be treated for purposes of 12743
any provision of the Revised Code as a controlled substance in 12744
schedule I. 12745

Sec. 3719.21. Except as provided in division (C) of 12746
section 2923.42, division (B) of section 2923.44, divisions ~~(D)~~ 12747
(C) (1), ~~(F)~~ (N), and ~~(H)~~ (P) of section 2925.03, division (D) (1) 12748
of section 2925.02, 2925.04, or 2925.05, division (E) (1) of 12749
section 2925.11, division (E) of section 2925.13, division (F) 12750
of section 2925.36, division (D) of section 2925.22, division 12751
(H) of section 2925.23, division (M) of section 2925.37, 12752
division (B) of section 2925.42, division (B) of section 12753
2929.18, division (D) of section 3719.99, division (B) (1) of 12754
section 4729.65, division (E) (3) of section 4729.99, and 12755
division (I) (3) of section 4729.99 of the Revised Code, the 12756
clerk of the court shall pay all fines or forfeited bail 12757
assessed and collected under prosecutions or prosecutions 12758
commenced for violations of this chapter, section 2923.42 of the 12759
Revised Code, or Chapter 2925. of the Revised Code, within 12760
thirty days, to the executive director of the state board of 12761
pharmacy, and the executive director shall deposit the fines 12762
into the state treasury to the credit of the occupational 12763
licensing and regulatory fund. 12764

Sec. 3719.99. (A) Whoever violates section 3719.16 or 12765
3719.161 of the Revised Code is guilty of a felony of the fifth 12766
degree. If the offender previously has been convicted of a 12767
violation of section 3719.16 or 3719.161 of the Revised Code or 12768
a drug abuse offense, a violation of section 3719.16 or 3719.161 12769
of the Revised Code is a felony of the fourth degree. If the 12770
violation involves the sale, offer to sell, or possession of a 12771
schedule I or II controlled substance, with the exception of 12772

marihuana, and if the offender, as a result of the violation, is 12773
a major drug offender, division (D) of this section applies. 12774

(B) Whoever violates division (C) or (D) of section 12775
3719.172 of the Revised Code is guilty of a felony of the fifth 12776
degree. If the offender previously has been convicted of a 12777
violation of division (C) or (D) of section 3719.172 of the 12778
Revised Code or a drug abuse offense, a violation of division 12779
(C) or (D) of section 3719.172 of the Revised Code is a felony 12780
of the fourth degree. If the violation involves the sale, offer 12781
to sell, or possession of a schedule I or II controlled 12782
substance, with the exception of marihuana, and if the offender, 12783
as a result of the violation, is a major drug offender, division 12784
(D) of this section applies. 12785

(C) Whoever violates section 3719.07 or 3719.08 of the 12786
Revised Code is guilty of a misdemeanor of the first degree. If 12787
the offender previously has been convicted of a violation of 12788
section 3719.07 or 3719.08 of the Revised Code or a drug abuse 12789
offense, a violation of section 3719.07 or 3719.08 of the 12790
Revised Code is a felony of the fifth degree. If the violation 12791
involves the sale, offer to sell, or possession of a schedule I 12792
or II controlled substance, with the exception of marihuana, and 12793
if the offender, as a result of the violation, is a major drug 12794
offender, division (D) of this section applies. 12795

(D) (1) If an offender is convicted of or pleads guilty to 12796
a felony violation of section 3719.07, 3719.08, 3719.16, or 12797
3719.161 or of division (C) or (D) of section 3719.172 of the 12798
Revised Code, if the violation involves the sale, offer to sell, 12799
or possession of a schedule I or II controlled substance, with 12800
the exception of marihuana, and if the court imposing sentence 12801
upon the offender finds that the offender as a result of the 12802

violation is a major drug offender and is guilty of a 12803
specification of the type described in division (A) of section 12804
2941.1410 of the Revised Code, the court, in lieu of the prison 12805
term authorized or required by division (A), (B), or (C) of this 12806
section and sections 2929.13 and 2929.14 of the Revised Code and 12807
in addition to any other sanction imposed for the offense under 12808
sections 2929.11 to 2929.18 of the Revised Code, shall impose 12809
upon the offender, in accordance with division (B) (3) of section 12810
2929.14 of the Revised Code, the mandatory prison term specified 12811
in that division. 12812

(2) Notwithstanding any contrary provision of section 12813
3719.21 of the Revised Code, the clerk of the court shall pay 12814
any fine imposed for a felony violation of section 3719.07, 12815
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 12816
section 3719.172 of the Revised Code pursuant to division (A) of 12817
section 2929.18 of the Revised Code in accordance with and 12818
subject to the requirements of division ~~(F)~~(N) of section 12819
2925.03 of the Revised Code. The agency that receives the fine 12820
shall use the fine as specified in division ~~(F)~~(N) of section 12821
2925.03 of the Revised Code. 12822

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 12823
3719.31 or division (B) of section 3719.172 of the Revised Code 12824
is guilty of a misdemeanor of the third degree. If the offender 12825
previously has been convicted of a violation of section 3719.05, 12826
3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 12827
of the Revised Code or a drug abuse offense, a violation of 12828
section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of 12829
section 3719.172 of the Revised Code is a misdemeanor of the 12830
first degree. 12831

(F) Whoever violates section 3719.30 of the Revised Code 12832

is guilty of a misdemeanor of the fourth degree. If the offender 12833
previously has been convicted of a violation of section 3719.30 12834
of the Revised Code or a drug abuse offense, a violation of 12835
section 3719.30 of the Revised Code is a misdemeanor of the 12836
third degree. 12837

(G) Whoever violates section 3719.32 or 3719.33 of the 12838
Revised Code is guilty of a minor misdemeanor. 12839

(H) Whoever violates division (K) (2) (b) of section 3719.44 12840
of the Revised Code is guilty of a felony of the fifth degree. 12841

(I) Whoever violates division (K) (2) (c) of section 3719.44 12842
of the Revised Code is guilty of a misdemeanor of the second 12843
degree. 12844

(J) As used in this section, "major drug offender" has the 12845
same meaning as in section 2929.01 of the Revised Code. 12846

Sec. 3721.121. (A) As used in this section: 12847

(1) "Adult day-care program" means a program operated 12848
pursuant to rules adopted by the director of health under 12849
section 3721.04 of the Revised Code and provided by and on the 12850
same site as homes licensed under this chapter. 12851

(2) "Applicant" means a person who is under final 12852
consideration for employment with a home or adult day-care 12853
program in a full-time, part-time, or temporary position that 12854
involves providing direct care to an older adult. "Applicant" 12855
does not include a person who provides direct care as a 12856
volunteer without receiving or expecting to receive any form of 12857
remuneration other than reimbursement for actual expenses. 12858

(3) "Community-based long-term care services provider" 12859
means a provider as defined in section 173.39 of the Revised 12860

Code. 12861

(4) "Criminal records check" has the same meaning as in 12862
section 109.572 of the Revised Code. 12863

(5) "Home" means a home as defined in section 3721.10 of 12864
the Revised Code. 12865

(6) "Older adult" means a person age sixty or older. 12866

(B)(1) Except as provided in division (I) of this section, 12867
the chief administrator of a home or adult day-care program 12868
shall request that the superintendent of the bureau of criminal 12869
identification and investigation conduct a criminal records 12870
check of each applicant. If an applicant for whom a criminal 12871
records check request is required under this division does not 12872
present proof of having been a resident of this state for the 12873
five-year period immediately prior to the date the criminal 12874
records check is requested or provide evidence that within that 12875
five-year period the superintendent has requested information 12876
about the applicant from the federal bureau of investigation in 12877
a criminal records check, the chief administrator shall request 12878
that the superintendent obtain information from the federal 12879
bureau of investigation as part of the criminal records check of 12880
the applicant. Even if an applicant for whom a criminal records 12881
check request is required under this division presents proof of 12882
having been a resident of this state for the five-year period, 12883
the chief administrator may request that the superintendent 12884
include information from the federal bureau of investigation in 12885
the criminal records check. 12886

(2) A person required by division (B)(1) of this section 12887
to request a criminal records check shall do both of the 12888
following: 12889

(a) Provide to each applicant for whom a criminal records check request is required under that division a copy of the form prescribed pursuant to division (C) (1) of section 109.572 of the Revised Code and a standard fingerprint impression sheet prescribed pursuant to division (C) (2) of that section, and obtain the completed form and impression sheet from the applicant;

(b) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation.

(3) An applicant provided the form and fingerprint impression sheet under division (B) (2) (a) of this section who fails to complete the form or provide fingerprint impressions shall not be employed in any position for which a criminal records check is required by this section.

(C) (1) Except as provided in rules adopted by the director of health in accordance with division (F) of this section and subject to division (C) (2) of this section, no home or adult day-care program shall employ a person in a position that involves providing direct care to an older adult if the person has been convicted of or pleaded guilty to any of the following:

(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, 2925.13, 2925.22, 2925.23, or

3716.11 of the Revised Code. 12920

(b) A violation of an existing or former law of this 12921
state, any other state, or the United States that is 12922
substantially equivalent to any of the offenses listed in 12923
division (C) (1) (a) of this section. 12924

(2) (a) A home or an adult day-care program may employ 12925
conditionally an applicant for whom a criminal records check 12926
request is required under division (B) of this section prior to 12927
obtaining the results of a criminal records check regarding the 12928
individual, provided that the home or program shall request a 12929
criminal records check regarding the individual in accordance 12930
with division (B) (1) of this section not later than five 12931
business days after the individual begins conditional 12932
employment. In the circumstances described in division (I) (2) of 12933
this section, a home or adult day-care program may employ 12934
conditionally an applicant who has been referred to the home or 12935
adult day-care program by an employment service that supplies 12936
full-time, part-time, or temporary staff for positions involving 12937
the direct care of older adults and for whom, pursuant to that 12938
division, a criminal records check is not required under 12939
division (B) of this section. 12940

(b) A home or adult day-care program that employs an 12941
individual conditionally under authority of division (C) (2) (a) 12942
of this section shall terminate the individual's employment if 12943
the results of the criminal records check requested under 12944
division (B) of this section or described in division (I) (2) of 12945
this section, other than the results of any request for 12946
information from the federal bureau of investigation, are not 12947
obtained within the period ending thirty days after the date the 12948
request is made. Regardless of when the results of the criminal 12949

records check are obtained, if the results indicate that the individual has been convicted of or pleaded guilty to any of the offenses listed or described in division (C)(1) of this section, the home or program shall terminate the individual's employment unless the home or program chooses to employ the individual pursuant to division (F) of this section. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the individual makes any attempt to deceive the home or program about the individual's criminal record.

(D)(1) Each home or adult day-care program shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted pursuant to a request made under division (B) of this section.

(2) A home or adult day-care program may charge an applicant a fee not exceeding the amount the home or program pays under division (D)(1) of this section. A home or program may collect a fee only if both of the following apply:

(a) The home or program notifies the person at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the person will not be considered for employment;

(b) The medicaid program does not reimburse the home or program the fee it pays under division (D)(1) of this section.

(E) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code

and shall not be made available to any person other than the 12979
following: 12980

(1) The individual who is the subject of the criminal 12981
records check or the individual's representative; 12982

(2) The chief administrator of the home or program 12983
requesting the criminal records check or the administrator's 12984
representative; 12985

(3) The administrator of any other facility, agency, or 12986
program that provides direct care to older adults that is owned 12987
or operated by the same entity that owns or operates the home or 12988
program; 12989

(4) A court, hearing officer, or other necessary 12990
individual involved in a case dealing with a denial of 12991
employment of the applicant or dealing with employment or 12992
unemployment benefits of the applicant; 12993

(5) Any person to whom the report is provided pursuant to, 12994
and in accordance with, division (I)(1) or (2) of this section; 12995

(6) The board of nursing for purposes of accepting and 12996
processing an application for a medication aide certificate 12997
issued under Chapter 4723. of the Revised Code; 12998

(7) The director of aging or the director's designee if 12999
the criminal records check is requested by the chief 13000
administrator of a home that is also a community-based long-term 13001
care services provider. 13002

(F) In accordance with section 3721.11 of the Revised 13003
Code, the director of health shall adopt rules to implement this 13004
section. The rules shall specify circumstances under which a 13005
home or adult day-care program may employ a person who has been 13006

convicted of or pleaded guilty to an offense listed or described 13007
in division (C) (1) of this section but meets personal character 13008
standards set by the director. 13009

(G) The chief administrator of a home or adult day-care 13010
program shall inform each individual, at the time of initial 13011
application for a position that involves providing direct care 13012
to an older adult, that the individual is required to provide a 13013
set of fingerprint impressions and that a criminal records check 13014
is required to be conducted if the individual comes under final 13015
consideration for employment. 13016

(H) In a tort or other civil action for damages that is 13017
brought as the result of an injury, death, or loss to person or 13018
property caused by an individual who a home or adult day-care 13019
program employs in a position that involves providing direct 13020
care to older adults, all of the following shall apply: 13021

(1) If the home or program employed the individual in good 13022
faith and reasonable reliance on the report of a criminal 13023
records check requested under this section, the home or program 13024
shall not be found negligent solely because of its reliance on 13025
the report, even if the information in the report is determined 13026
later to have been incomplete or inaccurate; 13027

(2) If the home or program employed the individual in good 13028
faith on a conditional basis pursuant to division (C) (2) of this 13029
section, the home or program shall not be found negligent solely 13030
because it employed the individual prior to receiving the report 13031
of a criminal records check requested under this section; 13032

(3) If the home or program in good faith employed the 13033
individual according to the personal character standards 13034
established in rules adopted under division (F) of this section, 13035

the home or program shall not be found negligent solely because 13036
the individual prior to being employed had been convicted of or 13037
pleaded guilty to an offense listed or described in division (C) 13038
(1) of this section. 13039

(I) (1) The chief administrator of a home or adult day-care 13040
program is not required to request that the superintendent of 13041
the bureau of criminal identification and investigation conduct 13042
a criminal records check of an applicant if the applicant has 13043
been referred to the home or program by an employment service 13044
that supplies full-time, part-time, or temporary staff for 13045
positions involving the direct care of older adults and both of 13046
the following apply: 13047

(a) The chief administrator receives from the employment 13048
service or the applicant a report of the results of a criminal 13049
records check regarding the applicant that has been conducted by 13050
the superintendent within the one-year period immediately 13051
preceding the applicant's referral; 13052

(b) The report of the criminal records check demonstrates 13053
that the person has not been convicted of or pleaded guilty to 13054
an offense listed or described in division (C) (1) of this 13055
section, or the report demonstrates that the person has been 13056
convicted of or pleaded guilty to one or more of those offenses, 13057
but the home or adult day-care program chooses to employ the 13058
individual pursuant to division (F) of this section. 13059

(2) The chief administrator of a home or adult day-care 13060
program is not required to request that the superintendent of 13061
the bureau of criminal identification and investigation conduct 13062
a criminal records check of an applicant and may employ the 13063
applicant conditionally as described in this division, if the 13064
applicant has been referred to the home or program by an 13065

employment service that supplies full-time, part-time, or 13066
temporary staff for positions involving the direct care of older 13067
adults and if the chief administrator receives from the 13068
employment service or the applicant a letter from the employment 13069
service that is on the letterhead of the employment service, 13070
dated, and signed by a supervisor or another designated official 13071
of the employment service and that states that the employment 13072
service has requested the superintendent to conduct a criminal 13073
records check regarding the applicant, that the requested 13074
criminal records check will include a determination of whether 13075
the applicant has been convicted of or pleaded guilty to any 13076
offense listed or described in division (C) (1) of this section, 13077
that, as of the date set forth on the letter, the employment 13078
service had not received the results of the criminal records 13079
check, and that, when the employment service receives the 13080
results of the criminal records check, it promptly will send a 13081
copy of the results to the home or adult day-care program. If a 13082
home or adult day-care program employs an applicant 13083
conditionally in accordance with this division, the employment 13084
service, upon its receipt of the results of the criminal records 13085
check, promptly shall send a copy of the results to the home or 13086
adult day-care program, and division (C) (2) (b) of this section 13087
applies regarding the conditional employment. 13088

Sec. 3734.44. Notwithstanding the provisions of any law to 13089
the contrary, no permit or license shall be issued or renewed by 13090
the director of environmental protection or a board of health: 13091

(A) Unless the director or the board of health finds that 13092
the applicant, in any prior performance record in the 13093
transportation, transfer, treatment, storage, or disposal of 13094
solid wastes, infectious wastes, or hazardous waste, has 13095
exhibited sufficient reliability, expertise, and competency to 13096

operate the solid waste, infectious waste, or hazardous waste 13097
facility, given the potential for harm to human health and the 13098
environment that could result from the irresponsible operation 13099
of the facility, or, if no prior record exists, that the 13100
applicant is likely to exhibit that reliability, expertise, and 13101
competence; 13102

(B) If any individual or business concern required to be 13103
listed in the disclosure statement or shown to have a beneficial 13104
interest in the business of the applicant or the permittee, 13105
other than an equity interest or debt liability, by the 13106
investigation thereof, has been convicted of any of the 13107
following crimes under the laws of this state or equivalent laws 13108
of any other jurisdiction: 13109

(1) Murder; 13110

(2) Kidnapping; 13111

(3) Gambling; 13112

(4) Robbery; 13113

(5) Bribery; 13114

(6) Extortion; 13115

(7) Criminal usury; 13116

(8) Arson; 13117

(9) Burglary; 13118

(10) Theft and related crimes; 13119

(11) Forgery and fraudulent practices; 13120

(12) Fraud in the offering, sale, or purchase of 13121
securities; 13122

(13) Alteration of motor vehicle identification numbers;	13123
(14) Unlawful manufacture, purchase, use, or transfer of firearms;	13124 13125
(15) Unlawful possession or use of destructive devices or explosives;	13126 13127
(16) A violation of section 2925.03, <u>2925.031, 2925.032,</u> 2925.04, 2925.05, 2925.06, 2925.11, <u>2925.111,</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;	13128 13129 13130 13131 13132 13133 13134 13135
(17) Engaging in a pattern of corrupt activity under section 2923.32 of the Revised Code;	13136 13137
(18) A violation of the criminal provisions of Chapter 1331. of the Revised Code;	13138 13139
(19) Any violation of the criminal provisions of any federal or state environmental protection laws, rules, or regulations that is committed knowingly or recklessly, as defined in section 2901.22 of the Revised Code;	13140 13141 13142 13143
(20) A violation of any provision of Chapter 2909. of the Revised Code;	13144 13145
(21) Any offense specified in Chapter 2921. of the Revised Code.	13146 13147
(C) Notwithstanding division (B) of this section, no applicant shall be denied the issuance or renewal of a permit or license on the basis of a conviction of any individual or	13148 13149 13150

business concern required to be listed in the disclosure 13151
statement or shown to have a beneficial interest in the business 13152
of the applicant or the permittee, other than an equity interest 13153
or debt liability, by the investigation thereof for any of the 13154
offenses enumerated in that division as disqualification 13155
criteria if that applicant has affirmatively demonstrated 13156
rehabilitation of the individual or business concern by a 13157
preponderance of the evidence. If any such individual was 13158
convicted of any of the offenses so enumerated that are 13159
felonies, a permit shall be denied unless five years have 13160
elapsed since the individual was fully discharged from 13161
imprisonment and parole for the offense, from a community 13162
control sanction imposed under section 2929.15 of the Revised 13163
Code, from a post-release control sanction imposed under section 13164
2967.28 of the Revised Code for the offense, or imprisonment, 13165
probation, and parole for an offense that was committed prior to 13166
July 1, 1996. In determining whether an applicant has 13167
affirmatively demonstrated rehabilitation, the director or the 13168
board of health shall request a recommendation on the matter 13169
from the attorney general and shall consider and base the 13170
determination on the following factors: 13171

(1) The nature and responsibilities of the position a 13172
convicted individual would hold; 13173

(2) The nature and seriousness of the offense; 13174

(3) The circumstances under which the offense occurred; 13175

(4) The date of the offense; 13176

(5) The age of the individual when the offense was 13177
committed; 13178

(6) Whether the offense was an isolated or repeated 13179

incident; 13180

(7) Any social conditions that may have contributed to the 13181
offense; 13182

(8) Any evidence of rehabilitation, including good conduct 13183
in prison or in the community, counseling or psychiatric 13184
treatment received, acquisition of additional academic or 13185
vocational schooling, successful participation in correctional 13186
work release programs, or the recommendation of persons who have 13187
or have had the applicant under their supervision; 13188

(9) In the instance of an applicant that is a business 13189
concern, rehabilitation shall be established if the applicant 13190
has implemented formal management controls to minimize and 13191
prevent the occurrence of violations and activities that will or 13192
may result in permit or license denial or revocation or if the 13193
applicant has formalized those controls as a result of a 13194
revocation or denial of a permit or license. Those controls may 13195
include, but are not limited to, instituting environmental 13196
auditing programs to help ensure the adequacy of internal 13197
systems to achieve, maintain, and monitor compliance with 13198
applicable environmental laws and standards or instituting an 13199
antitrust compliance auditing program to help ensure full 13200
compliance with applicable antitrust laws. The business concern 13201
shall prove by a preponderance of the evidence that the 13202
management controls are effective in preventing the violations 13203
that are the subject of concern. 13204

(D) Unless the director or the board of health finds that 13205
the applicant has a history of compliance with environmental 13206
laws in this state and other jurisdictions and is presently in 13207
substantial compliance with, or on a legally enforceable 13208
schedule that will result in compliance with, environmental laws 13209

in this state and other jurisdictions; 13210

(E) With respect to the approval of a permit, if the 13211
director determines that current prosecutions or pending charges 13212
in any jurisdiction for any of the offenses enumerated in 13213
division (B) of this section against any individual or business 13214
concern required to be listed in the disclosure statement or 13215
shown by the investigation to have a beneficial interest in the 13216
business of the applicant other than an equity interest or debt 13217
liability are of such magnitude that they prevent making the 13218
finding required under division (A) of this section, provided 13219
that at the request of the applicant or the individual or 13220
business concern charged, the director shall defer decision upon 13221
the application during the pendency of the charge. 13222

Sec. 3767.01. As used in all sections of the Revised Code 13223
relating to nuisances: 13224

(A) "Place" includes any building, erection, or place or 13225
any separate part or portion thereof or the ground itself; 13226

(B) "Person" includes any individual, corporation, 13227
association, partnership, trustee, lessee, agent, or assignee; 13228

(C) "Nuisance" means any of the following: 13229

(1) That which is defined and declared by statutes to be a 13230
nuisance; 13231

(2) Any place in or upon which lewdness, assignation, or 13232
prostitution is conducted, permitted, continued, or exists, or 13233
any place, in or upon which lewd, indecent, lascivious, or 13234
obscene films or plate negatives, film or plate positives, films 13235
designed to be projected on a screen for exhibition films, or 13236
glass slides either in negative or positive form designed for 13237
exhibition by projection on a screen, are photographed, 13238

manufactured, developed, screened, exhibited, or otherwise 13239
prepared or shown, and the personal property and contents used 13240
in conducting and maintaining any such place for any such 13241
purpose. This chapter shall not affect any newspaper, magazine, 13242
or other publication entered as second class matter by the post- 13243
office department. 13244

(3) Any room, house, building, boat, vehicle, structure, 13245
or place where beer or intoxicating liquor is manufactured, 13246
sold, bartered, possessed, or kept in violation of law and all 13247
property kept and used in maintaining the same, and all property 13248
designed for the unlawful manufacture of beer or intoxicating 13249
liquor and beer or intoxicating liquor contained in the room, 13250
house, building, boat, structure, or place, or the operation of 13251
such a room, house, building, boat, structure, or place as 13252
described in division (C) (3) of this section where the operation 13253
of that place substantially interferes with public decency, 13254
sobriety, peace, and good order. "Violation of law" includes, 13255
but is not limited to, sales to any person under the legal 13256
drinking age as prohibited in division (A) of section 4301.22 or 13257
division (A) of section 4301.69 of the Revised Code and any 13258
violation of section 2913.46 ~~or~~, 2925.03, 2925.031, or 2925.032 13259
of the Revised Code. 13260

Sec. 4112.02. It shall be an unlawful discriminatory 13261
practice: 13262

(A) For any employer, because of the race, color, 13263
religion, sex, military status, national origin, disability, 13264
age, or ancestry of any person, to discharge without just cause, 13265
to refuse to hire, or otherwise to discriminate against that 13266
person with respect to hire, tenure, terms, conditions, or 13267
privileges of employment, or any matter directly or indirectly 13268

related to employment.	13269
(B) For an employment agency or personnel placement service, because of race, color, religion, sex, military status, national origin, disability, age, or ancestry, to do any of the following:	13270 13271 13272 13273
(1) Refuse or fail to accept, register, classify properly, or refer for employment, or otherwise discriminate against any person;	13274 13275 13276
(2) Comply with a request from an employer for referral of applicants for employment if the request directly or indirectly indicates that the employer fails to comply with the provisions of sections 4112.01 to 4112.07 of the Revised Code.	13277 13278 13279 13280
(C) For any labor organization to do any of the following:	13281
(1) Limit or classify its membership on the basis of race, color, religion, sex, military status, national origin, disability, age, or ancestry;	13282 13283 13284
(2) Discriminate against, limit the employment opportunities of, or otherwise adversely affect the employment status, wages, hours, or employment conditions of any person as an employee because of race, color, religion, sex, military status, national origin, disability, age, or ancestry.	13285 13286 13287 13288 13289
(D) For any employer, labor organization, or joint labor-management committee controlling apprentice training programs to discriminate against any person because of race, color, religion, sex, military status, national origin, disability, or ancestry in admission to, or employment in, any program established to provide apprentice training.	13290 13291 13292 13293 13294 13295
(E) Except where based on a bona fide occupational	13296

qualification certified in advance by the commission, for any 13297
employer, employment agency, personnel placement service, or 13298
labor organization, prior to employment or admission to 13299
membership, to do any of the following: 13300

(1) Elicit or attempt to elicit any information concerning 13301
the race, color, religion, sex, military status, national 13302
origin, disability, age, or ancestry of an applicant for 13303
employment or membership; 13304

(2) Make or keep a record of the race, color, religion, 13305
sex, military status, national origin, disability, age, or 13306
ancestry of any applicant for employment or membership; 13307

(3) Use any form of application for employment, or 13308
personnel or membership blank, seeking to elicit information 13309
regarding race, color, religion, sex, military status, national 13310
origin, disability, age, or ancestry; but an employer holding a 13311
contract containing a nondiscrimination clause with the 13312
government of the United States, or any department or agency of 13313
that government, may require an employee or applicant for 13314
employment to furnish documentary proof of United States 13315
citizenship and may retain that proof in the employer's 13316
personnel records and may use photographic or fingerprint 13317
identification for security purposes; 13318

(4) Print or publish or cause to be printed or published 13319
any notice or advertisement relating to employment or membership 13320
indicating any preference, limitation, specification, or 13321
discrimination, based upon race, color, religion, sex, military 13322
status, national origin, disability, age, or ancestry; 13323

(5) Announce or follow a policy of denying or limiting, 13324
through a quota system or otherwise, employment or membership 13325

opportunities of any group because of the race, color, religion, 13326
sex, military status, national origin, disability, age, or 13327
ancestry of that group; 13328

(6) Utilize in the recruitment or hiring of persons any 13329
employment agency, personnel placement service, training school 13330
or center, labor organization, or any other employee-referring 13331
source known to discriminate against persons because of their 13332
race, color, religion, sex, military status, national origin, 13333
disability, age, or ancestry. 13334

(F) For any person seeking employment to publish or cause 13335
to be published any advertisement that specifies or in any 13336
manner indicates that person's race, color, religion, sex, 13337
military status, national origin, disability, age, or ancestry, 13338
or expresses a limitation or preference as to the race, color, 13339
religion, sex, military status, national origin, disability, 13340
age, or ancestry of any prospective employer. 13341

(G) For any proprietor or any employee, keeper, or manager 13342
of a place of public accommodation to deny to any person, except 13343
for reasons applicable alike to all persons regardless of race, 13344
color, religion, sex, military status, national origin, 13345
disability, age, or ancestry, the full enjoyment of the 13346
accommodations, advantages, facilities, or privileges of the 13347
place of public accommodation. 13348

(H) Subject to section 4112.024 of the Revised Code, for 13349
any person to do any of the following: 13350

(1) Refuse to sell, transfer, assign, rent, lease, 13351
sublease, or finance housing accommodations, refuse to negotiate 13352
for the sale or rental of housing accommodations, or otherwise 13353
deny or make unavailable housing accommodations because of race, 13354

color, religion, sex, military status, familial status, 13355
ancestry, disability, or national origin; 13356

(2) Represent to any person that housing accommodations 13357
are not available for inspection, sale, or rental, when in fact 13358
they are available, because of race, color, religion, sex, 13359
military status, familial status, ancestry, disability, or 13360
national origin; 13361

(3) Discriminate against any person in the making or 13362
purchasing of loans or the provision of other financial 13363
assistance for the acquisition, construction, rehabilitation, 13364
repair, or maintenance of housing accommodations, or any person 13365
in the making or purchasing of loans or the provision of other 13366
financial assistance that is secured by residential real estate, 13367
because of race, color, religion, sex, military status, familial 13368
status, ancestry, disability, or national origin or because of 13369
the racial composition of the neighborhood in which the housing 13370
accommodations are located, provided that the person, whether an 13371
individual, corporation, or association of any type, lends money 13372
as one of the principal aspects or incident to the person's 13373
principal business and not only as a part of the purchase price 13374
of an owner-occupied residence the person is selling nor merely 13375
casually or occasionally to a relative or friend; 13376

(4) Discriminate against any person in the terms or 13377
conditions of selling, transferring, assigning, renting, 13378
leasing, or subleasing any housing accommodations or in 13379
furnishing facilities, services, or privileges in connection 13380
with the ownership, occupancy, or use of any housing 13381
accommodations, including the sale of fire, extended coverage, 13382
or homeowners insurance, because of race, color, religion, sex, 13383
military status, familial status, ancestry, disability, or 13384

national origin or because of the racial composition of the 13385
neighborhood in which the housing accommodations are located; 13386

(5) Discriminate against any person in the terms or 13387
conditions of any loan of money, whether or not secured by 13388
mortgage or otherwise, for the acquisition, construction, 13389
rehabilitation, repair, or maintenance of housing accommodations 13390
because of race, color, religion, sex, military status, familial 13391
status, ancestry, disability, or national origin or because of 13392
the racial composition of the neighborhood in which the housing 13393
accommodations are located; 13394

(6) Refuse to consider without prejudice the combined 13395
income of both husband and wife for the purpose of extending 13396
mortgage credit to a married couple or either member of a 13397
married couple; 13398

(7) Print, publish, or circulate any statement or 13399
advertisement, or make or cause to be made any statement or 13400
advertisement, relating to the sale, transfer, assignment, 13401
rental, lease, sublease, or acquisition of any housing 13402
accommodations, or relating to the loan of money, whether or not 13403
secured by mortgage or otherwise, for the acquisition, 13404
construction, rehabilitation, repair, or maintenance of housing 13405
accommodations, that indicates any preference, limitation, 13406
specification, or discrimination based upon race, color, 13407
religion, sex, military status, familial status, ancestry, 13408
disability, or national origin, or an intention to make any such 13409
preference, limitation, specification, or discrimination; 13410

(8) Except as otherwise provided in division (H) (8) or 13411
(17) of this section, make any inquiry, elicit any information, 13412
make or keep any record, or use any form of application 13413
containing questions or entries concerning race, color, 13414

religion, sex, military status, familial status, ancestry, 13415
disability, or national origin in connection with the sale or 13416
lease of any housing accommodations or the loan of any money, 13417
whether or not secured by mortgage or otherwise, for the 13418
acquisition, construction, rehabilitation, repair, or 13419
maintenance of housing accommodations. Any person may make 13420
inquiries, and make and keep records, concerning race, color, 13421
religion, sex, military status, familial status, ancestry, 13422
disability, or national origin for the purpose of monitoring 13423
compliance with this chapter. 13424

(9) Include in any transfer, rental, or lease of housing 13425
accommodations any restrictive covenant, or honor or exercise, 13426
or attempt to honor or exercise, any restrictive covenant; 13427

(10) Induce or solicit, or attempt to induce or solicit, a 13428
housing accommodations listing, sale, or transaction by 13429
representing that a change has occurred or may occur with 13430
respect to the racial, religious, sexual, military status, 13431
familial status, or ethnic composition of the block, 13432
neighborhood, or other area in which the housing accommodations 13433
are located, or induce or solicit, or attempt to induce or 13434
solicit, a housing accommodations listing, sale, or transaction 13435
by representing that the presence or anticipated presence of 13436
persons of any race, color, religion, sex, military status, 13437
familial status, ancestry, disability, or national origin, in 13438
the block, neighborhood, or other area will or may have results 13439
including, but not limited to, the following: 13440

(a) The lowering of property values; 13441

(b) A change in the racial, religious, sexual, military 13442
status, familial status, or ethnic composition of the block, 13443
neighborhood, or other area; 13444

(c) An increase in criminal or antisocial behavior in the 13445
block, neighborhood, or other area; 13446

(d) A decline in the quality of the schools serving the 13447
block, neighborhood, or other area. 13448

(11) Deny any person access to or membership or 13449
participation in any multiple-listing service, real estate 13450
brokers' organization, or other service, organization, or 13451
facility relating to the business of selling or renting housing 13452
accommodations, or discriminate against any person in the terms 13453
or conditions of that access, membership, or participation, on 13454
account of race, color, religion, sex, military status, familial 13455
status, national origin, disability, or ancestry; 13456

(12) Coerce, intimidate, threaten, or interfere with any 13457
person in the exercise or enjoyment of, or on account of that 13458
person's having exercised or enjoyed or having aided or 13459
encouraged any other person in the exercise or enjoyment of, any 13460
right granted or protected by division (H) of this section; 13461

(13) Discourage or attempt to discourage the purchase by a 13462
prospective purchaser of housing accommodations, by representing 13463
that any block, neighborhood, or other area has undergone or 13464
might undergo a change with respect to its religious, racial, 13465
sexual, military status, familial status, or ethnic composition; 13466

(14) Refuse to sell, transfer, assign, rent, lease, 13467
sublease, or finance, or otherwise deny or withhold, a burial 13468
lot from any person because of the race, color, sex, military 13469
status, familial status, age, ancestry, disability, or national 13470
origin of any prospective owner or user of the lot; 13471

(15) Discriminate in the sale or rental of, or otherwise 13472
make unavailable or deny, housing accommodations to any buyer or 13473

renter because of a disability of any of the following: 13474

(a) The buyer or renter; 13475

(b) A person residing in or intending to reside in the 13476
housing accommodations after they are sold, rented, or made 13477
available; 13478

(c) Any individual associated with the person described in 13479
division (H) (15) (b) of this section. 13480

(16) Discriminate in the terms, conditions, or privileges 13481
of the sale or rental of housing accommodations to any person or 13482
in the provision of services or facilities to any person in 13483
connection with the housing accommodations because of a 13484
disability of any of the following: 13485

(a) That person; 13486

(b) A person residing in or intending to reside in the 13487
housing accommodations after they are sold, rented, or made 13488
available; 13489

(c) Any individual associated with the person described in 13490
division (H) (16) (b) of this section. 13491

(17) Except as otherwise provided in division (H) (17) of 13492
this section, make an inquiry to determine whether an applicant 13493
for the sale or rental of housing accommodations, a person 13494
residing in or intending to reside in the housing accommodations 13495
after they are sold, rented, or made available, or any 13496
individual associated with that person has a disability, or make 13497
an inquiry to determine the nature or severity of a disability 13498
of the applicant or such a person or individual. The following 13499
inquiries may be made of all applicants for the sale or rental 13500
of housing accommodations, regardless of whether they have 13501

disabilities:	13502
(a) An inquiry into an applicant's ability to meet the requirements of ownership or tenancy;	13503 13504
(b) An inquiry to determine whether an applicant is qualified for housing accommodations available only to persons with disabilities or persons with a particular type of disability;	13505 13506 13507 13508
(c) An inquiry to determine whether an applicant is qualified for a priority available to persons with disabilities or persons with a particular type of disability;	13509 13510 13511
(d) An inquiry to determine whether an applicant currently uses a controlled substance in violation of section 2925.11 <u>or</u> <u>2925.111</u> of the Revised Code or a substantively comparable municipal ordinance;	13512 13513 13514 13515
(e) An inquiry to determine whether an applicant at any time has been convicted of or pleaded guilty to any offense, an element of which is the illegal sale, offer to sell, cultivation, manufacture, other production, shipment, transportation, delivery, or other distribution of a controlled substance.	13516 13517 13518 13519 13520 13521
(18) (a) Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing accommodations that are occupied or to be occupied by the person with a disability, if the modifications may be necessary to afford the person with a disability full enjoyment of the housing accommodations. This division does not preclude a landlord of housing accommodations that are rented or to be rented to a disabled tenant from conditioning permission for a proposed modification upon the disabled tenant's doing one or	13522 13523 13524 13525 13526 13527 13528 13529 13530

more of the following: 13531

(i) Providing a reasonable description of the proposed 13532
modification and reasonable assurances that the proposed 13533
modification will be made in a workerlike manner and that any 13534
required building permits will be obtained prior to the 13535
commencement of the proposed modification; 13536

(ii) Agreeing to restore at the end of the tenancy the 13537
interior of the housing accommodations to the condition they 13538
were in prior to the proposed modification, but subject to 13539
reasonable wear and tear during the period of occupancy, if it 13540
is reasonable for the landlord to condition permission for the 13541
proposed modification upon the agreement; 13542

(iii) Paying into an interest-bearing escrow account that 13543
is in the landlord's name, over a reasonable period of time, a 13544
reasonable amount of money not to exceed the projected costs at 13545
the end of the tenancy of the restoration of the interior of the 13546
housing accommodations to the condition they were in prior to 13547
the proposed modification, but subject to reasonable wear and 13548
tear during the period of occupancy, if the landlord finds the 13549
account reasonably necessary to ensure the availability of funds 13550
for the restoration work. The interest earned in connection with 13551
an escrow account described in this division shall accrue to the 13552
benefit of the disabled tenant who makes payments into the 13553
account. 13554

(b) A landlord shall not condition permission for a 13555
proposed modification upon a disabled tenant's payment of a 13556
security deposit that exceeds the customarily required security 13557
deposit of all tenants of the particular housing accommodations. 13558

(19) Refuse to make reasonable accommodations in rules, 13559

policies, practices, or services when necessary to afford a 13560
person with a disability equal opportunity to use and enjoy a 13561
dwelling unit, including associated public and common use areas; 13562

(20) Fail to comply with the standards and rules adopted 13563
under division (A) of section 3781.111 of the Revised Code; 13564

(21) Discriminate against any person in the selling, 13565
brokering, or appraising of real property because of race, 13566
color, religion, sex, military status, familial status, 13567
ancestry, disability, or national origin; 13568

(22) Fail to design and construct covered multifamily 13569
dwellings for first occupancy on or after June 30, 1992, in 13570
accordance with the following conditions: 13571

(a) The dwellings shall have at least one building 13572
entrance on an accessible route, unless it is impractical to do 13573
so because of the terrain or unusual characteristics of the 13574
site. 13575

(b) With respect to dwellings that have a building 13576
entrance on an accessible route, all of the following apply: 13577

(i) The public use areas and common use areas of the 13578
dwellings shall be readily accessible to and usable by persons 13579
with a disability. 13580

(ii) All the doors designed to allow passage into and 13581
within all premises shall be sufficiently wide to allow passage 13582
by persons with a disability who are in wheelchairs. 13583

(iii) All premises within covered multifamily dwelling 13584
units shall contain an accessible route into and through the 13585
dwelling; all light switches, electrical outlets, thermostats, 13586
and other environmental controls within such units shall be in 13587

accessible locations; the bathroom walls within such units shall 13588
contain reinforcements to allow later installation of grab bars; 13589
and the kitchens and bathrooms within such units shall be 13590
designed and constructed in a manner that enables an individual 13591
in a wheelchair to maneuver about such rooms. 13592

For purposes of division (H) (22) of this section, "covered 13593
multifamily dwellings" means buildings consisting of four or 13594
more units if such buildings have one or more elevators and 13595
ground floor units in other buildings consisting of four or more 13596
units. 13597

(I) For any person to discriminate in any manner against 13598
any other person because that person has opposed any unlawful 13599
discriminatory practice defined in this section or because that 13600
person has made a charge, testified, assisted, or participated 13601
in any manner in any investigation, proceeding, or hearing under 13602
sections 4112.01 to 4112.07 of the Revised Code. 13603

(J) For any person to aid, abet, incite, compel, or coerce 13604
the doing of any act declared by this section to be an unlawful 13605
discriminatory practice, to obstruct or prevent any person from 13606
complying with this chapter or any order issued under it, or to 13607
attempt directly or indirectly to commit any act declared by 13608
this section to be an unlawful discriminatory practice. 13609

(K) Nothing in divisions (A) to (E) of this section shall 13610
be construed to require a person with a disability to be 13611
employed or trained under circumstances that would significantly 13612
increase the occupational hazards affecting either the person 13613
with a disability, other employees, the general public, or the 13614
facilities in which the work is to be performed, or to require 13615
the employment or training of a person with a disability in a 13616
job that requires the person with a disability routinely to 13617

undertake any task, the performance of which is substantially 13618
and inherently impaired by the person's disability. 13619

(L) An aggrieved individual may enforce the individual's 13620
rights relative to discrimination on the basis of age as 13621
provided for in this section by instituting a civil action, 13622
within one hundred eighty days after the alleged unlawful 13623
discriminatory practice occurred, in any court with jurisdiction 13624
for any legal or equitable relief that will effectuate the 13625
individual's rights. 13626

A person who files a civil action under this division is 13627
barred, with respect to the practices complained of, from 13628
instituting a civil action under section 4112.14 of the Revised 13629
Code and from filing a charge with the commission under section 13630
4112.05 of the Revised Code. 13631

(M) With regard to age, it shall not be an unlawful 13632
discriminatory practice and it shall not constitute a violation 13633
of division (A) of section 4112.14 of the Revised Code for any 13634
employer, employment agency, joint labor-management committee 13635
controlling apprenticeship training programs, or labor 13636
organization to do any of the following: 13637

(1) Establish bona fide employment qualifications 13638
reasonably related to the particular business or occupation that 13639
may include standards for skill, aptitude, physical capability, 13640
intelligence, education, maturation, and experience; 13641

(2) Observe the terms of a bona fide seniority system or 13642
any bona fide employee benefit plan, including, but not limited 13643
to, a retirement, pension, or insurance plan, that is not a 13644
subterfuge to evade the purposes of this section. However, no 13645
such employee benefit plan shall excuse the failure to hire any 13646

individual, and no such seniority system or employee benefit 13647
plan shall require or permit the involuntary retirement of any 13648
individual, because of the individual's age except as provided 13649
for in the "Age Discrimination in Employment Act Amendment of 13650
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 13651
Discrimination in Employment Act Amendments of 1986," 100 Stat. 13652
3342, 29 U.S.C.A. 623, as amended. 13653

(3) Retire an employee who has attained sixty-five years 13654
of age who, for the two-year period immediately before 13655
retirement, is employed in a bona fide executive or a high 13656
policymaking position, if the employee is entitled to an 13657
immediate nonforfeitable annual retirement benefit from a 13658
pension, profit-sharing, savings, or deferred compensation plan, 13659
or any combination of those plans, of the employer of the 13660
employee, which equals, in the aggregate, at least forty-four 13661
thousand dollars, in accordance with the conditions of the "Age 13662
Discrimination in Employment Act Amendment of 1978," 92 Stat. 13663
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 13664
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 13665
631, as amended; 13666

(4) Observe the terms of any bona fide apprenticeship 13667
program if the program is registered with the Ohio 13668
apprenticeship council pursuant to sections 4139.01 to 4139.06 13669
of the Revised Code and is approved by the federal committee on 13670
apprenticeship of the United States department of labor. 13671

(N) Nothing in this chapter prohibiting age discrimination 13672
and nothing in division (A) of section 4112.14 of the Revised 13673
Code shall be construed to prohibit the following: 13674

(1) The designation of uniform age the attainment of which 13675
is necessary for public employees to receive pension or other 13676

retirement benefits pursuant to Chapter 145., 742., 3307., 13677
3309., or 5505. of the Revised Code; 13678

(2) The mandatory retirement of uniformed patrol officers 13679
of the state highway patrol as provided in section 5505.16 of 13680
the Revised Code; 13681

(3) The maximum age requirements for appointment as a 13682
patrol officer in the state highway patrol established by 13683
section 5503.01 of the Revised Code; 13684

(4) The maximum age requirements established for original 13685
appointment to a police department or fire department in 13686
sections 124.41 and 124.42 of the Revised Code; 13687

(5) Any maximum age not in conflict with federal law that 13688
may be established by a municipal charter, municipal ordinance, 13689
or resolution of a board of township trustees for original 13690
appointment as a police officer or firefighter; 13691

(6) Any mandatory retirement provision not in conflict 13692
with federal law of a municipal charter, municipal ordinance, or 13693
resolution of a board of township trustees pertaining to police 13694
officers and firefighters; 13695

(7) Until January 1, 1994, the mandatory retirement of any 13696
employee who has attained seventy years of age and who is 13697
serving under a contract of unlimited tenure, or similar 13698
arrangement providing for unlimited tenure, at an institution of 13699
higher education as defined in the "Education Amendments of 13700
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 13701

(0) (1) (a) Except as provided in division (0) (1) (b) of this 13702
section, for purposes of divisions (A) to (E) of this section, a 13703
disability does not include any physiological disorder or 13704
condition, mental or psychological disorder, or disease or 13705

condition caused by an illegal use of any controlled substance 13706
by an employee, applicant, or other person, if an employer, 13707
employment agency, personnel placement service, labor 13708
organization, or joint labor-management committee acts on the 13709
basis of that illegal use. 13710

(b) Division (O) (1) (a) of this section does not apply to 13711
an employee, applicant, or other person who satisfies any of the 13712
following: 13713

(i) The employee, applicant, or other person has 13714
successfully completed a supervised drug rehabilitation program 13715
and no longer is engaging in the illegal use of any controlled 13716
substance, or the employee, applicant, or other person otherwise 13717
successfully has been rehabilitated and no longer is engaging in 13718
that illegal use. 13719

(ii) The employee, applicant, or other person is 13720
participating in a supervised drug rehabilitation program and no 13721
longer is engaging in the illegal use of any controlled 13722
substance. 13723

(iii) The employee, applicant, or other person is 13724
erroneously regarded as engaging in the illegal use of any 13725
controlled substance, but the employee, applicant, or other 13726
person is not engaging in that illegal use. 13727

(2) Divisions (A) to (E) of this section do not prohibit 13728
an employer, employment agency, personnel placement service, 13729
labor organization, or joint labor-management committee from 13730
doing any of the following: 13731

(a) Adopting or administering reasonable policies or 13732
procedures, including, but not limited to, testing for the 13733
illegal use of any controlled substance, that are designed to 13734

ensure that an individual described in division (O) (1) (b) (i) or 13735
(ii) of this section no longer is engaging in the illegal use of 13736
any controlled substance; 13737

(b) Prohibiting the illegal use of controlled substances 13738
and the use of alcohol at the workplace by all employees; 13739

(c) Requiring that employees not be under the influence of 13740
alcohol or not be engaged in the illegal use of any controlled 13741
substance at the workplace; 13742

(d) Requiring that employees behave in conformance with 13743
the requirements established under "The Drug-Free Workplace Act 13744
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 13745

(e) Holding an employee who engages in the illegal use of 13746
any controlled substance or who is an alcoholic to the same 13747
qualification standards for employment or job performance, and 13748
the same behavior, to which the employer, employment agency, 13749
personnel placement service, labor organization, or joint labor- 13750
management committee holds other employees, even if any 13751
unsatisfactory performance or behavior is related to an 13752
employee's illegal use of a controlled substance or alcoholism; 13753

(f) Exercising other authority recognized in the 13754
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 13755
U.S.C.A. 12101, as amended, including, but not limited to, 13756
requiring employees to comply with any applicable federal 13757
standards. 13758

(3) For purposes of this chapter, a test to determine the 13759
illegal use of any controlled substance does not include a 13760
medical examination. 13761

(4) Division (O) of this section does not encourage, 13762
prohibit, or authorize, and shall not be construed as 13763

encouraging, prohibiting, or authorizing, the conduct of testing 13764
for the illegal use of any controlled substance by employees, 13765
applicants, or other persons, or the making of employment 13766
decisions based on the results of that type of testing. 13767

(P) This section does not apply to a religious 13768
corporation, association, educational institution, or society 13769
with respect to the employment of an individual of a particular 13770
religion to perform work connected with the carrying on by that 13771
religious corporation, association, educational institution, or 13772
society of its activities. 13773

The unlawful discriminatory practices defined in this 13774
section do not make it unlawful for a person or an appointing 13775
authority administering an examination under section 124.23 of 13776
the Revised Code to obtain information about an applicant's 13777
military status for the purpose of determining if the applicant 13778
is eligible for the additional credit that is available under 13779
that section. 13780

Sec. 4510.17. (A) The registrar of motor vehicles shall 13781
impose a class D suspension of the person's driver's license, 13782
commercial driver's license, temporary instruction permit, 13783
probationary license, or nonresident operating privilege for the 13784
period of time specified in division (B) (4) of section 4510.02 13785
of the Revised Code on any person who is a resident of this 13786
state and is convicted of or pleads guilty to a violation of a 13787
statute of any other state or any federal statute that is 13788
substantially similar to section 2925.02, 2925.03, 2925.031, 13789
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 13790
2925.111, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 13791
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 13792
receipt of a report from a court, court clerk, or other official 13793

of any other state or from any federal authority that a resident 13794
of this state was convicted of or pleaded guilty to an offense 13795
described in this division, the registrar shall send a notice by 13796
regular first class mail to the person, at the person's last 13797
known address as shown in the records of the bureau of motor 13798
vehicles, informing the person of the suspension, that the 13799
suspension will take effect twenty-one days from the date of the 13800
notice, and that, if the person wishes to appeal the suspension 13801
or denial, the person must file a notice of appeal within 13802
twenty-one days of the date of the notice requesting a hearing 13803
on the matter. If the person requests a hearing, the registrar 13804
shall hold the hearing not more than forty days after receipt by 13805
the registrar of the notice of appeal. The filing of a notice of 13806
appeal does not stay the operation of the suspension that must 13807
be imposed pursuant to this division. The scope of the hearing 13808
shall be limited to whether the person actually was convicted of 13809
or pleaded guilty to the offense for which the suspension is to 13810
be imposed. 13811

The suspension the registrar is required to impose under 13812
this division shall end either on the last day of the class D 13813
suspension period or of the suspension of the person's 13814
nonresident operating privilege imposed by the state or federal 13815
court, whichever is earlier. 13816

The registrar shall subscribe to or otherwise participate 13817
in any information system or register, or enter into reciprocal 13818
and mutual agreements with other states and federal authorities, 13819
in order to facilitate the exchange of information with other 13820
states and the United States government regarding persons who 13821
plead guilty to or are convicted of offenses described in this 13822
division and therefore are subject to the suspension or denial 13823
described in this division. 13824

(B) The registrar shall impose a class D suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B) (4) of section 4510.02 of the Revised Code on any person who is a resident of this state and is convicted of or pleads guilty to a violation of a statute of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to section 4511.19 of the Revised Code. Upon receipt of a report from another state made pursuant to section 4510.61 of the Revised Code indicating that a resident of this state was convicted of or pleaded guilty to an offense described in this division, the registrar shall send a notice by regular first class mail to the person, at the person's last known address as shown in the records of the bureau of motor vehicles, informing the person of the suspension, that the suspension or denial will take effect twenty-one days from the date of the notice, and that, if the person wishes to appeal the suspension, the person must file a notice of appeal within twenty-one days of the date of the notice requesting a hearing on the matter. If the person requests a hearing, the registrar shall hold the hearing not more than forty days after receipt by the registrar of the notice of appeal. The filing of a notice of appeal does not stay the operation of the suspension that must be imposed pursuant to this division. The scope of the hearing shall be limited to whether the person actually was convicted of or pleaded guilty to the offense for which the suspension is to be imposed.

The suspension the registrar is required to impose under this division shall end either on the last day of the class D suspension period or of the suspension of the person's

nonresident operating privilege imposed by the state or federal 13856
court, whichever is earlier. 13857

(C) The registrar shall impose a class D suspension of the 13858
child's driver's license, commercial driver's license, temporary 13859
instruction permit, or nonresident operating privilege for the 13860
period of time specified in division (B) (4) of section 4510.02 13861
of the Revised Code on any child who is a resident of this state 13862
and is convicted of or pleads guilty to a violation of a statute 13863
of any other state or any federal statute that is substantially 13864
similar to section 2925.02, 2925.03, 2925.031, 2925.032, 13865
2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.111, 2925.12, 13866
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 13867
2925.36, or 2925.37 of the Revised Code. Upon receipt of a 13868
report from a court, court clerk, or other official of any other 13869
state or from any federal authority that a child who is a 13870
resident of this state was convicted of or pleaded guilty to an 13871
offense described in this division, the registrar shall send a 13872
notice by regular first class mail to the child, at the child's 13873
last known address as shown in the records of the bureau of 13874
motor vehicles, informing the child of the suspension, that the 13875
suspension or denial will take effect twenty-one days from the 13876
date of the notice, and that, if the child wishes to appeal the 13877
suspension, the child must file a notice of appeal within 13878
twenty-one days of the date of the notice requesting a hearing 13879
on the matter. If the child requests a hearing, the registrar 13880
shall hold the hearing not more than forty days after receipt by 13881
the registrar of the notice of appeal. The filing of a notice of 13882
appeal does not stay the operation of the suspension that must 13883
be imposed pursuant to this division. The scope of the hearing 13884
shall be limited to whether the child actually was convicted of 13885
or pleaded guilty to the offense for which the suspension is to 13886

be imposed. 13887

The suspension the registrar is required to impose under 13888
this division shall end either on the last day of the class D 13889
suspension period or of the suspension of the child's 13890
nonresident operating privilege imposed by the state or federal 13891
court, whichever is earlier. If the child is a resident of this 13892
state who is sixteen years of age or older and does not have a 13893
current, valid Ohio driver's or commercial driver's license or 13894
permit, the notice shall inform the child that the child will be 13895
denied issuance of a driver's or commercial driver's license or 13896
permit for six months beginning on the date of the notice. If 13897
the child has not attained the age of sixteen years on the date 13898
of the notice, the notice shall inform the child that the period 13899
of denial of six months shall commence on the date the child 13900
attains the age of sixteen years. 13901

The registrar shall subscribe to or otherwise participate 13902
in any information system or register, or enter into reciprocal 13903
and mutual agreements with other states and federal authorities, 13904
in order to facilitate the exchange of information with other 13905
states and the United States government regarding children who 13906
are residents of this state and plead guilty to or are convicted 13907
of offenses described in this division and therefore are subject 13908
to the suspension or denial described in this division. 13909

(D) The registrar shall impose a class D suspension of the 13910
child's driver's license, commercial driver's license, temporary 13911
instruction permit, probationary license, or nonresident 13912
operating privilege for the period of time specified in division 13913
(B) (4) of section 4510.02 of the Revised Code on any child who 13914
is a resident of this state and is convicted of or pleads guilty 13915
to a violation of a statute of any other state or a municipal 13916

ordinance of a municipal corporation located in any other state 13917
that is substantially similar to section 4511.19 of the Revised 13918
Code. Upon receipt of a report from another state made pursuant 13919
to section 4510.61 of the Revised Code indicating that a child 13920
who is a resident of this state was convicted of or pleaded 13921
guilty to an offense described in this division, the registrar 13922
shall send a notice by regular first class mail to the child, at 13923
the child's last known address as shown in the records of the 13924
bureau of motor vehicles, informing the child of the suspension, 13925
that the suspension will take effect twenty-one days from the 13926
date of the notice, and that, if the child wishes to appeal the 13927
suspension, the child must file a notice of appeal within 13928
twenty-one days of the date of the notice requesting a hearing 13929
on the matter. If the child requests a hearing, the registrar 13930
shall hold the hearing not more than forty days after receipt by 13931
the registrar of the notice of appeal. The filing of a notice of 13932
appeal does not stay the operation of the suspension that must 13933
be imposed pursuant to this division. The scope of the hearing 13934
shall be limited to whether the child actually was convicted of 13935
or pleaded guilty to the offense for which the suspension is to 13936
be imposed. 13937

The suspension the registrar is required to impose under 13938
this division shall end either on the last day of the class D 13939
suspension period or of the suspension of the child's 13940
nonresident operating privilege imposed by the state or federal 13941
court, whichever is earlier. If the child is a resident of this 13942
state who is sixteen years of age or older and does not have a 13943
current, valid Ohio driver's or commercial driver's license or 13944
permit, the notice shall inform the child that the child will be 13945
denied issuance of a driver's or commercial driver's license or 13946
permit for six months beginning on the date of the notice. If 13947

the child has not attained the age of sixteen years on the date 13948
of the notice, the notice shall inform the child that the period 13949
of denial of six months shall commence on the date the child 13950
attains the age of sixteen years. 13951

(E) (1) Any person whose license or permit has been 13952
suspended pursuant to this section may file a petition in the 13953
municipal or county court, or in case the person is under 13954
eighteen years of age, the juvenile court, in whose jurisdiction 13955
the person resides, requesting limited driving privileges and 13956
agreeing to pay the cost of the proceedings. Except as provided 13957
in division (E) (2) or (3) of this section, the judge may grant 13958
the person limited driving privileges during the period during 13959
which the suspension otherwise would be imposed for any of the 13960
purposes set forth in division (A) of section 4510.021 of the 13961
Revised Code. 13962

(2) No judge shall grant limited driving privileges for 13963
employment as a driver of a commercial motor vehicle to any 13964
person who would be disqualified from operating a commercial 13965
motor vehicle under section 4506.16 of the Revised Code if the 13966
violation had occurred in this state. Further, no judge shall 13967
grant limited driving privileges during any of the following 13968
periods of time: 13969

(a) The first fifteen days of a suspension under division 13970
(B) or (D) of this section, if the person has not been convicted 13971
within ten years of the date of the offense giving rise to the 13972
suspension under this section of a violation of any of the 13973
following: 13974

(i) Section 4511.19 of the Revised Code, or a municipal 13975
ordinance relating to operating a vehicle while under the 13976
influence of alcohol, a drug of abuse, or alcohol and a drug of 13977

abuse; 13978

(ii) A municipal ordinance relating to operating a motor 13979
vehicle with a prohibited concentration of alcohol, a controlled 13980
substance, or a metabolite of a controlled substance in the 13981
whole blood, blood serum or plasma, breath, or urine; 13982

(iii) Section 2903.04 of the Revised Code in a case in 13983
which the person was subject to the sanctions described in 13984
division (D) of that section; 13985

(iv) Division (A) (1) of section 2903.06 or division (A) (1) 13986
of section 2903.08 of the Revised Code or a municipal ordinance 13987
that is substantially similar to either of those divisions; 13988

(v) Division (A) (2), (3), or (4) of section 2903.06, 13989
division (A) (2) of section 2903.08, or as it existed prior to 13990
March 23, 2000, section 2903.07 of the Revised Code, or a 13991
municipal ordinance that is substantially similar to any of 13992
those divisions or that former section, in a case in which the 13993
jury or judge found that the person was under the influence of 13994
alcohol, a drug of abuse, or alcohol and a drug of abuse. 13995

(b) The first thirty days of a suspension under division 13996
(B) or (D) of this section, if the person has been convicted one 13997
time within ten years of the date of the offense giving rise to 13998
the suspension under this section of any violation identified in 13999
division (E) (1) (a) of this section. 14000

(c) The first one hundred eighty days of a suspension 14001
under division (B) or (D) of this section, if the person has 14002
been convicted two times within ten years of the date of the 14003
offense giving rise to the suspension under this section of any 14004
violation identified in division (E) (1) (a) of this section. 14005

(3) No limited driving privileges may be granted if the 14006

person has been convicted three or more times within five years 14007
of the date of the offense giving rise to a suspension under 14008
division (B) or (D) of this section of any violation identified 14009
in division (E) (1) (a) of this section. 14010

(4) In accordance with section 4510.022 of the Revised 14011
Code, a person may petition for, and a judge may grant, 14012
unlimited driving privileges with a certified ignition interlock 14013
device during the period of suspension imposed under division 14014
(B) or (D) of this section to a person described in division (E) 14015
(2) (a) of this section. 14016

(5) If a person petitions for limited driving privileges 14017
under division (E) (1) of this section or unlimited driving 14018
privileges with a certified ignition interlock device as 14019
provided in division (E) (4) of this section, the registrar shall 14020
be represented by the county prosecutor of the county in which 14021
the person resides if the petition is filed in a juvenile court 14022
or county court, except that if the person resides within a city 14023
or village that is located within the jurisdiction of the county 14024
in which the petition is filed, the city director of law or 14025
village solicitor of that city or village shall represent the 14026
registrar. If the petition is filed in a municipal court, the 14027
registrar shall be represented as provided in section 1901.34 of 14028
the Revised Code. 14029

(6) (a) In issuing an order granting limited driving 14030
privileges under division (E) (1) of this section, the court may 14031
impose any condition it considers reasonable and necessary to 14032
limit the use of a vehicle by the person. The court shall 14033
deliver to the person a copy of the order setting forth the 14034
time, place, and other conditions limiting the person's use of a 14035
motor vehicle. Unless division (E) (6) (b) of this section 14036

applies, the grant of limited driving privileges shall be 14037
conditioned upon the person's having the order in the person's 14038
possession at all times during which the person is operating a 14039
vehicle. 14040

(b) If, under the order, the court requires the use of an 14041
immobilizing or disabling device as a condition of the grant of 14042
limited or unlimited driving privileges, the person shall 14043
present to the registrar or to a deputy registrar the copy of 14044
the order granting limited driving privileges and a certificate 14045
affirming the installation of an immobilizing or disabling 14046
device that is in a form established by the director of public 14047
safety and is signed by the person who installed the device. 14048
Upon presentation of the order and the certificate to the 14049
registrar or a deputy registrar, the registrar or deputy 14050
registrar shall issue to the offender a restricted license, 14051
unless the offender's driver's or commercial driver's license or 14052
permit is suspended under any other provision of law and limited 14053
driving privileges have not been granted with regard to that 14054
suspension. A restricted license issued under this division 14055
shall be identical to an Ohio driver's license, except that it 14056
shall have printed on its face a statement that the offender is 14057
prohibited from operating any motor vehicle that is not equipped 14058
with an immobilizing or disabling device in violation of the 14059
order. 14060

(7) (a) Unless division (E) (7) (b) applies, a person granted 14061
limited driving privileges who operates a vehicle for other than 14062
limited purposes, in violation of any condition imposed by the 14063
court or without having the order in the person's possession, is 14064
guilty of a violation of section 4510.11 of the Revised Code. 14065

(b) No person who has been granted limited or unlimited 14066

driving privileges under division (E) of this section subject to 14067
an immobilizing or disabling device order shall operate a motor 14068
vehicle prior to obtaining a restricted license. Any person who 14069
violates this prohibition is subject to the penalties prescribed 14070
in section 4510.14 of the Revised Code. 14071

(c) The offenses established under division (E)(7) of this 14072
section are strict liability offenses and section 2901.20 of the 14073
Revised Code does not apply. 14074

(F) The provisions of division (A)(8) of section 4510.13 14075
of the Revised Code apply to a person who has been granted 14076
limited or unlimited driving privileges with a certified 14077
ignition interlock device under this section and who either 14078
commits an ignition interlock device violation as defined under 14079
section 4510.46 of the Revised Code or operates a motor vehicle 14080
that is not equipped with a certified ignition interlock device. 14081

(G) Any person whose license or permit has been suspended 14082
under division (A) or (C) of this section may file a petition in 14083
the municipal or county court, or in case the person is under 14084
eighteen years of age, the juvenile court, in whose jurisdiction 14085
the person resides, requesting the termination of the suspension 14086
and agreeing to pay the cost of the proceedings. If the court, 14087
in its discretion, determines that a termination of the 14088
suspension is appropriate, the court shall issue an order to the 14089
registrar to terminate the suspension. Upon receiving such an 14090
order, the registrar shall reinstate the license. 14091

(H) As used in divisions (C) and (D) of this section: 14092

(1) "Child" means a person who is under the age of 14093
eighteen years, except that any person who violates a statute or 14094
ordinance described in division (C) or (D) of this section prior 14095

to attaining eighteen years of age shall be deemed a "child" 14096
irrespective of the person's age at the time the complaint or 14097
other equivalent document is filed in the other state or a 14098
hearing, trial, or other proceeding is held in the other state 14099
on the complaint or other equivalent document, and irrespective 14100
of the person's age when the period of license suspension or 14101
denial prescribed in division (C) or (D) of this section is 14102
imposed. 14103

(2) "Is convicted of or pleads guilty to" means, as it 14104
relates to a child who is a resident of this state, that in a 14105
proceeding conducted in a state or federal court located in 14106
another state for a violation of a statute or ordinance 14107
described in division (C) or (D) of this section, the result of 14108
the proceeding is any of the following: 14109

(a) Under the laws that govern the proceedings of the 14110
court, the child is adjudicated to be or admits to being a 14111
delinquent child or a juvenile traffic offender for a violation 14112
described in division (C) or (D) of this section that would be a 14113
crime if committed by an adult; 14114

(b) Under the laws that govern the proceedings of the 14115
court, the child is convicted of or pleads guilty to a violation 14116
described in division (C) or (D) of this section; 14117

(c) Under the laws that govern the proceedings of the 14118
court, irrespective of the terminology utilized in those laws, 14119
the result of the court's proceedings is the functional 14120
equivalent of division (H) (2) (a) or (b) of this section. 14121

Sec. 4729.99. (A) Whoever violates division (H) of section 14122
4729.16, division (G) of section 4729.38, division (I) of 14123
section 4729.382, section 4729.57, or division (F) of section 14124

4729.96 of the Revised Code is guilty of a minor misdemeanor, 14125
unless a different penalty is otherwise specified in the Revised 14126
Code. Each day's violation constitutes a separate offense. 14127

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 14128
of the Revised Code is guilty of a misdemeanor of the third 14129
degree. Each day's violation constitutes a separate offense. If 14130
the offender previously has been convicted of or pleaded guilty 14131
to a violation of this chapter, that person is guilty of a 14132
misdemeanor of the second degree. 14133

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 14134
of the Revised Code is guilty of a misdemeanor. 14135

(D) Whoever violates division (A), (B), (C), (D), (F), or 14136
(G) of section 4729.51 of the Revised Code is guilty of a 14137
misdemeanor of the first degree. 14138

(E) (1) Whoever violates section 4729.37, division (E) (1) 14139
(b) of section 4729.51, division (J) of section 4729.54, 14140
division (B) or (D) of section 4729.553, or section 4729.61 of 14141
the Revised Code is guilty of a felony of the fifth degree. If 14142
the offender previously has been convicted of or pleaded guilty 14143
to a violation of this chapter or a violation of Chapter 2925. 14144
or 3719. of the Revised Code, that person is guilty of a felony 14145
of the fourth degree. 14146

(2) If an offender is convicted of or pleads guilty to a 14147
violation of section 4729.37, division (E) of section 4729.51, 14148
division (J) of section 4729.54, or section 4729.61 of the 14149
Revised Code, if the violation involves the sale, offer to sell, 14150
or possession of a schedule I or II controlled substance, with 14151
the exception of marihuana, and if the court imposing sentence 14152
upon the offender finds that the offender as a result of the 14153

violation is a major drug offender, as defined in section 14154
2929.01 of the Revised Code, and is guilty of a specification of 14155
the type described in division (A) of section 2941.1410 of the 14156
Revised Code, the court, in lieu of the prison term authorized 14157
or required by division (E)(1) of this section and sections 14158
2929.13 and 2929.14 of the Revised Code and in addition to any 14159
other sanction imposed for the offense under sections 2929.11 to 14160
2929.18 of the Revised Code, shall impose upon the offender, in 14161
accordance with division (B)(3) of section 2929.14 of the 14162
Revised Code, the mandatory prison term specified in that 14163
division. 14164

(3) Notwithstanding any contrary provision of section 14165
3719.21 of the Revised Code, the clerk of court shall pay any 14166
fine imposed for a violation of section 4729.37, division (E) of 14167
section 4729.51, division (J) of section 4729.54, or section 14168
4729.61 of the Revised Code pursuant to division (A) of section 14169
2929.18 of the Revised Code in accordance with and subject to 14170
the requirements of division ~~(F)~~(N) of section 2925.03 of the 14171
Revised Code. The agency that receives the fine shall use the 14172
fine as specified in division ~~(F)~~(N) of section 2925.03 of the 14173
Revised Code. 14174

(F) Whoever violates section 4729.531 of the Revised Code 14175
or any rule adopted thereunder or section 4729.532 of the 14176
Revised Code is guilty of a misdemeanor of the first degree. 14177

(G) Whoever violates division (E)(1)(a) of section 4729.51 14178
of the Revised Code is guilty of a felony of the fourth degree. 14179
If the offender has previously been convicted of or pleaded 14180
guilty to a violation of this chapter, or of a violation of 14181
Chapter 2925. or 3719. of the Revised Code, that person is 14182
guilty of a felony of the third degree. 14183

(H) Whoever violates division (E) (1) (c) of section 4729.51 14184
of the Revised Code is guilty of a misdemeanor of the first 14185
degree. If the offender has previously been convicted of or 14186
pleaded guilty to a violation of this chapter, or of a violation 14187
of Chapter 2925. or 3719. of the Revised Code, that person is 14188
guilty of a felony of the fifth degree. 14189

(I) (1) Whoever violates division (A) of section 4729.95 of 14190
the Revised Code is guilty of unauthorized pharmacy-related drug 14191
conduct. Except as otherwise provided in this section, 14192
unauthorized pharmacy-related drug conduct is a misdemeanor of 14193
the second degree. If the offender previously has been convicted 14194
of or pleaded guilty to a violation of division (A), (B), or (C) 14195
of that section, unauthorized pharmacy-related drug conduct is a 14196
misdemeanor of the first degree on a second offense and a felony 14197
of the fifth degree on a third or subsequent offense. 14198

(2) Whoever violates division (B) or (C) of section 14199
4729.95 of the Revised Code is guilty of permitting unauthorized 14200
pharmacy-related drug conduct. Except as otherwise provided in 14201
this section, permitting unauthorized pharmacy-related drug 14202
conduct is a misdemeanor of the second degree. If the offender 14203
previously has been convicted of or pleaded guilty to a 14204
violation of division (A), (B), or (C) of that section, 14205
permitting unauthorized pharmacy-related drug conduct is a 14206
misdemeanor of the first degree on a second offense and a felony 14207
of the fifth degree on a third or subsequent offense. 14208

(3) Notwithstanding any contrary provision of section 14209
3719.21 of the Revised Code or any other provision of law that 14210
governs the distribution of fines, the clerk of the court shall 14211
pay any fine imposed pursuant to division (I) (1) or (2) of this 14212
section to the state board of pharmacy if the board has adopted 14213

a written internal control policy under division ~~(F)~~(N)(2) of 14214
section 2925.03 of the Revised Code that addresses fine moneys 14215
that it receives under Chapter 2925. of the Revised Code and if 14216
the policy also addresses fine moneys paid under this division. 14217
The state board of pharmacy shall use the fines so paid in 14218
accordance with the written internal control policy to subsidize 14219
the board's law enforcement efforts that pertain to drug 14220
offenses. 14221

(J) (1) Whoever violates division (A) (1) of section 4729.86 14222
of the Revised Code is guilty of a misdemeanor of the third 14223
degree. If the offender has previously been convicted of or 14224
pleaded guilty to a violation of division (A) (1), (2), or (3) of 14225
section 4729.86 of the Revised Code, that person is guilty of a 14226
misdemeanor of the first degree. 14227

(2) Whoever violates division (A) (2) of section 4729.86 of 14228
the Revised Code is guilty of a misdemeanor of the first degree. 14229
If the offender has previously been convicted of or pleaded 14230
guilty to a violation of division (A) (1), (2), or (3) of section 14231
4729.86 of the Revised Code, that person is guilty of a felony 14232
of the fifth degree. 14233

(3) Whoever violates division (A) (3) of section 4729.86 of 14234
the Revised Code is guilty of a felony of the fifth degree. If 14235
the offender has previously been convicted of or pleaded guilty 14236
to a violation of division (A) (1), (2), or (3) of section 14237
4729.86 of the Revised Code, that person is guilty of a felony 14238
of the fourth degree. 14239

(K) A person who violates division (C) of section 4729.552 14240
of the Revised Code is guilty of a misdemeanor of the first 14241
degree. If the person previously has been convicted of or 14242
pleaded guilty to a violation of division (C) of section 14243

4729.552 of the Revised Code, that person is guilty of a felony 14244
of the fifth degree. 14245

Sec. 4742.03. (A) A person may obtain certification as an 14246
emergency service telecommunicator by successfully completing a 14247
basic course of emergency service telecommunicator training that 14248
is conducted by the state board of education under section 14249
4742.02 of the Revised Code. The basic course of emergency 14250
service telecommunicator training shall include, but not be 14251
limited to, both of the following: 14252

(1) At least forty hours of instruction or training; 14253

(2) Instructional or training units in all of the 14254
following subjects: 14255

(a) The role of the emergency service telecommunicator; 14256

(b) Effective communication skills; 14257

(c) Emergency service telecommunicator liability; 14258

(d) Telephone techniques; 14259

(e) Requirements of the "Americans With Disabilities Act 14260
of 1990," 104 Stat. 327, 42 U.S.C. 12101, as amended, that 14261
pertain to emergency service telecommunicators; 14262

(f) Handling hysterical and suicidal callers; 14263

(g) Informing individuals who call about an apparent drug 14264
overdose about the immunity from prosecution for a minor drug 14265
possession offense created by section 2925.11 or 2925.111 of the 14266
Revised Code; 14267

(h) Law enforcement terminology; 14268

(i) Fire service terminology; 14269

(j) Emergency medical service terminology;	14270
(k) Emergency call processing guides for law enforcement;	14271
(l) Emergency call processing guides for fire service;	14272
(m) Emergency call processing guides for emergency medical service;	14273 14274
(n) Radio broadcast techniques;	14275
(o) Disaster planning;	14276
(p) Police officer survival, fire or emergency medical service scene safety, or both police officer survival and fire or emergency medical service scene safety.	14277 14278 14279
(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.	14280 14281 14282 14283 14284 14285 14286 14287 14288
(C) If a person successfully completes the basic course of emergency service telecommunicator training described in division (A) of this section, the state board of education or a designee of the board shall certify the person's successful completion. The board shall send a copy of the certification to the person and to the emergency service provider by whom the person is employed.	14289 14290 14291 14292 14293 14294 14295
If a person successfully completes the continuing education coursework described in division (B) of this section,	14296 14297

the state board of education or a designee of the board shall 14298
certify the person's successful completion. The board shall send 14299
a copy of the certification to the person and to the emergency 14300
service provider by whom the person is employed. 14301

Sec. 5103.0319. (A) No foster caregiver or prospective 14302
foster caregiver shall fail to notify the recommending agency 14303
that recommended or is recommending the foster caregiver or 14304
prospective foster caregiver for certification in writing if a 14305
person at least twelve years of age but less than eighteen years 14306
of age residing with the foster caregiver or prospective foster 14307
caregiver has been convicted of or pleaded guilty to any of the 14308
following or has been adjudicated to be a delinquent child for 14309
committing an act that if committed by an adult would have 14310
constituted such a violation: 14311

(1) A violation of section 2903.01, 2903.02, 2903.03, 14312
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 14313
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 14314
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 14315
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 14316
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 14317
2919.22, 2919.24, 2919.25, 2923.12, ~~2923.13~~ 2923.13, 2923.161, 14318
2925.02, 2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, 14319
or 3716.11 of the Revised Code, a violation of section 2905.04 14320
of the Revised Code as it existed prior to July 1, 1996, a 14321
violation of section 2919.23 of the Revised Code that would have 14322
been a violation of section 2905.04 of the Revised Code as it 14323
existed prior to July 1, 1996, had the violation been committed 14324
prior to that date, a violation of section 2925.11 or 2925.111 14325
of the Revised Code that is not a minor drug possession offense, 14326
a violation of section 2923.01 of the Revised Code that involved 14327
an attempt to commit aggravated murder or murder, an OVI or 14328

OVUAC violation if the person previously was convicted of or 14329
pleaded guilty to one or more OVI or OVUAC violations within the 14330
three years immediately preceding the current violation, or 14331
felonious sexual penetration in violation of former section 14332
2907.12 of the Revised Code; 14333

(2) An offense that would be a felony if committed by an 14334
adult and the court determined that the child, if an adult, 14335
would be guilty of a specification found in section 2941.141, 14336
2941.144, or 2941.145 of the Revised Code or in another section 14337
of the Revised Code that relates to the possession or use of a 14338
firearm, as defined in section 2923.11 of the Revised Code, 14339
during the commission of the act for which the child was 14340
adjudicated a delinquent child; 14341

(3) A violation of an existing or former law of this 14342
state, any other state, or the United States that is 14343
substantially equivalent to any of the offenses described in 14344
division (A)(1) or (2) of this section. 14345

(B) If a recommending agency learns that a foster 14346
caregiver has failed to comply with division (A) of this 14347
section, it shall notify the department of job and family 14348
services and the department shall revoke the foster caregiver's 14349
foster home certificate. 14350

(C) As used in this section, "OVI or OVUAC violation" 14351
means a violation of section 4511.19 of the Revised Code or a 14352
violation of an existing or former law of this state, any other 14353
state, or the United States that is substantially equivalent to 14354
section 4511.19 of the Revised Code. 14355

Sec. 5119.36. (A) A community mental health services 14356
provider applicant or community addiction services provider 14357

applicant that seeks certification of its certifiable services 14358
and supports shall submit an application to the director of 14359
mental health and addiction services. On receipt of the 14360
application, the director may conduct an on-site review and 14361
shall evaluate the applicant to determine whether its 14362
certifiable services and supports satisfy the standards 14363
established by rules adopted under this section. The director 14364
shall make the evaluation, and, if the director conducts an on- 14365
site review of the applicant, may make the review, in 14366
cooperation with a board of alcohol, drug addiction, and mental 14367
health services that seeks to contract with the applicant under 14368
section 340.036 of the Revised Code. 14369

(B) Subject to section 5119.361 of the Revised Code, the 14370
director shall determine whether the certifiable services and 14371
supports of a community mental health services provider 14372
applicant or community addiction services provider applicant 14373
satisfy the standards for certification. If the director 14374
determines that an applicant's certifiable services and supports 14375
satisfy the standards for certification and the applicant has 14376
paid the fee required by this section, the director shall 14377
certify the certifiable services and supports. No community 14378
mental health services provider or community addiction services 14379
provider shall be eligible to receive state or federal funds, or 14380
funds administered by a board of alcohol, drug addiction, and 14381
mental health services for certifiable services and supports 14382
unless its certifiable services and supports have been certified 14383
by the director. 14384

(C) If the director determines that a community mental 14385
health services provider applicant's or a community addiction 14386
services provider applicant's certifiable services and supports 14387
do not satisfy the standards for certification, the director 14388

shall identify the areas of noncompliance, specify what action 14389
is necessary to satisfy the standards, and may offer technical 14390
assistance to the applicant and to a board of alcohol, drug 14391
addiction, and mental health services so that the board may 14392
assist the applicant in satisfying the standards. The director 14393
shall give the applicant a reasonable time within which to 14394
demonstrate that its certifiable services and supports satisfy 14395
the standards or to bring them into compliance with the 14396
standards. If the director concludes that the certifiable 14397
services and supports continue to fail to satisfy the standards, 14398
the director may request that the board reallocate any funds for 14399
the certifiable services and supports the applicant was to 14400
provide to another community mental health services provider or 14401
community addiction services provider whose certifiable services 14402
and supports satisfy the standards. If the board does not 14403
reallocate such funds in a reasonable period of time, the 14404
director may withhold state and federal funds for the 14405
certifiable services and supports and allocate those funds 14406
directly to a community mental health services provider or 14407
community addiction services provider whose certifiable services 14408
and supports satisfy the standards. 14409

(D) Each community mental health services provider 14410
applicant or community addiction services provider applicant 14411
seeking certification of its certifiable services and supports 14412
under this section shall pay a fee for the certification 14413
required by this section, unless the applicant is exempt under 14414
rules adopted under this section. Fees shall be paid into the 14415
state treasury to the credit of the sale of goods and services 14416
fund created pursuant to section 5119.45 of the Revised Code. 14417

(E) The director shall adopt rules in accordance with 14418
Chapter 119. of the Revised Code to implement this section. The 14419

rules shall do all of the following:	14420
(1) Subject to section 340.034 of the Revised Code,	14421
specify the types of recovery supports that are required to be	14422
certified under this section;	14423
(2) Establish certification standards for certifiable	14424
services and supports that are consistent with nationally	14425
recognized applicable standards and facilitate participation in	14426
federal assistance programs. The rules shall include as	14427
certification standards only requirements that improve the	14428
quality of certifiable services and supports or the health and	14429
safety of persons receiving certifiable services and supports.	14430
The standards shall address at a minimum all of the following:	14431
(a) Reporting major unusual incidents to the director;	14432
(b) Procedures for applicants for and persons receiving	14433
certifiable services and supports to file grievances and	14434
complaints;	14435
(c) Seclusion;	14436
(d) Restraint;	14437
(e) Requirements regarding the physical facilities in	14438
which certifiable services and supports are provided;	14439
(f) Requirements with regard to health, safety, adequacy,	14440
and cultural specificity and sensitivity;	14441
(g) Standards for evaluating certifiable services and	14442
supports;	14443
(h) Standards and procedures for granting full,	14444
probationary, and interim certification of the certifiable	14445
services and supports of a community mental health services	14446

provider applicant or community addiction services provider	14447
applicant;	14448
(i) Standards and procedures for revoking the	14449
certification of a community mental health services provider's	14450
or community addiction services provider's certifiable services	14451
and supports that do not continue to meet the minimum standards	14452
established pursuant to this section;	14453
(j) The limitations to be placed on a provider whose	14454
certifiable services and supports are granted probationary or	14455
interim certification;	14456
(k) Development of written policies addressing the rights	14457
of persons receiving certifiable services and supports,	14458
including all of the following:	14459
(i) The right to a copy of the written policies addressing	14460
the rights of persons receiving certifiable services and	14461
supports;	14462
(ii) The right at all times to be treated with	14463
consideration and respect for the person's privacy and dignity;	14464
(iii) The right to have access to the person's own	14465
psychiatric, medical, or other treatment records unless access	14466
is specifically restricted in the person's treatment plan for	14467
clear treatment reasons;	14468
(iv) The right to have a client rights officer provided by	14469
the provider or board of alcohol, drug addiction, and mental	14470
health services advise the person of the person's rights,	14471
including the person's rights under Chapter 5122. of the Revised	14472
Code if the person is committed to the provider or board.	14473
(3) Establish the process for certification of certifiable	14474

services and supports;	14475
(4) Set the amount of certification review fees;	14476
(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds.	14477 14478
(F) The director may issue an order suspending admissions to a community addiction services provider that provides overnight accommodations if the director finds either of the following:	14479 14480 14481 14482
(1) The provider's certifiable services and supports are not in compliance with rules adopted under this section;	14483 14484
(2) The provider has been cited for more than one violation of statutes or rules during any previous certification period of the provider.	14485 14486 14487
(G) The department of mental health and addiction services shall maintain a current list of community addiction services providers and shall provide a copy of the list to a judge of a court of common pleas who requests a copy for the use of the judge under division (H) (P) of section 2925.03 <u>or a related</u> <u>provision of section 2925.031 or 2925.032</u> of the Revised Code. The list shall identify each provider by its name, its address, and the county in which it is located.	14488 14489 14490 14491 14492 14493 14494 14495
(H) No person shall represent in any manner that a community mental health services provider's or community addiction services provider's certifiable services and supports are certified by the director if the certifiable services and supports are not so certified at the time the representation is made.	14496 14497 14498 14499 14500 14501
Sec. 5119.37. (A) (1) (a) Except as provided in division (A)	14502

(1) (b) of this section, no person or government entity shall 14503
operate an opioid treatment program requiring certification, as 14504
certification is defined in 42 C.F.R. 8.2, unless the person or 14505
government entity is a community addiction services provider and 14506
the program is licensed under this section. 14507

(b) Division (A) (1) (a) of this section does not apply to a 14508
program operated by the United States department of veterans 14509
affairs. 14510

(2) No community addiction services provider licensed 14511
under this section shall operate an opioid treatment program in 14512
a manner inconsistent with this section and the rules adopted 14513
under it. 14514

(B) A community addiction services provider seeking a 14515
license to operate an opioid treatment program shall apply to 14516
the department of mental health and addiction services. The 14517
department shall review all applications received. 14518

(C) The department may issue a license to operate an 14519
opioid treatment program to a community addiction services 14520
provider only if all of the following apply: 14521

(1) During the three-year period immediately preceding the 14522
date of application, the provider or any owner, sponsor, medical 14523
director, administrator, or principal of the provider has been 14524
in good standing to operate an opioid treatment program in all 14525
other locations where the provider or such other person has been 14526
operating a similar program, as evidenced by both of the 14527
following: 14528

(a) Not having been denied a license, certificate, or 14529
similar approval to operate an opioid treatment program by this 14530
state or another jurisdiction; 14531

(b) Not having been the subject of any of the following in 14532
this state or another jurisdiction: 14533

(i) An action that resulted in the suspension or 14534
revocation of the license, certificate, or similar approval of 14535
the provider or other person; 14536

(ii) A voluntary relinquishment, withdrawal, or other 14537
action taken by the provider or other person to avoid suspension 14538
or revocation of the license, certificate, or similar approval; 14539

(iii) A disciplinary action that was based, in whole or in 14540
part, on the provider or other person engaging in the 14541
inappropriate prescribing, dispensing, administering, personally 14542
furnishing, diverting, storing, supplying, compounding, or 14543
selling of a controlled substance or other dangerous drug. 14544

(2) It affirmatively appears to the department that the 14545
provider is adequately staffed and equipped to operate an opioid 14546
treatment program. 14547

(3) It affirmatively appears to the department that the 14548
provider will operate an opioid treatment program in strict 14549
compliance with all laws relating to drug abuse and the rules 14550
adopted by the department. 14551

(4) Except as provided in division (D) of this section and 14552
section 5119.371 of the Revised Code, if the provider is seeking 14553
an initial license for a particular location, the proposed 14554
opioid treatment program is not located on a parcel of real 14555
estate that is within a radius of five hundred linear feet of 14556
the boundaries of a parcel of real estate having situated on it 14557
a public or private school, child day-care center licensed under 14558
Chapter 5104. of the Revised Code, or child-serving agency 14559
regulated by the department under this chapter. 14560

(5) The provider meets any additional requirements 14561
established by the department in rules adopted under division 14562
(F) of this section. 14563

(D) The department may waive the requirement of division 14564
(C) (4) of this section if it receives, from each public or 14565
private school, child day-care center, or child-serving agency 14566
that is within the five hundred linear feet radius described in 14567
that division, a letter of support for the location. The 14568
department shall determine whether a letter of support is 14569
satisfactory for purposes of waiving the requirement. 14570

(E) A license to operate an opioid treatment program shall 14571
expire one year from the date of issuance. Licenses may be 14572
renewed. 14573

(F) The department shall establish procedures and adopt 14574
rules for licensing, inspection, and supervision of community 14575
addiction services providers that operate an opioid treatment 14576
program. The rules shall establish standards for the control, 14577
storage, furnishing, use, dispensing, and administering of 14578
medications used in medication-assisted treatment; prescribe 14579
minimum standards for the operation of the opioid treatment 14580
program component of the provider's operations; and comply with 14581
federal laws and regulations. 14582

All rules adopted under this division shall be adopted in 14583
accordance with Chapter 119. of the Revised Code. All actions 14584
taken by the department regarding the licensing of providers to 14585
operate opioid treatment programs shall be conducted in 14586
accordance with Chapter 119. of the Revised Code, except as 14587
provided in division (L) of this section. 14588

(G) (1) The department shall inspect all community 14589

addiction services providers licensed to operate an opioid 14590
treatment program. Inspections shall be conducted at least 14591
annually and may be conducted more frequently. 14592

In addition, the department may inspect any provider or 14593
other person that it reasonably believes to be operating an 14594
opioid treatment program without a license issued under this 14595
section. 14596

(2) When conducting an inspection, the department may do 14597
both of the following: 14598

(a) Examine and copy all records, accounts, and other 14599
documents relating to the provider's or other person's 14600
operations, including records pertaining to patients or clients; 14601

(b) Conduct interviews with any individual employed by or 14602
contracted or otherwise associated with the provider or person, 14603
including an administrator, staff person, patient, or client. 14604

(3) No person or government entity shall interfere with a 14605
state or local government official acting on behalf of the 14606
department while conducting an inspection. 14607

(H) A community addiction services provider shall not 14608
administer or dispense methadone in a tablet, powder, or 14609
intravenous form. Methadone shall be administered or dispensed 14610
only in a liquid form intended for ingestion. 14611

A community addiction services provider shall not 14612
administer or dispense a medication used in medication-assisted 14613
treatment for pain or other medical reasons. 14614

(I) As used in this division, "program sponsor" means a 14615
person who assumes responsibility for the operation and 14616
employees of the opioid treatment program component of a 14617

community addiction services provider's operations. 14618

A community addiction services provider shall not employ 14619
an individual who receives a medication used in medication- 14620
assisted treatment from that provider. A provider shall not 14621
permit an individual to act as a program sponsor, medical 14622
director, or director of the provider if the individual is 14623
receiving that medication from any community addiction services 14624
provider. 14625

(J) The department may issue orders to ensure compliance 14626
with all laws relating to drug abuse and the rules adopted under 14627
this section. Subject to section 5119.27 of the Revised Code, 14628
the department may hold hearings, require the production of 14629
relevant matter, compel testimony, issue subpoenas, and make 14630
adjudications. Upon failure of a person without lawful excuse to 14631
obey a subpoena or to produce relevant matter, the department 14632
may apply to a court of common pleas for an order compelling 14633
compliance. 14634

(K) The department may refuse to issue, or may withdraw or 14635
revoke, a license to operate an opioid treatment program. A 14636
license may be refused if a community addiction services 14637
provider does not meet the requirements of division (C) of this 14638
section. A license may be withdrawn at any time the department 14639
determines that the provider no longer meets the requirements 14640
for receiving the license. A license may be revoked in 14641
accordance with division (L) of this section. 14642

Once a license is issued under this section, the 14643
department shall not consider the requirement of division (C) (4) 14644
of this section in determining whether to renew, withdraw, or 14645
revoke the license or whether to reissue the license as a result 14646
of a change in ownership. 14647

(L) If the department finds reasonable cause to believe 14648
that a community addiction services provider licensed under this 14649
section is in violation of any state or federal law or rule 14650
relating to drug abuse, the department may issue an order 14651
immediately revoking the license, subject to division (M) of 14652
this section. The department shall set a date not more than 14653
fifteen days later than the date of the order of revocation for 14654
a hearing on the continuation or cancellation of the revocation. 14655
For good cause, the department may continue the hearing on 14656
application of any interested party. In conducting hearings, the 14657
department has all the authority and power set forth in division 14658
(J) of this section. Following the hearing, the department shall 14659
either confirm or cancel the revocation. The hearing shall be 14660
conducted in accordance with Chapter 119. of the Revised Code, 14661
except that the provider shall not be permitted to operate an 14662
opioid treatment program pending the hearing or pending any 14663
appeal from an adjudication made as a result of the hearing. 14664
Notwithstanding any provision of Chapter 119. of the Revised 14665
Code to the contrary, a court shall not stay or suspend any 14666
order of revocation issued by the department under this division 14667
pending judicial appeal. 14668

(M) The department shall not revoke a license to operate 14669
an opioid treatment program unless all clients receiving 14670
medication used in medication-assisted treatment from the 14671
community addiction services provider are provided adequate 14672
substitute medication or treatment. For purposes of this 14673
division, the department may transfer the clients to other 14674
providers licensed to operate opioid treatment programs or 14675
replace any or all of the administrators and staff of the 14676
provider with representatives of the department who shall 14677
continue on a provisional basis the opioid treatment component 14678

of the provider's operations. 14679

(N) Each time the department receives an application from 14680
a community addiction services provider for a license to operate 14681
an opioid treatment program, issues or refuses to issue a 14682
license, or withdraws or revokes a license, the department shall 14683
notify the board of alcohol, drug addiction, and mental health 14684
services of each alcohol, drug addiction, and mental health 14685
service district in which the provider operates. 14686

(O) Whenever it appears to the department from files, upon 14687
complaint, or otherwise, that a community addiction services 14688
provider has engaged in any practice declared to be illegal or 14689
prohibited by section 3719.61 of the Revised Code, or any other 14690
state or federal laws or regulations relating to drug abuse, or 14691
when the department believes it to be in the best interest of 14692
the public and necessary for the protection of the citizens of 14693
the state, the department may request criminal proceedings by 14694
laying before the prosecuting attorney of the proper county any 14695
evidence of criminality which may come to its knowledge. 14696

(P) The department shall maintain a current list of 14697
community addiction services providers licensed by the 14698
department under this section and shall provide a copy of the 14699
current list to a judge of a court of common pleas who requests 14700
a copy for the use of the judge under division ~~(H)~~ (P) of section 14701
2925.03 or a related provision of section 2925.031 or 2925.032 14702
of the Revised Code. The list of licensed community addiction 14703
services providers shall identify each licensed provider by its 14704
name, its address, and the county in which it is located. 14705

Sec. 5119.391. (A) No community addiction services 14706
provider shall employ methadone treatment or prescribe, 14707
dispense, or administer methadone unless the program is licensed 14708

under this section. No community addiction services provider 14709
licensed under this section shall maintain methadone treatment 14710
in a manner inconsistent with this section and the rules adopted 14711
under it. 14712

(B) A community addiction services provider may apply to 14713
the department of mental health and addiction services for a 14714
license to maintain methadone treatment. The department shall 14715
review all applications received. 14716

(C) The department may issue a license to maintain 14717
methadone treatment to a community addiction services provider 14718
only if all of the following apply: 14719

(1) During the three-year period immediately preceding the 14720
date of application, the provider or any owner, sponsor, medical 14721
director, administrator, or principal of the provider has been 14722
in good standing to operate a methadone treatment program in all 14723
other locations where the provider or such other person has been 14724
operating a similar program, as evidenced by both of the 14725
following: 14726

(a) Not having been denied a license, certificate, or 14727
similar approval to operate a methadone treatment program by 14728
this state or another jurisdiction; 14729

(b) Not having been the subject of any of the following in 14730
this state or another jurisdiction: 14731

(i) An action that resulted in the suspension or 14732
revocation of the license, certificate, or similar approval of 14733
the provider or other person; 14734

(ii) A voluntary relinquishment, withdrawal, or other 14735
action taken by the provider or other person to avoid suspension 14736
or revocation of the license, certificate, or similar approval; 14737

(iii) A disciplinary action that was based, in whole or in part, on the provider or other person engaging in the inappropriate prescribing, dispensing, administering, personally furnishing, diverting, storing, supplying, compounding, or selling of a controlled substance or other dangerous drug.

(2) It affirmatively appears to the department that the provider is adequately staffed and equipped to maintain methadone treatment;

(3) It affirmatively appears to the department that the provider will maintain methadone treatment in strict compliance with section 3719.61 of the Revised Code, all other laws relating to drug abuse, and the rules adopted by the department;

(4) Except as provided in division (D) of this section and section 5119.392 of the Revised Code, if the community addiction services provider is requesting an initial license for a particular location, the proposed methadone treatment program is not located on a parcel of real estate that is within a radius of five hundred linear feet of the boundaries of a parcel of real estate having situated on it a public or private school, child day-care center licensed under Chapter 5104. of the Revised Code, or child-serving agency regulated by the department under this chapter;

(5) The provider meets any additional requirements established by the department in rules adopted under division (F) of this section.

(D) The department may waive the requirement of division (C) (4) of this section if it receives, from each public or private school, child day-care center, or child-serving agency that is within the five hundred linear feet radius described in

that division, a letter of support for the location. The 14767
department shall determine whether a letter of support is 14768
satisfactory for purposes of waiving the requirement. 14769

(E) A license to maintain methadone treatment shall expire 14770
one year from the date of issuance. Licenses may be renewed. 14771

(F) The department shall establish procedures and adopt 14772
rules for licensing, inspection, and supervision of community 14773
addiction services providers that maintain methadone treatment. 14774
The rules shall establish standards for the control, storage, 14775
furnishing, use, and dispensing of methadone; prescribe minimum 14776
standards for the operation of the methadone treatment component 14777
of the provider's operations; and comply with federal laws and 14778
regulations. 14779

All rules adopted under this division shall be adopted in 14780
accordance with Chapter 119. of the Revised Code. All actions 14781
taken by the department regarding the licensing of providers to 14782
maintain methadone treatment shall be conducted in accordance 14783
with Chapter 119. of the Revised Code, except as provided in 14784
division (L) of this section. 14785

(G) The department of mental health and addiction services 14786
shall inspect all community addiction services providers 14787
licensed to maintain methadone treatment. Inspections shall be 14788
conducted at least annually and may be conducted more 14789
frequently. No person or government entity shall interfere with 14790
a state or local government official acting on behalf of the 14791
department while conducting an inspection. 14792

(H) A community addiction services provider shall not 14793
administer or dispense methadone in a tablet, powder, or 14794
intravenous form. Methadone shall be administered or dispensed 14795

only in a liquid form intended for ingestion. A services 14796
provider shall not administer or dispense methadone to an 14797
individual for pain or other medical reasons. 14798

(I) As used in this division, "program sponsor" means a 14799
person who assumes responsibility for the operation and 14800
employees of the methadone treatment component of a community 14801
addiction services provider. 14802

A community addiction services provider shall not employ 14803
an individual who receives methadone treatment from that 14804
services provider. A program shall not permit an individual to 14805
act as a provider sponsor, medical director, or director of the 14806
provider if the individual is receiving methadone treatment from 14807
any community addiction services provider. 14808

(J) The department may issue orders to assure compliance 14809
with section 3719.61 of the Revised Code, all other laws 14810
relating to drug abuse, and the rules adopted under this 14811
section. Subject to section 5119.27 of the Revised Code, the 14812
department may hold hearings, require the production of relevant 14813
matter, compel testimony, issue subpoenas, and make 14814
adjudications. Upon failure of a person without lawful excuse to 14815
obey a subpoena or to produce relevant matter, the department 14816
may apply to a court of common pleas for an order compelling 14817
compliance. 14818

(K) The department may refuse to issue, or may withdraw or 14819
revoke, a license to maintain methadone treatment. A license may 14820
be refused if a community addiction services provider does not 14821
meet the requirements of division (C) of this section. A license 14822
may be withdrawn at any time the department determines that the 14823
program no longer meets the requirements for receiving the 14824
license. A license may be revoked in accordance with division 14825

(L) of this section. 14826

Once a license is issued under this section, the 14827
department shall not consider the requirement of division (C)(4) 14828
of this section in determining whether to renew, withdraw, or 14829
revoke the license or whether to reissue the license as a result 14830
of a change in ownership. 14831

(L) If the department of mental health and addiction 14832
services finds reasonable cause to believe that a community 14833
addiction services provider licensed under this section is in 14834
violation of any provision of section 3719.61 of the Revised 14835
Code, or of any other state or federal law or rule relating to 14836
drug abuse, the department may issue an order immediately 14837
revoking the license, subject to division (M) of this section. 14838
The department shall set a date not more than fifteen days later 14839
than the date of the order of revocation for a hearing on the 14840
continuation or cancellation of the revocation. For good cause, 14841
the department may continue the hearing on application of any 14842
interested party. In conducting hearings, the department has all 14843
the authority and power set forth in division (J) of this 14844
section. Following the hearing, the department shall either 14845
confirm or cancel the revocation. The hearing shall be conducted 14846
in accordance with Chapter 119. of the Revised Code, except that 14847
the provider shall not be permitted to maintain methadone 14848
treatment pending the hearing or pending any appeal from an 14849
adjudication made as a result of the hearing. Notwithstanding 14850
any provision of Chapter 119. of the Revised Code to the 14851
contrary, a court shall not stay or suspend any order of 14852
revocation issued by the director under this division pending 14853
judicial appeal. 14854

(M) The department shall not revoke a license to maintain 14855

methadone treatment unless all services recipients receiving 14856
methadone treatment from the community addiction services 14857
provider are provided adequate substitute treatment. For 14858
purposes of this division, the department may transfer the 14859
services recipients to other programs licensed to maintain 14860
methadone treatment or replace any or all of the administrators 14861
and staff of the provider with representatives of the department 14862
who shall continue on a provisional basis the methadone 14863
treatment component of the program. 14864

(N) Each time the department receives an application from 14865
a community addiction services provider for a license to 14866
maintain methadone treatment, issues or refuses to issue a 14867
license, or withdraws or revokes a license, the department shall 14868
notify the board of alcohol, drug addiction, and mental health 14869
services of each alcohol, drug addiction, and mental health 14870
service district in which the provider operates. 14871

(O) Whenever it appears to the department from files, upon 14872
complaint, or otherwise, that a community addiction services 14873
provider has engaged in any practice declared to be illegal or 14874
prohibited by section 3719.61 of the Revised Code, or any other 14875
state or federal laws or regulations relating to drug abuse, or 14876
when the department believes it to be in the best interest of 14877
the public and necessary for the protection of the citizens of 14878
the state, the department may request criminal proceedings by 14879
laying before the prosecuting attorney of the proper county any 14880
evidence of criminality which may come to its knowledge. 14881

(P) The department shall maintain a current list of 14882
community addiction services providers licensed by the 14883
department under this section and shall provide a copy of the 14884
current list to a judge of a court of common pleas who requests 14885

a copy for the use of the judge under division ~~(H)~~(P) of section 14886
2925.03 or a related provision of section 2925.031 or 2925.032 14887
of the Revised Code. The list of licensed community addiction 14888
services providers shall identify each licensed provider by its 14889
name, its address, and the county in which it is located. 14890

Sec. 5120.53. (A) If a treaty between the United States 14891
and a foreign country provides for the transfer or exchange, 14892
from one of the signatory countries to the other signatory 14893
country, of convicted offenders who are citizens or nationals of 14894
the other signatory country, the governor, subject to and in 14895
accordance with the terms of the treaty, may authorize the 14896
director of rehabilitation and correction to allow the transfer 14897
or exchange of convicted offenders and to take any action 14898
necessary to initiate participation in the treaty. If the 14899
governor grants the director the authority described in this 14900
division, the director may take the necessary action to initiate 14901
participation in the treaty and, subject to and in accordance 14902
with division (B) of this section and the terms of the treaty, 14903
may allow the transfer or exchange to a foreign country that has 14904
signed the treaty of any convicted offender who is a citizen or 14905
national of that signatory country. 14906

(B) (1) No convicted offender who is serving a term of 14907
imprisonment in this state for aggravated murder, murder, or a 14908
felony of the first or second degree, who is serving a mandatory 14909
prison term imposed under section 2925.03 ~~or, 2925.031,~~ 14910
2925.032, or 2925.11 of the Revised Code in circumstances in 14911
which the court was required to impose as the mandatory prison 14912
term the maximum definite prison term or longest minimum prison 14913
term authorized for the degree of offense committed, who is 14914
serving a term of imprisonment in this state imposed for an 14915
offense committed prior to July 1, 1996, that was an aggravated 14916

felony of the first or second degree or that was aggravated 14917
trafficking in violation of division (A) (9) or (10) of section 14918
2925.03 of the Revised Code, or who has been sentenced to death 14919
in this state shall be transferred or exchanged to another 14920
country pursuant to a treaty of the type described in division 14921
(A) of this section. 14922

(2) If a convicted offender is serving a term of 14923
imprisonment in this state and the offender is a citizen or 14924
national of a foreign country that has signed a treaty of the 14925
type described in division (A) of this section, if the governor 14926
has granted the director of rehabilitation and correction the 14927
authority described in that division, and if the transfer or 14928
exchange of the offender is not barred by division (B) (1) of 14929
this section, the director or the director's designee may 14930
approve the offender for transfer or exchange pursuant to the 14931
treaty if the director or the designee, after consideration of 14932
the factors set forth in the rules adopted by the department 14933
under division (D) of this section and all other relevant 14934
factors, determines that the transfer or exchange of the 14935
offender is appropriate. 14936

(C) Notwithstanding any provision of the Revised Code 14937
regarding the parole eligibility of, or the duration or 14938
calculation of a sentence of imprisonment imposed upon, an 14939
offender, if a convicted offender is serving a term of 14940
imprisonment in this state and the offender is a citizen or 14941
national of a foreign country that has signed a treaty of the 14942
type described in division (A) of this section, if the offender 14943
is serving an indefinite term of imprisonment, if the offender 14944
is barred from being transferred or exchanged pursuant to the 14945
treaty due to the indefinite nature of the offender's term of 14946
imprisonment, and if in accordance with division (B) (2) of this 14947

section the director of rehabilitation and correction or the 14948
director's designee approves the offender for transfer or 14949
exchange pursuant to the treaty, the parole board, pursuant to 14950
rules adopted by the director, shall set a date certain for the 14951
release of the offender. To the extent possible, the date 14952
certain that is set shall be reasonably proportionate to the 14953
indefinite term of imprisonment that the offender is serving. 14954
The date certain that is set for the release of the offender 14955
shall be considered only for purposes of facilitating the 14956
international transfer or exchange of the offender, shall not be 14957
viable or actionable for any other purpose, and shall not create 14958
any expectation or guarantee of release. If an offender for whom 14959
a date certain for release is set under this division is not 14960
transferred to or exchanged with the foreign country pursuant to 14961
the treaty, the date certain is null and void, and the 14962
offender's release shall be determined pursuant to the laws and 14963
rules of this state pertaining to parole eligibility and the 14964
duration and calculation of an indefinite sentence of 14965
imprisonment. 14966

(D) If the governor, pursuant to division (A) of this 14967
section, authorizes the director of rehabilitation and 14968
correction to allow any transfer or exchange of convicted 14969
offenders as described in that division, the director shall 14970
adopt rules under Chapter 119. of the Revised Code to implement 14971
the provisions of this section. The rules shall include a rule 14972
that requires the director or the director's designee, in 14973
determining whether to approve a convicted offender who is 14974
serving a term of imprisonment in this state for transfer or 14975
exchange pursuant to a treaty of the type described in division 14976
(A) of this section, to consider all of the following factors: 14977

(1) The nature of the offense for which the offender is 14978

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serving the term of imprisonment in this state;

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(2) The likelihood that, if the offender is transferred or
exchanged to a foreign country pursuant to the treaty, the
offender will serve a shorter period of time in imprisonment in
the foreign country than the offender would serve if the
offender is not transferred or exchanged to the foreign country
pursuant to the treaty;

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(3) The likelihood that, if the offender is transferred or
exchanged to a foreign country pursuant to the treaty, the
offender will return or attempt to return to this state after
the offender has been released from imprisonment in the foreign
country;

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(4) The degree of any shock to the conscience of justice
and society that will be experienced in this state if the
offender is transferred or exchanged to a foreign country
pursuant to the treaty;

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(5) All other factors that the department determines are
relevant to the determination.

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Sec. 5153.111. (A) (1) The executive director of a public
children services 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 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 15008
check, the executive director shall request that the 15009
superintendent obtain information from the federal bureau of 15010
investigation as a part of the criminal records check for the 15011
applicant. If the applicant presents proof that the applicant 15012
has been a resident of this state for that five-year period, the 15013
executive director may request that the superintendent include 15014
information from the federal bureau of investigation in the 15015
criminal records check. 15016

(2) Any person required by division (A)(1) of this section 15017
to request a criminal records check shall provide to each 15018
applicant a copy of the form prescribed pursuant to division (C) 15019
(1) of section 109.572 of the Revised Code, provide to each 15020
applicant a standard impression sheet to obtain fingerprint 15021
impressions prescribed pursuant to division (C)(2) of section 15022
109.572 of the Revised Code, obtain the completed form and 15023
impression sheet from each applicant, and forward the completed 15024
form and impression sheet to the superintendent of the bureau of 15025
criminal identification and investigation at the time the person 15026
requests a criminal records check pursuant to division (A)(1) of 15027
this section. 15028

(3) Any applicant who receives pursuant to division (A)(2) 15029
of this section a copy of the form prescribed pursuant to 15030
division (C)(1) of section 109.572 of the Revised Code and a 15031
copy of an impression sheet prescribed pursuant to division (C) 15032
(2) of that section and who is requested to complete the form 15033
and provide a set of fingerprint impressions shall complete the 15034
form or provide all the information necessary to complete the 15035
form and shall provide the impression sheet with the impressions 15036
of the applicant's fingerprints. If an applicant, upon request, 15037
fails to provide the information necessary to complete the form 15038

or fails to provide impressions of the applicant's fingerprints, 15039
that agency shall not employ that applicant for any position for 15040
which a criminal records check is required by division (A) (1) of 15041
this section. 15042

(B) (1) Except as provided in rules adopted by the director 15043
of job and family services in accordance with division (E) of 15044
this section, no public children services agency shall employ a 15045
person as a person responsible for the care, custody, or control 15046
of a child if the person previously has been convicted of or 15047
pleaded guilty to any of the following: 15048

(a) A violation of section 2903.01, 2903.02, 2903.03, 15049
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 15050
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 15051
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 15052
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 15053
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 15054
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 15055
2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, or 15056
3716.11 of the Revised Code, a violation of section 2905.04 of 15057
the Revised Code as it existed prior to July 1, 1996, a 15058
violation of section 2919.23 of the Revised Code that would have 15059
been a violation of section 2905.04 of the Revised Code as it 15060
existed prior to July 1, 1996, had the violation occurred prior 15061
to that date, a violation of section 2925.11 or 2925.111 of the 15062
Revised Code that is not a minor drug possession offense, or 15063
felonious sexual penetration in violation of former section 15064
2907.12 of the Revised Code; 15065

(b) A violation of an existing or former law of this 15066
state, any other state, or the United States that is 15067
substantially equivalent to any of the offenses or violations 15068

described in division (B) (1) (a) of this section. 15069

(2) A public children services agency may employ an 15070
applicant conditionally until the criminal records check 15071
required by this section is completed and the agency receives 15072
the results of the criminal records check. If the results of the 15073
criminal records check indicate that, pursuant to division (B) 15074
(1) of this section, the applicant does not qualify for 15075
employment, the agency shall release the applicant from 15076
employment. 15077

(C) (1) Each public children services agency shall pay to 15078
the bureau of criminal identification and investigation the fee 15079
prescribed pursuant to division (C) (3) of section 109.572 of the 15080
Revised Code for each criminal records check conducted in 15081
accordance with that section upon the request pursuant to 15082
division (A) (1) of this section of the executive director of the 15083
agency. 15084

(2) A public children services agency may charge an 15085
applicant a fee for the costs it incurs in obtaining a criminal 15086
records check under this section. A fee charged under this 15087
division shall not exceed the amount of fees the agency pays 15088
under division (C) (1) of this section. If a fee is charged under 15089
this division, the agency shall notify the applicant at the time 15090
of the applicant's initial application for employment of the 15091
amount of the fee and that, unless the fee is paid, the agency 15092
will not consider the applicant for employment. 15093

(D) The report of any criminal records check conducted by 15094
the bureau of criminal identification and investigation in 15095
accordance with section 109.572 of the Revised Code and pursuant 15096
to a request under division (A) (1) of this section is not a 15097
public record for the purposes of section 149.43 of the Revised 15098

Code and shall not be made available to any person other than 15099
the applicant who is the subject of the criminal records check 15100
or the applicant's representative, the public children services 15101
agency requesting the criminal records check or its 15102
representative, and any court, hearing officer, or other 15103
necessary individual involved in a case dealing with the denial 15104
of employment to the applicant. 15105

(E) The director of job and family services shall adopt 15106
rules pursuant to Chapter 119. of the Revised Code to implement 15107
this section, including rules specifying circumstances under 15108
which a public children services agency may hire a person who 15109
has been convicted of an offense listed in division (B) (1) of 15110
this section but who meets standards in regard to rehabilitation 15111
set by the department. 15112

(F) Any person required by division (A) (1) of this section 15113
to request a criminal records check shall inform each person, at 15114
the time of the person's initial application for employment, 15115
that the person is required to provide a set of impressions of 15116
the person's fingerprints and that a criminal records check is 15117
required to be conducted and satisfactorily completed in 15118
accordance with section 109.572 of the Revised Code if the 15119
person comes under final consideration for appointment or 15120
employment as a precondition to employment for that position. 15121

(G) As used in this section: 15122

(1) "Applicant" means a person who is under final 15123
consideration for appointment or employment in a position with 15124
the agency as a person responsible for the care, custody, or 15125
control of a child. 15126

(2) "Criminal records check" has the same meaning as in 15127

section 109.572 of the Revised Code. 15128

(3) "Minor drug possession offense" has the same meaning 15129
as in section 2925.01 of the Revised Code. 15130

Sec. 5502.13. The department of public safety shall 15131
maintain an investigative unit in order to conduct 15132
investigations and other enforcement activity authorized by 15133
Chapters 4301., 4303., 5101., 5107., and 5108. and sections 15134
2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 2921.13, 15135
2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 2925.111, 15136
2925.13, 2927.02, and 4507.30 of the Revised Code. The director 15137
of public safety shall appoint the employees of the unit who are 15138
necessary, designate the activities to be performed by those 15139
employees, and prescribe their titles and duties. 15140

Section 4. That existing sections 109.572, 128.04, 177.01, 15141
2152.021, 2152.18, 2743.60, 2923.01, 2923.241, 2923.31, 2923.41, 15142
2925.02, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 15143
2925.23, 2925.36, 2925.37, 2925.38, 2925.42, 2925.51, 2927.21, 15144
2929.141, 2929.18, 2929.25, 2929.34, 2933.51, 2935.36, 2951.041, 15145
2967.18, 2967.19, 2967.28, 3301.32, 3301.541, 3313.662, 3319.31, 15146
3319.39, 3712.09, 3719.013, 3719.21, 3719.99, 3721.121, 3734.44, 15147
3767.01, 4112.02, 4510.17, 4729.99, 4742.03, 5103.0319, 5119.36, 15148
5119.37, 5119.391, 5120.53, 5153.111, and 5502.13 of the Revised 15149
Code are hereby repealed. 15150

Section 5. That the version of section 2925.03 of the 15151
Revised Code that is scheduled to take effect on June 29, 2019, 15152
be amended to read as follows: 15153

Sec. 2925.03. (A) ~~No~~ (1)(a) Except as otherwise provided 15154
in division (B) of this section, no person shall knowingly do 15155
any of the following:-- 15156

~~(1) Sell obtain, possess, sell, or offer to sell a~~ 15157
controlled substance or a controlled substance analog~~†~~ 15158

~~(2) Prepare in an amount listed in division (A) (2) of this~~ 15159
~~section.~~ 15160

(b) Except as otherwise provided in division (B) of this 15161
section, no person shall prepare for shipment, ship, transport, 15162
deliver, prepare for distribution, or distribute a controlled 15163
substance or a controlled substance analog in an amount listed 15164
in division (A) (2) of this section, when the ~~offender~~ person 15165
knows or has reasonable cause to believe that the controlled 15166
substance or a controlled substance analog is intended for sale 15167
or resale by the offender or another person. 15168

(2) Division (A) (1) of this section applies to conduct 15169
involving any of the following: 15170

(a) If the drug involved in the conduct described in 15171
division (A) (1) of this section is any compound, mixture, 15172
preparation, or substance included in schedule I or schedule II, 15173
other than marihuana, cocaine, L.S.D., heroin, a fentanyl- 15174
related compound, hashish, or a controlled substance analog, an 15175
amount of the drug so involved that equals or exceeds fifty 15176
times the bulk amount; 15177

(b) If the drug involved in the conduct described in 15178
division (A) (1) of this section is cocaine or a compound, 15179
mixture, preparation, or substance containing cocaine, an amount 15180
of the drug so involved that equals or exceeds fifty grams; 15181

(c) If the drug involved in the conduct described in 15182
division (A) (1) of this section is L.S.D. or a compound, 15183
mixture, preparation, or substance containing L.S.D., an amount 15184
of the drug so involved that equals or exceeds five hundred unit 15185

doses of L.S.D. in solid form or equals or exceeds fifty grams 15186
of L.S.D. in liquid concentrate, liquid extract, or liquid 15187
distillate form; 15188

(d) If the drug involved in the conduct described in 15189
division (A) (1) of this section is heroin or a compound, 15190
mixture, preparation, or substance containing heroin, an amount 15191
of the drug so involved that equals or exceeds three hundred 15192
unit doses or thirty grams; 15193

(e) If the drug involved in the conduct described in 15194
division (A) (1) of this section is a fentanyl-related compound 15195
or a compound, mixture, preparation, or substance containing a 15196
fentanyl-related compound, an amount of the drug so involved 15197
that equals or exceeds one hundred unit doses or ten grams; 15198

(f) If the drug involved in the conduct described in 15199
division (A) (1) of this section is marihuana other than hashish 15200
or a compound, mixture, preparation, or substance containing 15201
marihuana other than hashish, an amount of the drug so involved 15202
that equals or exceeds forty thousand grams; 15203

(g) If the drug involved in the conduct described in 15204
division (A) (1) of this section is hashish or a compound, 15205
mixture, preparation, or substance containing hashish, an amount 15206
of the drug so involved that equals or exceeds two thousand 15207
grams; 15208

(h) If the drug involved in the conduct described in 15209
division (A) (1) of this section is a controlled substance analog 15210
or a compound, mixture, preparation, or substance containing a 15211
controlled substance analog, an amount of the drug so involved 15212
that equals or exceeds thirty grams. 15213

(B) This section does not apply to any of the following: 15214

(1) Manufacturers, licensed health professionals 15215
authorized to prescribe drugs, pharmacists, owners of 15216
pharmacies, and other persons whose conduct is in accordance 15217
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 15218
4741. of the Revised Code; 15219

(2) If the offense involves an anabolic steroid, any 15220
person who is conducting or participating in a research project 15221
involving the use of an anabolic steroid if the project has been 15222
approved by the United States food and drug administration; 15223

(3) Any person who sells, offers for sale, prescribes, 15224
dispenses, or administers for livestock or other nonhuman 15225
species an anabolic steroid that is expressly intended for 15226
administration through implants to livestock or other nonhuman 15227
species and approved for that purpose under the "Federal Food, 15228
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 15229
as amended, and is sold, offered for sale, prescribed, 15230
dispensed, or administered for that purpose in accordance with 15231
that act. 15232

~~(C) Whoever violates division (A) of this section is~~ 15233
~~guilty of one of the following:~~ 15234

~~(1) If the drug involved in the violation is any compound,~~ 15235
~~mixture, preparation, or substance included in schedule I or~~ 15236
~~schedule II, with the exception of marihuana, cocaine, L.S.D.,~~ 15237
~~heroin, any fentanyl-related compound, hashish, and any~~ 15238
~~controlled substance analog, whoever violates division (A) of~~ 15239
~~this section is guilty of aggravated trafficking in drugs. The~~ 15240
~~penalty for the offense shall be determined as follows:~~ 15241

~~(a) Except as otherwise provided in division (C) (1) (b),~~ 15242
~~(c), (d), (e), or (f) of this section, aggravated trafficking in~~ 15243

~~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.~~ 15244
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~~(b) Except as otherwise provided in division (C) (1) (e), (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.~~ 15247
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~~(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.~~ 15253
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~~(d) Except as otherwise provided in this division, 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 trafficking in drugs is a felony of the second~~ 15270
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~~degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 15274
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~~(e) If the amount of the drug involved equals or exceeds fifty times the bulk amount but is less than one hundred times the bulk amount and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 15281
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~~(f) If the amount of the drug involved equals or exceeds one hundred times the bulk amount and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~ 15288
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~~(2) If the drug involved in the violation is any compound, mixture, preparation, or substance included in schedule III, IV, or V, whoever violates division (A) of this section is guilty of trafficking in drugs. The penalty for the offense shall be determined as follows:-~~ 15295
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~~(a) Except as otherwise provided in division (C) (2) (b), (c), (d), or (e) of this section, trafficking in drugs is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a~~ 15300
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~~prison term on the offender.~~ 15304

~~(b) Except as otherwise provided in division (C) (2) (c), (d), or (e) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 15305
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~~(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, trafficking in drugs 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 drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.~~ 15311
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~~(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the second degree, and there is a presumption for a prison term for the offense.~~ 15321
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~~(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~~ 15331
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~~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.~~ 15334
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~~(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (A) of this section is guilty of trafficking in marihuana. The penalty for the offense shall be determined as follows:~~ 15341
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~~(a) Except as otherwise provided in division (C) (3) (b), (c), (d), (e), (f), (g), or (h) of this section, trafficking in marihuana is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 15346
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~~(b) Except as otherwise provided in division (C) (3) (c), (d), (e), (f), (g), or (h) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 15351
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~~(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, trafficking in marihuana is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug~~ 15358
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~~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
grams but is less than forty thousand grams, trafficking in
marihuana is a felony of the second degree, and the court shall~~

~~impose as a mandatory prison term a second degree felony— 15394
mandatory prison term of five, six, seven, or eight years. If— 15395
the amount of the drug involved is within that range and if the— 15396
offense was committed in the vicinity of a school or in the— 15397
vicinity of a juvenile, trafficking in marihuana is a felony of— 15398
the first degree, and the court shall impose as a mandatory— 15399
prison term a maximum first degree felony mandatory prison term.— 15400~~

~~(g) Except as otherwise provided in this division, if the— 15401
amount of the drug involved equals or exceeds forty thousand— 15402
grams, trafficking in marihuana is a felony of the second— 15403
degree, and the court shall impose as a mandatory prison term a— 15404
maximum second degree felony mandatory prison term. If the— 15405
amount of the drug involved equals or exceeds forty thousand— 15406
grams and if the offense was committed in the vicinity of a— 15407
school or in the vicinity of a juvenile, trafficking in— 15408
marihuana is a felony of the first degree, and the court shall— 15409
impose as a mandatory prison term a maximum first degree felony— 15410
mandatory prison term.— 15411~~

~~(h) Except as otherwise provided in this division, if the— 15412
offense involves a gift of twenty grams or less of marihuana,— 15413
trafficking in marihuana is a minor misdemeanor upon a first— 15414
offense and a misdemeanor of the third degree upon a subsequent— 15415
offense. If the offense involves a gift of twenty grams or less— 15416
of marihuana and if the offense was committed in the vicinity of— 15417
a school or in the vicinity of a juvenile, trafficking in— 15418
marihuana is a misdemeanor of the third degree.— 15419~~

~~(4) If the drug involved in the violation is cocaine or a— 15420
compound, mixture, preparation, or substance containing cocaine,— 15421
whoever violates division (A) of this section is guilty of— 15422
trafficking in cocaine. The penalty for the offense shall be— 15423~~

~~determined as follows:—~~ 15424

~~(a) Except as otherwise provided in division (C) (4) (b),~~ 15425
~~(c), (d), (e), (f), or (g) of this section, trafficking in~~ 15426
~~cocaine is a felony of the fifth degree, and division (B) of~~ 15427
~~section 2929.13 of the Revised Code applies in determining~~ 15428
~~whether to impose a prison term on the offender.—~~ 15429

~~(b) Except as otherwise provided in division (C) (4) (c),~~ 15430
~~(d), (e), (f), or (g) of this section, if the offense was~~ 15431
~~committed in the vicinity of a school or in the vicinity of a~~ 15432
~~juvenile, trafficking in cocaine is a felony of the fourth~~ 15433
~~degree, and division (C) of section 2929.13 of the Revised Code~~ 15434
~~applies in determining whether to impose a prison term on the~~ 15435
~~offender.—~~ 15436

~~(c) Except as otherwise provided in this division, if the~~ 15437
~~amount of the drug involved equals or exceeds five grams but is~~ 15438
~~less than ten grams of cocaine, trafficking in cocaine is a~~ 15439
~~felony of the fourth degree, and division (B) of section 2929.13~~ 15440
~~of the Revised Code applies in determining whether to impose a~~ 15441
~~prison term for the offense. If the amount of the drug involved~~ 15442
~~is within that range and if the offense was committed in the~~ 15443
~~vicinity of a school or in the vicinity of a juvenile,~~ 15444
~~trafficking in cocaine is a felony of the third degree, and~~ 15445
~~there is a presumption for a prison term for the offense.—~~ 15446

~~(d) Except as otherwise provided in this division, if the~~ 15447
~~amount of the drug involved equals or exceeds ten grams but is~~ 15448
~~less than twenty grams of cocaine, trafficking in cocaine is a~~ 15449
~~felony of the third degree, and, except as otherwise provided in~~ 15450
~~this division, there is a presumption for a prison term for the~~ 15451
~~offense. If trafficking in cocaine is a felony of the third~~ 15452
~~degree under this division and if the offender two or more times~~ 15453

~~previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.~~ 15454
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~~(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than twenty-seven grams of cocaine, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 15463
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~~(f) If the amount of the drug involved equals or exceeds twenty-seven grams but is less than one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 15474
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~~(g) If the amount of the drug involved equals or exceeds one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school or in the~~ 15481
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~~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.~~ 15484
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~~(5) If the drug involved in the violation is L.S.D. or a compound, mixture, preparation, or substance containing L.S.D., whoever violates division (A) of this section is guilty of trafficking in L.S.D. The penalty for the offense shall be determined as follows:~~ 15488
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~~(a) Except as otherwise provided in division (C) (5) (b), (c), (d), (e), (f), or (g) of this section, trafficking in L.S.D. is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 15493
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~~(b) Except as otherwise provided in division (C) (5) (c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 15498
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~~(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if~~ 15505
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~~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.~~ 15514
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~~(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than two hundred fifty unit doses of L.S.D. in a 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.~~ 15518
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~~(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 felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison~~ 15537
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~~term. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~

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

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

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

~~(a) Except as otherwise provided in division (C) (6) (b),~~

~~(e), (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.~~ 15575
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~~(b) Except as otherwise provided in division (C) (6) (e), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in 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.~~ 15579
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~~(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in 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.~~ 15586
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~~(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in 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 is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile,~~ 15597
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~~trafficking in heroin is a felony of the second degree, and
there is a presumption for a prison term for the offense.~~ 15605
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~~(e) Except as otherwise provided in this division, 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, trafficking in
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. 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 first degree, and the
court shall impose as a mandatory prison term a first degree
felony mandatory prison term.~~ 15607
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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 and regardless of whether 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 first degree, and the
court shall impose as a mandatory prison term a first degree
felony mandatory prison term.~~ 15619
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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
and regardless of whether 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 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.~~ 15627
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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 trafficking in hashish. The penalty for the offense shall be determined as follows:—~~ 15635
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~~(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.—~~ 15640
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~~(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.—~~ 15645
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~~(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison—~~ 15652
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~~term on the offender.~~

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~~(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third 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.~~

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~~(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.~~

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~~(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~~

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~~or equals or exceeds two hundred grams but is less than four- 15695
hundred grams of hashish in a liquid concentrate, liquid- 15696
extract, or liquid distillate form, trafficking in hashish is a 15697
felony of the second degree, and the court shall impose as a 15698
mandatory prison term a second degree felony mandatory prison- 15699
term of five, six, seven, or eight years. If the amount of the 15700
drug involved is within that range and if the offense was- 15701
committed in the vicinity of a school or in the vicinity of a 15702
juvenile, trafficking in hashish is a felony of the first- 15703
degree, and the court shall impose as a mandatory prison term a 15704
maximum first degree felony mandatory prison term.- 15705~~

~~(g) Except as otherwise provided in this division, if the 15706
amount of the drug involved equals or exceeds two thousand grams 15707
of hashish in a solid form or equals or exceeds four hundred- 15708
grams of hashish in a liquid concentrate, liquid extract, or 15709
liquid distillate form, trafficking in hashish is a felony of 15710
the second degree, and the court shall impose as a mandatory 15711
prison term a maximum second degree felony mandatory prison- 15712
term. If the amount of the drug involved equals or exceeds two 15713
thousand grams of hashish in a solid form or equals or exceeds 15714
four hundred grams of hashish in a liquid concentrate, liquid- 15715
extract, or liquid distillate form and if the offense was- 15716
committed in the vicinity of a school or in the vicinity of a 15717
juvenile, trafficking in hashish is a felony of the first- 15718
degree, and the court shall impose as a mandatory prison term a 15719
maximum first degree felony mandatory prison term.- 15720~~

~~(8) If the drug involved in the violation is a controlled- 15721
substance analog or compound, mixture, preparation, or substance 15722
that contains a controlled substance analog, whoever violates 15723
division (A) of this section is guilty of trafficking in a 15724
controlled substance analog. The penalty for the offense shall 15725~~

~~be determined as follows:—~~ 15726

~~(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.—~~ 15727
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~~(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.—~~ 15732
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~~(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than 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.—~~ 15739
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~~(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than thirty grams, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was—~~ 15750
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~~committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the second degree, and there is a presumption for a prison term for the offense.~~ 15756
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~~(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, trafficking in a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison a first degree felony mandatory prison term.~~ 15760
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~~(f) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 15771
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~~(g) If the amount of the drug involved equals or exceeds fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~ 15778
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~~(9) If the drug involved in the violation is a fentanyl-~~ 15785

~~related compound or a compound, mixture, preparation, or~~ 15786
~~substance containing a fentanyl related compound and division~~ 15787
~~(C) (10) (a) of this section does not apply to the drug involved,~~ 15788
~~whoever violates division (A) Whoever violates division (A) (1)~~ 15789
~~of this section based on an amount specified in division (A) (2)~~ 15790
(a) of this section is guilty of aggravated trafficking in 15791
drugs. The penalty for the offense shall be determined as 15792
follows: 15793

(1) Except as otherwise provided in division (C) (2) of 15794
this section, aggravated trafficking in drugs is one of the 15795
following: 15796

(a) If the amount of the drug involved equals or exceeds 15797
fifty times the bulk amount but is less than one hundred times 15798
the bulk amount, aggravated trafficking in drugs is a felony of 15799
the second degree, and the court shall impose as a mandatory 15800
prison term a second degree felony mandatory prison term. 15801

(b) If the amount of the drug involved equals or exceeds 15802
one hundred times the bulk amount, aggravated trafficking in 15803
drugs is a felony of the first degree, and the court shall 15804
impose as a mandatory prison term a first degree felony 15805
mandatory prison term. 15806

(2) If the drug involved is a sexual assault-enabling drug 15807
or a compound, mixture, preparation, or substance containing a 15808
sexual assault-enabling drug, aggravated trafficking in drugs is 15809
one of the following: 15810

(a) If the amount of the drug involved equals or exceeds 15811
fifty times the bulk amount but is less than one hundred times 15812
the bulk amount, aggravated trafficking in drugs is a felony of 15813
the first degree, and the court shall impose as a mandatory 15814

prison term a first degree felony mandatory prison term. 15815

(b) If the amount of the drug involved equals or exceeds 15816
one hundred times the bulk amount, aggravated trafficking in 15817
drugs is a felony of the first degree, the offender is a major 15818
drug offender, and the court shall impose as a mandatory prison 15819
term a maximum first degree felony mandatory prison term. 15820

(D) Whoever violates division (A) (1) of this section based 15821
on an amount specified in division (A) (2) (b) of this section is 15822
guilty of aggravated trafficking in cocaine. The penalty for the 15823
offense shall be determined as follows: 15824

(1) If the amount of the drug involved equals or exceeds 15825
fifty grams but is less than one hundred grams, aggravated 15826
trafficking in cocaine is a felony of the second degree, and the 15827
court shall impose as a mandatory prison a second degree 15828
mandatory prison term. 15829

(2) If the amount of the drug involved equals or exceeds 15830
one hundred grams but is less than two hundred fifty grams, 15831
aggravated trafficking in cocaine is a felony of the first 15832
degree, and the court shall impose as a mandatory prison term a 15833
first degree mandatory prison term. 15834

(3) If the amount of the drug involved equals or exceeds 15835
two hundred fifty grams, aggravated trafficking in cocaine is a 15836
felony of the first degree, the offender is a major drug 15837
offender, and the court shall impose as a mandatory prison term 15838
a first degree felony mandatory prison term of ten or eleven 15839
years. 15840

(E) Whoever violates division (A) (1) of this section based 15841
on an amount specified in division (A) (2) (c) of this section is 15842
guilty of aggravated trafficking in L.S.D. The penalty for the 15843

offense shall be determined as follows: 15844

(1) If the amount of the drug involved equals or exceeds 15845
five hundred unit doses but is less than five thousand unit 15846
doses in a solid form or equals or exceeds fifty grams but is 15847
less than five hundred grams in a liquid concentrate, liquid 15848
extract, or liquid distillate form, aggravated trafficking in 15849
L.S.D. is a felony of the second degree, and the court shall 15850
impose as a mandatory prison term a second degree felony 15851
mandatory prison term. 15852

(2) If the amount of the drug involved equals or exceeds 15853
five thousand unit doses in a solid form or equals or exceeds 15854
five hundred grams in a liquid concentrate, liquid extract, or 15855
liquid distillate form, aggravated trafficking in L.S.D. is a 15856
felony of the first degree, and the court shall impose as a 15857
mandatory prison term a first degree felony mandatory prison 15858
term. 15859

(F) Whoever violates division (A) (1) of this section based 15860
on an amount specified in division (A) (2) (d) of this section is 15861
guilty of aggravated trafficking in heroin. The penalty for the 15862
offense shall be determined as follows: 15863

(1) If the amount of the drug involved equals or exceeds 15864
three hundred unit doses or thirty grams but is less than five 15865
hundred unit doses or fifty grams, aggravated trafficking in 15866
heroin is a felony of the second degree, and the court shall 15867
impose as a mandatory prison term a second degree felony 15868
mandatory prison term. 15869

(2) If the amount of the drug involved equals or exceeds 15870
five hundred unit doses or fifty grams but is less than one 15871
thousand unit doses or one hundred grams, aggravated trafficking 15872

in heroin is a felony of the first degree, and the court shall 15873
impose as a mandatory prison term a first degree felony 15874
mandatory prison term. 15875

(3) If the amount of the drug involved equals or exceeds 15876
one thousand unit doses or equals or exceeds one hundred grams, 15877
aggravated trafficking in heroin is a felony of the first 15878
degree, the offender is a major drug offender, and the court 15879
shall impose as a mandatory prison term a first degree felony 15880
mandatory prison term of ten or eleven years. 15881

(G) Whoever violates division (A)(1) of this section based 15882
on an amount specified in division (A)(2)(e) of this section, 15883
subject to division (H) of this section, is guilty of aggravated 15884
trafficking in a fentanyl-related compound. The penalty for the 15885
offense shall be determined as follows: 15886

~~(a) Except as otherwise provided in division (C)(9)(b),~~ 15887
~~(c), (d), (e), (f), (g), or (h) of this section, trafficking in~~ 15888
~~a fentanyl-related compound is a felony of the fifth degree, and~~ 15889
~~division (B) of section 2929.13 of the Revised Code applies in~~ 15890
~~determining whether to impose a prison term on the offender.~~ 15891

~~(b) Except as otherwise provided in division (C)(9)(c),~~ 15892
~~(d), (e), (f), (g), or (h) of this section, if the offense was~~ 15893
~~committed in the vicinity of a school or in the vicinity of a~~ 15894
~~juvenile, trafficking in a fentanyl-related compound is a felony~~ 15895
~~of the fourth degree, and division (C) of section 2929.13 of the~~ 15896
~~Revised Code applies in determining whether to impose a prison~~ 15897
~~term on the offender.~~ 15898

~~(c) Except as otherwise provided in this division, if the~~ 15899
~~amount of the drug involved equals or exceeds ten unit doses but~~ 15900
~~is less than fifty unit doses or equals or exceeds one gram but~~ 15901

~~is less than five grams, trafficking in a fentanyl-related
compound is a felony of the fourth degree, and division (B) of
section 2929.13 of the Revised Code applies in determining
whether to impose a prison term for the offense. If the amount
of the drug involved is within that range and if the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, trafficking in a fentanyl-related compound is a felony
of the third degree, and there is a presumption for a prison
term for the offense.~~ 15902
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~~(d) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds fifty unit doses
but is less than one hundred unit doses or equals or exceeds
five grams but is less than ten grams, trafficking in a
fentanyl-related compound is a felony of the third degree, and
there is a presumption for a prison term for the offense. If the
amount of the drug involved is within that range and if the
offense was committed in the vicinity of a school or in the
vicinity of a juvenile, trafficking in a fentanyl-related
compound is a felony of the second degree, and there is a
presumption for a prison term for the offense.~~ 15911
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~~(e) Except as otherwise provided in this division, if (1)
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, one of the
following applies:~~ 15922
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~~(a) Except as otherwise provided in division (G) (1) (b) of
this section, aggravated trafficking in 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~~ a second degree felony mandatory~~ 15927
15928
15929
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15931

prison term. 15932

~~(b) If the amount of the drug involved is within that~~ 15933
~~range and if the offense was committed in the vicinity of a~~ 15934
~~school or in the vicinity of a juvenile, aggravated trafficking~~ 15935
~~in a fentanyl-related compound is a felony of the first degree,~~ 15936
~~and the court shall impose as a mandatory prison term ~~one of the~~~~ 15937
~~prison terms prescribed for a felony of the a first degree~~ 15938
~~felony mandatory prison term.~~ 15939

~~(f)(2) If the amount of the drug involved equals or~~ 15940
~~exceeds two hundred unit doses but is less than five hundred~~ 15941
~~unit doses or equals or exceeds twenty grams but is less than~~ 15942
~~fifty grams and regardless of whether the offense was committed~~ 15943
~~in the vicinity of a school or in the vicinity of a juvenile,~~ 15944
~~aggravated trafficking in a fentanyl-related compound is a~~ 15945
~~felony of the first degree, and the court shall impose as a~~ 15946
~~mandatory prison term ~~one of the prison terms prescribed for a~~~~ 15947
~~felony of the a first degree felony mandatory prison term.~~ 15948

~~(g)(3) If the amount of the drug involved equals or~~ 15949
~~exceeds five hundred unit doses but is less than one thousand~~ 15950
~~unit doses or equals or exceeds fifty grams but is less than one~~ 15951
~~hundred grams and regardless of whether the offense was~~ 15952
~~committed in the vicinity of a school or in the vicinity of a~~ 15953
~~juvenile, aggravated trafficking in a fentanyl-related compound~~ 15954
~~is a felony of the first degree, and the court shall impose as a~~ 15955
~~mandatory prison term ~~the a maximum prison term prescribed for a~~~~ 15956
~~felony of the first degree felony mandatory prison term.~~ 15957

~~(h)(4) If the amount of the drug involved equals or~~ 15958
~~exceeds one thousand unit doses or equals or exceeds one hundred~~ 15959
~~grams and regardless of whether the offense was committed in the~~ 15960
~~vicinity of a school or in the vicinity of a juvenile,~~ 15961

aggravated trafficking in a fentanyl-related compound is a 15962
felony of the first degree, the offender is a major drug 15963
offender, and the court shall impose as a mandatory prison term 15964
~~the a maximum prison term prescribed for a felony of the first~~ 15965
degree felony mandatory prison term. 15966

~~(10)~~(H) If the drug involved in the violation of division 15967
(A) (1) of this section is a compound, mixture, preparation, or 15968
substance that is a combination of a fentanyl-related compound 15969
and marihuana, one of the following applies: 15970

~~(a)~~(1) Except as otherwise provided in division ~~(C) (10) (b)~~ 15971
~~(H) (2)~~ of this section, the offender is guilty of aggravated 15972
trafficking in marihuana or major trafficking in marihuana and 15973
shall be punished under division ~~(C) (3) (I)~~ of this section, or 15974
under division (H) of section 2925.031 of the Revised Code, as 15975
appropriate by the amount of the drug involved. The offender is 15976
not guilty of aggravated trafficking in a fentanyl-related 15977
compound and shall not be charged with, convicted of, or 15978
punished under division ~~(C) (9) (G)~~ of this section for aggravated 15979
trafficking in a fentanyl-related compound. 15980

~~(b)~~(2) If the offender knows or has reason to know that 15981
the compound, mixture, preparation, or substance that is the 15982
drug involved contains a fentanyl-related compound, the offender 15983
is guilty of aggravated trafficking in a fentanyl-related 15984
compound and shall be punished under division ~~(C) (9) (G)~~ of this 15985
section. 15986

~~(D)~~(I) Whoever violates division (A) (1) of this section 15987
based on an amount specified in division (A) (2) (f) of this 15988
section is guilty of aggravated trafficking in marihuana, a 15989
felony of the second degree, and the court shall impose as a 15990
mandatory prison term a second degree felony mandatory prison 15991

term. 15992

(J) Whoever violates division (A) (1) of this section based on an amount specified in division (A) (2) (g) of this section is guilty of aggravated trafficking in hashish, a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. 15993
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(K) Whoever violates division (A) (1) of this section based on an amount specified in division (A) (2) (h) of this section is guilty of aggravated trafficking in a controlled substance analog. The penalty for the offense shall be determined as follows: 15998
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(1) If the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, aggravated trafficking in a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. 16003
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(2) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams, aggravated trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term. 16008
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(3) If the amount of the drug involved equals or exceeds fifty grams, aggravated trafficking in a controlled substance analog is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term of ten or eleven years. 16013
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(L) In addition to any prison term authorized or required by ~~division~~ divisions (C) to (K) of this section and sections 16019
16020

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) (1) of this section may suspend the
driver's or commercial driver's license or permit of the
offender in accordance with division ~~(G)~~ (O) of this section.
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 in
accordance with division ~~(G)~~ (O) of this section. If applicable,
the court also shall do the following:

(1) If the violation of division (A) (1) of this section is
a felony of the first, second, or third degree, 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. Except as otherwise provided in
division ~~(H)~~ (P) (1) of this section, a mandatory fine or any
other fine imposed for a violation of this section is subject to
division ~~(F)~~ (N) of this section. If a person is charged with a
violation of this section that is a felony of the first, second,
or third degree, posts bail, and forfeits the bail, the clerk of
the court shall pay the forfeited bail pursuant to divisions ~~(D)~~
(L) (1) and ~~(F)~~ (N) of this section, as if the forfeited bail was
a fine imposed for a violation of this section. If any amount of
the forfeited bail remains after that payment and if a fine is
imposed under division ~~(H)~~ (P) (1) of this section, the clerk of

the court shall pay the remaining amount of the forfeited bail 16052
pursuant to divisions ~~(H)~~(P) (2) and (3) of this section, as if 16053
that remaining amount was a fine imposed under division ~~(H)~~(P) 16054
(1) of this section. 16055

(2) If the offender is a professionally licensed person, 16056
the court immediately shall comply with section 2925.38 of the 16057
Revised Code. 16058

~~(E)~~(M) When a person is charged with the sale of or offer 16059
to sell a bulk amount or a multiple of a bulk amount of a 16060
controlled substance, the jury, or the court trying the accused, 16061
shall determine the amount of the controlled substance involved 16062
at the time of the offense and, if a guilty verdict is returned, 16063
shall return the findings as part of the verdict. In any such 16064
case, it is unnecessary to find and return the exact amount of 16065
the controlled substance involved, and it is sufficient if the 16066
finding and return is to the effect that the amount of the 16067
controlled substance involved is the requisite amount, or that 16068
the amount of the controlled substance involved is less than the 16069
requisite amount. 16070

~~(F)~~(N) (1) Notwithstanding any contrary provision of 16071
section 3719.21 of the Revised Code and except as provided in 16072
division ~~(H)~~(P) of this section, the clerk of the court shall 16073
pay any mandatory fine imposed pursuant to division ~~(D)~~(L) (1) of 16074
this section and any fine other than a mandatory fine that is 16075
imposed for a violation of this section pursuant to division (A) 16076
or (B) (5) of section 2929.18 of the Revised Code to the county, 16077
township, municipal corporation, park district, as created 16078
pursuant to section 511.18 or 1545.04 of the Revised Code, or 16079
state law enforcement agencies in this state that primarily were 16080
responsible for or involved in making the arrest of, and in 16081

prosecuting, the offender. However, the clerk shall not pay a 16082
mandatory fine so imposed to a law enforcement agency unless the 16083
agency has adopted a written internal control policy under 16084
division ~~(F)~~(N)(2) of this section that addresses the use of the 16085
fine moneys that it receives. Each agency shall use the 16086
mandatory fines so paid to subsidize the agency's law 16087
enforcement efforts that pertain to drug offenses, in accordance 16088
with the written internal control policy adopted by the 16089
recipient agency under division ~~(F)~~(N)(2) of this section. 16090

(2) Prior to receiving any fine moneys under division ~~(F)~~ 16091
(N)(1) of this section or division (B) of section 2925.42 of the 16092
Revised Code, a law enforcement agency shall adopt a written 16093
internal control policy that addresses the agency's use and 16094
disposition of all fine moneys so received and that provides for 16095
the keeping of detailed financial records of the receipts of 16096
those fine moneys, the general types of expenditures made out of 16097
those fine moneys, and the specific amount of each general type 16098
of expenditure. The policy shall not provide for or permit the 16099
identification of any specific expenditure that is made in an 16100
ongoing investigation. All financial records of the receipts of 16101
those fine moneys, the general types of expenditures made out of 16102
those fine moneys, and the specific amount of each general type 16103
of expenditure by an agency are public records open for 16104
inspection under section 149.43 of the Revised Code. 16105
Additionally, a written internal control policy adopted under 16106
this division is such a public record, and the agency that 16107
adopted it shall comply with it. 16108

(3) As used in division ~~(F)~~(N) of this section: 16109

(a) "Law enforcement agencies" includes, but is not 16110
limited to, the state board of pharmacy and the office of a 16111

prosecutor. 16112

(b) "Prosecutor" has the same meaning as in section 16113
2935.01 of the Revised Code. 16114

~~(G)~~(O) (1) If the sentencing court suspends the offender's 16115
driver's or commercial driver's license or permit under division 16116
~~(D)~~(L) of this section or any other provision of this chapter, 16117
the court shall suspend the license, by order, for not more than 16118
five years. If an offender's driver's or commercial driver's 16119
license or permit is suspended pursuant to this division, the 16120
offender, at any time after the expiration of two years from the 16121
day on which the offender's sentence was imposed or from the day 16122
on which the offender finally was released from a prison term 16123
under the sentence, whichever is later, may file a motion with 16124
the sentencing court requesting termination of the suspension; 16125
upon the filing of such a motion and the court's finding of good 16126
cause for the termination, the court may terminate the 16127
suspension. 16128

(2) Any offender who received a mandatory suspension of 16129
the offender's driver's or commercial driver's license or permit 16130
under this section prior to September 13, 2016, may file a 16131
motion with the sentencing court requesting the termination of 16132
the suspension. However, an offender who pleaded guilty to or 16133
was convicted of a violation of section 4511.19 of the Revised 16134
Code or a substantially similar municipal ordinance or law of 16135
another state or the United States that arose out of the same 16136
set of circumstances as the violation for which the offender's 16137
license or permit was suspended under this section shall not 16138
file such a motion. 16139

Upon the filing of a motion under division ~~(G)~~(O) (2) of 16140
this section, the sentencing court, in its discretion, may 16141

terminate the suspension. 16142

~~(H)~~(P)(1) In addition to any prison term authorized or 16143
required by ~~division~~divisions (C) to (K) of this section and 16144
sections 2929.13 and 2929.14 of the Revised Code, in addition to 16145
any other penalty or sanction imposed for the offense under this 16146
section or sections 2929.11 to 2929.18 of the Revised Code, and 16147
in addition to the forfeiture of property in connection with the 16148
offense as prescribed in Chapter 2981. of the Revised Code, the 16149
court that sentences an offender who is convicted of or pleads 16150
guilty to a violation of division (A) (1) of this section may 16151
impose upon the offender an additional fine specified for the 16152
offense in division (B) (4) of section 2929.18 of the Revised 16153
Code. A fine imposed under division ~~(H)~~(P)(1) of this section is 16154
not subject to division ~~(F)~~(N) of this section and shall be used 16155
solely for the support of one or more eligible community 16156
addiction services providers in accordance with divisions ~~(H)~~(P) 16157
(2) and (3) of this section. 16158

(2) The court that imposes a fine under division ~~(H)~~(P)(1) 16159
of this section shall specify in the judgment that imposes the 16160
fine one or more eligible community addiction services providers 16161
for the support of which the fine money is to be used. No 16162
community addiction services provider shall receive or use money 16163
paid or collected in satisfaction of a fine imposed under 16164
division ~~(H)~~(P)(1) of this section unless the services provider 16165
is specified in the judgment that imposes the fine. No community 16166
addiction services provider shall be specified in the judgment 16167
unless the services provider is an eligible community addiction 16168
services provider and, except as otherwise provided in division 16169
~~(H)~~(P)(2) of this section, unless the services provider is 16170
located in the county in which the court that imposes the fine 16171
is located or in a county that is immediately contiguous to the 16172

county in which that court is located. If no eligible community 16173
addiction services provider is located in any of those counties, 16174
the judgment may specify an eligible community addiction 16175
services provider that is located anywhere within this state. 16176

(3) Notwithstanding any contrary provision of section 16177
3719.21 of the Revised Code, the clerk of the court shall pay 16178
any fine imposed under division ~~(H)~~(P)(1) of this section to the 16179
eligible community addiction services provider specified 16180
pursuant to division ~~(H)~~(P)(2) of this section in the judgment. 16181
The eligible community addiction services provider that receives 16182
the fine moneys shall use the moneys only for the alcohol and 16183
drug addiction services identified in the application for 16184
certification of services under section 5119.36 of the Revised 16185
Code or in the application for a license under section 5119.37 16186
of the Revised Code filed with the department of mental health 16187
and addiction services by the community addiction services 16188
provider specified in the judgment. 16189

(4) Each community addiction services provider that 16190
receives in a calendar year any fine moneys under division ~~(H)~~ 16191
(P)(3) of this section shall file an annual report covering that 16192
calendar year with the court of common pleas and the board of 16193
county commissioners of the county in which the services 16194
provider is located, with the court of common pleas and the 16195
board of county commissioners of each county from which the 16196
services provider received the moneys if that county is 16197
different from the county in which the services provider is 16198
located, and with the attorney general. The community addiction 16199
services provider shall file the report no later than the first 16200
day of March in the calendar year following the calendar year in 16201
which the services provider received the fine moneys. The report 16202
shall include statistics on the number of persons served by the 16203

community addiction services provider, identify the types of 16204
alcohol and drug addiction services provided to those persons, 16205
and include a specific accounting of the purposes for which the 16206
fine moneys received were used. No information contained in the 16207
report shall identify, or enable a person to determine the 16208
identity of, any person served by the community addiction 16209
services provider. Each report received by a court of common 16210
pleas, a board of county commissioners, or the attorney general 16211
is a public record open for inspection under section 149.43 of 16212
the Revised Code. 16213

(5) As used in divisions ~~(H)~~(P) (1) to (5) of this section: 16214

(a) "Community addiction services provider" and "alcohol 16215
and drug addiction services" have the same meanings as in 16216
section 5119.01 of the Revised Code. 16217

(b) "Eligible community addiction services provider" means 16218
a community addiction services provider, including a community 16219
addiction services provider that operates an opioid treatment 16220
program licensed under section 5119.37 of the Revised Code. 16221

~~(I)~~(O) As used in this section, "drug" includes any 16222
substance that is represented to be a drug. 16223

~~(J)~~(R) It is an affirmative defense to a charge of 16224
aggravated trafficking in a controlled substance analog under 16225
division ~~(C)~~~~(8)~~(A) (1) of this section that the person charged 16226
with violating that offense sold or offered to sell, or prepared 16227
for shipment, shipped, transported, delivered, prepared for 16228
distribution, or distributed one of the following items that are 16229
excluded from the meaning of "controlled substance analog" under 16230
section 3719.01 of the Revised Code: 16231

(1) A controlled substance; 16232

(2) Any substance for which there is an approved new drug application; 16233
16234

(3) With respect to a particular person, any substance if 16235
an exemption is in effect for investigational use for that 16236
person pursuant to federal law to the extent that conduct with 16237
respect to that substance is pursuant to that exemption. 16238

Section 6. That the version of existing section 2925.03 of 16239
the Revised Code that is scheduled to take effect on June 29, 16240
2019 is hereby repealed. 16241

Section 7. That the version of section 109.572 of the 16242
Revised Code that is scheduled to take effect on September 20, 16243
2019, be amended to read as follows: 16244

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 16245
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 16246
Code, a completed form prescribed pursuant to division (C) (1) of 16247
this section, and a set of fingerprint impressions obtained in 16248
the manner described in division (C) (2) of this section, the 16249
superintendent of the bureau of criminal identification and 16250
investigation shall conduct a criminal records check in the 16251
manner described in division (B) of this section to determine 16252
whether any information exists that indicates that the person 16253
who is the subject of the request previously has been convicted 16254
of or pleaded guilty to any of the following: 16255

(a) A violation of section 2903.01, 2903.02, 2903.03, 16256
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 16257
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 16258
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 16259
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 16260
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 16261

2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 16262
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 16263
Code, felonious sexual penetration in violation of former 16264
section 2907.12 of the Revised Code, a violation of section 16265
2905.04 of the Revised Code as it existed prior to July 1, 1996, 16266
a violation of section 2919.23 of the Revised Code that would 16267
have been a violation of section 2905.04 of the Revised Code as 16268
it existed prior to July 1, 1996, had the violation been 16269
committed prior to that date, or a violation of section 2925.11 16270
or 2925.111 of the Revised Code that is not a minor drug 16271
possession offense; 16272

(b) A violation of an existing or former law of this 16273
state, any other state, or the United States that is 16274
substantially equivalent to any of the offenses listed in 16275
division (A) (1) (a) of this section; 16276

(c) If the request is made pursuant to section 3319.39 of 16277
the Revised Code for an applicant who is a teacher, any offense 16278
specified in section 3319.31 of the Revised Code. 16279

(2) On receipt of a request pursuant to section 3712.09 or 16280
3721.121 of the Revised Code, a completed form prescribed 16281
pursuant to division (C) (1) of this section, and a set of 16282
fingerprint impressions obtained in the manner described in 16283
division (C) (2) of this section, the superintendent of the 16284
bureau of criminal identification and investigation shall 16285
conduct a criminal records check with respect to any person who 16286
has applied for employment in a position for which a criminal 16287
records check is required by those sections. The superintendent 16288
shall conduct the criminal records check in the manner described 16289
in division (B) of this section to determine whether any 16290
information exists that indicates that the person who is the 16291

subject of the request previously has been convicted of or 16292
pleaded guilty to any of the following: 16293

(a) A violation of section 2903.01, 2903.02, 2903.03, 16294
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 16295
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 16296
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 16297
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 16298
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 16299
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 16300
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 16301
2925.032, 2925.11, 2925.111, 2925.13, 2925.22, 2925.23, or 16302
3716.11 of the Revised Code; 16303

(b) An existing or former law of this state, any other 16304
state, or the United States that is substantially equivalent to 16305
any of the offenses listed in division (A)(2)(a) of this 16306
section. 16307

(3) On receipt of a request pursuant to section 173.27, 16308
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 16309
5123.081, or 5123.169 of the Revised Code, a completed form 16310
prescribed pursuant to division (C)(1) of this section, and a 16311
set of fingerprint impressions obtained in the manner described 16312
in division (C)(2) of this section, the superintendent of the 16313
bureau of criminal identification and investigation shall 16314
conduct a criminal records check of the person for whom the 16315
request is made. The superintendent shall conduct the criminal 16316
records check in the manner described in division (B) of this 16317
section to determine whether any information exists that 16318
indicates that the person who is the subject of the request 16319
previously has been convicted of, has pleaded guilty to, or 16320
(except in the case of a request pursuant to section 5164.34, 16321

5164.341, or 5164.342 of the Revised Code) has been found 16322
eligible for intervention in lieu of conviction for any of the 16323
following, regardless of the date of the conviction, the date of 16324
entry of the guilty plea, or (except in the case of a request 16325
pursuant to section 5164.34, 5164.341, or 5164.342 of the 16326
Revised Code) the date the person was found eligible for 16327
intervention in lieu of conviction: 16328

(a) A violation of section 959.13, 959.131, 2903.01, 16329
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 16330
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 16331
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 16332
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 16333
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 16334
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 16335
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 16336
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 16337
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 16338
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 16339
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 16340
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 16341
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 16342
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 16343
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 16344
2925.03, 2925.031, 2925.032, 2925.04, 2925.041, 2925.05, 16345
2925.06, 2925.09, 2925.11, 2925.111, 2925.13, 2925.14, 2925.141, 16346
2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, 16347
or 3716.11 of the Revised Code; 16348

(b) Felonious sexual penetration in violation of former 16349
section 2907.12 of the Revised Code; 16350

(c) A violation of section 2905.04 of the Revised Code as 16351

it existed prior to July 1, 1996; 16352

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 16353
the Revised Code when the underlying offense that is the object 16354
of the conspiracy, attempt, or complicity is one of the offenses 16355
listed in divisions (A) (3) (a) to (c) of this section; 16356

(e) A violation of an existing or former municipal 16357
ordinance or law of this state, any other state, or the United 16358
States that is substantially equivalent to any of the offenses 16359
listed in divisions (A) (3) (a) to (d) of this section. 16360

(4) On receipt of a request pursuant to section 2151.86 of 16361
the Revised Code, a completed form prescribed pursuant to 16362
division (C) (1) of this section, and a set of fingerprint 16363
impressions obtained in the manner described in division (C) (2) 16364
of this section, the superintendent of the bureau of criminal 16365
identification and investigation shall conduct a criminal 16366
records check in the manner described in division (B) of this 16367
section to determine whether any information exists that 16368
indicates that the person who is the subject of the request 16369
previously has been convicted of or pleaded guilty to any of the 16370
following: 16371

(a) A violation of section 959.13, 2903.01, 2903.02, 16372
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 16373
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 16374
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 16375
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 16376
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 16377
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 16378
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 16379
2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 2925.032, 16380
2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised 16381

Code, a violation of section 2905.04 of the Revised Code as it 16382
existed prior to July 1, 1996, a violation of section 2919.23 of 16383
the Revised Code that would have been a violation of section 16384
2905.04 of the Revised Code as it existed prior to July 1, 1996, 16385
had the violation been committed prior to that date, a violation 16386
of section 2925.11 or 2925.111 of the Revised Code that is not a 16387
minor drug possession offense, two or more OVI or OVUAC 16388
violations committed within the three years immediately 16389
preceding the submission of the application or petition that is 16390
the basis of the request, or felonious sexual penetration in 16391
violation of former section 2907.12 of the Revised Code; 16392

(b) A violation of an existing or former law of this 16393
state, any other state, or the United States that is 16394
substantially equivalent to any of the offenses listed in 16395
division (A) (4) (a) of this section. 16396

(5) Upon receipt of a request pursuant to section 5104.013 16397
of the Revised Code, a completed form prescribed pursuant to 16398
division (C) (1) of this section, and a set of fingerprint 16399
impressions obtained in the manner described in division (C) (2) 16400
of this section, the superintendent of the bureau of criminal 16401
identification and investigation shall conduct a criminal 16402
records check in the manner described in division (B) of this 16403
section to determine whether any information exists that 16404
indicates that the person who is the subject of the request has 16405
been convicted of or pleaded guilty to any of the following: 16406

(a) A violation of section 2151.421, 2903.01, 2903.02, 16407
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 16408
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 16409
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 16410
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 16411

2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 16412
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 16413
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 16414
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 16415
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 16416
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 16417
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 16418
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 16419
2923.161, 2925.02, 2925.03, 2925.031, 2925.032, 2925.04, 16420
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 16421
sexual penetration in violation of former section 2907.12 of the 16422
Revised Code, a violation of section 2905.04 of the Revised Code 16423
as it existed prior to July 1, 1996, a violation of section 16424
2919.23 of the Revised Code that would have been a violation of 16425
section 2905.04 of the Revised Code as it existed prior to July 16426
1, 1996, had the violation been committed prior to that date, a 16427
violation of section 2925.11 or 2925.111 of the Revised Code 16428
that is not a minor drug possession offense, a violation of 16429
section 2923.02 or 2923.03 of the Revised Code that relates to a 16430
crime specified in this division, or a second violation of 16431
section 4511.19 of the Revised Code within five years of the 16432
date of application for licensure or certification. 16433

(b) A violation of an existing or former law of this 16434
state, any other state, or the United States that is 16435
substantially equivalent to any of the offenses or violations 16436
described in division (A) (5) (a) of this section. 16437

(6) Upon receipt of a request pursuant to section 5153.111 16438
of the Revised Code, a completed form prescribed pursuant to 16439
division (C) (1) of this section, and a set of fingerprint 16440
impressions obtained in the manner described in division (C) (2) 16441
of this section, the superintendent of the bureau of criminal 16442

identification and investigation shall conduct a criminal 16443
records check in the manner described in division (B) of this 16444
section to determine whether any information exists that 16445
indicates that the person who is the subject of the request 16446
previously has been convicted of or pleaded guilty to any of the 16447
following: 16448

(a) A violation of section 2903.01, 2903.02, 2903.03, 16449
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 16450
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 16451
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 16452
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 16453
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 16454
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 16455
2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, or 16456
3716.11 of the Revised Code, felonious sexual penetration in 16457
violation of former section 2907.12 of the Revised Code, a 16458
violation of section 2905.04 of the Revised Code as it existed 16459
prior to July 1, 1996, a violation of section 2919.23 of the 16460
Revised Code that would have been a violation of section 2905.04 16461
of the Revised Code as it existed prior to July 1, 1996, had the 16462
violation been committed prior to that date, or a violation of 16463
section 2925.11 or 2925.111 of the Revised Code that is not a 16464
minor drug possession offense; 16465

(b) A violation of an existing or former law of this 16466
state, any other state, or the United States that is 16467
substantially equivalent to any of the offenses listed in 16468
division (A) (6) (a) of this section. 16469

(7) On receipt of a request for a criminal records check 16470
from an individual pursuant to section 4749.03 or 4749.06 of the 16471
Revised Code, accompanied by a completed copy of the form 16472

prescribed in division (C) (1) of this section and a set of 16473
fingerprint impressions obtained in a manner described in 16474
division (C) (2) of this section, the superintendent of the 16475
bureau of criminal identification and investigation shall 16476
conduct a criminal records check in the manner described in 16477
division (B) of this section to determine whether any 16478
information exists indicating that the person who is the subject 16479
of the request has been convicted of or pleaded guilty to a 16480
felony in this state or in any other state. If the individual 16481
indicates that a firearm will be carried in the course of 16482
business, the superintendent shall require information from the 16483
federal bureau of investigation as described in division (B) (2) 16484
of this section. Subject to division (F) of this section, the 16485
superintendent shall report the findings of the criminal records 16486
check and any information the federal bureau of investigation 16487
provides to the director of public safety. 16488

(8) On receipt of a request pursuant to section 1321.37, 16489
1321.53, or 4763.05 of the Revised Code, a completed form 16490
prescribed pursuant to division (C) (1) of this section, and a 16491
set of fingerprint impressions obtained in the manner described 16492
in division (C) (2) of this section, the superintendent of the 16493
bureau of criminal identification and investigation shall 16494
conduct a criminal records check with respect to any person who 16495
has applied for a license, permit, or certification from the 16496
department of commerce or a division in the department. The 16497
superintendent shall conduct the criminal records check in the 16498
manner described in division (B) of this section to determine 16499
whether any information exists that indicates that the person 16500
who is the subject of the request previously has been convicted 16501
of or pleaded guilty to any of the following: a violation of 16502
section 2913.02, 2913.11, 2913.31, 2913.51, ~~or~~ 2925.03, 16503

2925.031, or 2925.032 of the Revised Code; any other criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or ~~drug~~ trafficking in a drug or controlled substance, or any criminal offense involving money or securities, as set forth in Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the Revised Code; or any existing or former law of this state, any other state, or the United States that is substantially equivalent to those offenses.

(9) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, accompanied by a completed form prescribed under division (C)(1) of this section and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. Subject to division (F) of this section, the superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall

send the results of a check requested under any of the other 16535
listed sections to the licensing board specified by the 16536
individual in the request. 16537

(10) On receipt of a request pursuant to section 124.74, 16538
1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a 16539
completed form prescribed pursuant to division (C)(1) of this 16540
section, and a set of fingerprint impressions obtained in the 16541
manner described in division (C)(2) of this section, the 16542
superintendent of the bureau of criminal identification and 16543
investigation shall conduct a criminal records check in the 16544
manner described in division (B) of this section to determine 16545
whether any information exists that indicates that the person 16546
who is the subject of the request previously has been convicted 16547
of or pleaded guilty to any criminal offense under any existing 16548
or former law of this state, any other state, or the United 16549
States. 16550

(11) On receipt of a request for a criminal records check 16551
from an appointing or licensing authority under section 3772.07 16552
of the Revised Code, a completed form prescribed under division 16553
(C)(1) of this section, and a set of fingerprint impressions 16554
obtained in the manner prescribed in division (C)(2) of this 16555
section, the superintendent of the bureau of criminal 16556
identification and investigation shall conduct a criminal 16557
records check in the manner described in division (B) of this 16558
section to determine whether any information exists that 16559
indicates that the person who is the subject of the request 16560
previously has been convicted of or pleaded guilty or no contest 16561
to any offense under any existing or former law of this state, 16562
any other state, or the United States that is a disqualifying 16563
offense as defined in section 3772.07 of the Revised Code or 16564
substantially equivalent to such an offense. 16565

(12) On receipt of a request pursuant to section 2151.33 16566
or 2151.412 of the Revised Code, a completed form prescribed 16567
pursuant to division (C)(1) of this section, and a set of 16568
fingerprint impressions obtained in the manner described in 16569
division (C)(2) of this section, the superintendent of the 16570
bureau of criminal identification and investigation shall 16571
conduct a criminal records check with respect to any person for 16572
whom a criminal records check is required under that section. 16573
The superintendent shall conduct the criminal records check in 16574
the manner described in division (B) of this section to 16575
determine whether any information exists that indicates that the 16576
person who is the subject of the request previously has been 16577
convicted of or pleaded guilty to any of the following: 16578

(a) A violation of section 2903.01, 2903.02, 2903.03, 16579
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 16580
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 16581
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 16582
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 16583
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 16584
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 16585
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 16586
2925.032, 2925.11, 2925.111, 2925.13, 2925.22, 2925.23, or 16587
3716.11 of the Revised Code; 16588

(b) An existing or former law of this state, any other 16589
state, or the United States that is substantially equivalent to 16590
any of the offenses listed in division (A)(12)(a) of this 16591
section. 16592

(13) On receipt of a request pursuant to section 3796.12 16593
of the Revised Code, a completed form prescribed pursuant to 16594
division (C)(1) of this section, and a set of fingerprint 16595

impressions obtained in a manner described in division (C) (2) of 16596
this section, the superintendent of the bureau of criminal 16597
identification and investigation shall conduct a criminal 16598
records check in the manner described in division (B) of this 16599
section to determine whether any information exists that 16600
indicates that the person who is the subject of the request 16601
previously has been convicted of or pleaded guilty to the 16602
following: 16603

(a) A disqualifying offense as specified in rules adopted 16604
under division (B) (2) (b) of section 3796.03 of the Revised Code 16605
if the person who is the subject of the request is an 16606
administrator or other person responsible for the daily 16607
operation of, or an owner or prospective owner, officer or 16608
prospective officer, or board member or prospective board member 16609
of, an entity seeking a license from the department of commerce 16610
under Chapter 3796. of the Revised Code; 16611

(b) A disqualifying offense as specified in rules adopted 16612
under division (B) (2) (b) of section 3796.04 of the Revised Code 16613
if the person who is the subject of the request is an 16614
administrator or other person responsible for the daily 16615
operation of, or an owner or prospective owner, officer or 16616
prospective officer, or board member or prospective board member 16617
of, an entity seeking a license from the state board of pharmacy 16618
under Chapter 3796. of the Revised Code. 16619

(14) On receipt of a request required by section 3796.13 16620
of the Revised Code, a completed form prescribed pursuant to 16621
division (C) (1) of this section, and a set of fingerprint 16622
impressions obtained in a manner described in division (C) (2) of 16623
this section, the superintendent of the bureau of criminal 16624
identification and investigation shall conduct a criminal 16625

records check in the manner described in division (B) of this 16626
section to determine whether any information exists that 16627
indicates that the person who is the subject of the request 16628
previously has been convicted of or pleaded guilty to the 16629
following: 16630

(a) A disqualifying offense as specified in rules adopted 16631
under division (B) (8) (a) of section 3796.03 of the Revised Code 16632
if the person who is the subject of the request is seeking 16633
employment with an entity licensed by the department of commerce 16634
under Chapter 3796. of the Revised Code; 16635

(b) A disqualifying offense as specified in rules adopted 16636
under division (B) (14) (a) of section 3796.04 of the Revised Code 16637
if the person who is the subject of the request is seeking 16638
employment with an entity licensed by the state board of 16639
pharmacy under Chapter 3796. of the Revised Code. 16640

(15) On receipt of a request pursuant to section 4768.06 16641
of the Revised Code, a completed form prescribed under division 16642
(C) (1) of this section, and a set of fingerprint impressions 16643
obtained in the manner described in division (C) (2) of this 16644
section, the superintendent of the bureau of criminal 16645
identification and investigation shall conduct a criminal 16646
records check in the manner described in division (B) of this 16647
section to determine whether any information exists indicating 16648
that the person who is the subject of the request has been 16649
convicted of or pleaded guilty to a felony in this state or in 16650
any other state. 16651

(16) On receipt of a request pursuant to division (B) of 16652
section 4764.07 of the Revised Code, a completed form prescribed 16653
under division (C) (1) of this section, and a set of fingerprint 16654
impressions obtained in the manner described in division (C) (2) 16655

of this section, the superintendent of the bureau of criminal 16656
identification and investigation shall conduct a criminal 16657
records check in the manner described in division (B) of this 16658
section to determine whether any information exists indicating 16659
that the person who is the subject of the request has been 16660
convicted of or pleaded guilty to any crime of moral turpitude, 16661
a felony, or an equivalent offense in any other state or the 16662
United States. 16663

(17) On receipt of a request for a criminal records check 16664
under section 147.022 of the Revised Code, a completed form 16665
prescribed under division (C)(1) of this section, and a set of 16666
fingerprint impressions obtained in the manner prescribed in 16667
division (C)(2) of this section, the superintendent of the 16668
bureau of criminal identification and investigation shall 16669
conduct a criminal records check in the manner described in 16670
division (B) of this section to determine whether any 16671
information exists that indicates that the person who is the 16672
subject of the request previously has been convicted of or 16673
pleaded guilty or no contest to any disqualifying offense, as 16674
defined in section 147.011 of the Revised Code, or to any 16675
offense under any existing or former law of this state, any 16676
other state, or the United States that is substantially 16677
equivalent to such a disqualifying offense. 16678

(B) Subject to division (F) of this section, the 16679
superintendent shall conduct any criminal records check to be 16680
conducted under this section as follows: 16681

(1) The superintendent shall review or cause to be 16682
reviewed any relevant information gathered and compiled by the 16683
bureau under division (A) of section 109.57 of the Revised Code 16684
that relates to the person who is the subject of the criminal 16685

records check, including, if the criminal records check was 16686
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 16687
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 16688
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 16689
3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 16690
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 16691
5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of 16692
the Revised Code, any relevant information contained in records 16693
that have been sealed under section 2953.32 of the Revised Code; 16694

(2) If the request received by the superintendent asks for 16695
information from the federal bureau of investigation, the 16696
superintendent shall request from the federal bureau of 16697
investigation any information it has with respect to the person 16698
who is the subject of the criminal records check, including 16699
fingerprint-based checks of national crime information databases 16700
as described in 42 U.S.C. 671 if the request is made pursuant to 16701
section 2151.86 or 5104.013 of the Revised Code or if any other 16702
Revised Code section requires fingerprint-based checks of that 16703
nature, and shall review or cause to be reviewed any information 16704
the superintendent receives from that bureau. If a request under 16705
section 3319.39 of the Revised Code asks only for information 16706
from the federal bureau of investigation, the superintendent 16707
shall not conduct the review prescribed by division (B) (1) of 16708
this section. 16709

(3) The superintendent or the superintendent's designee 16710
may request criminal history records from other states or the 16711
federal government pursuant to the national crime prevention and 16712
privacy compact set forth in section 109.571 of the Revised 16713
Code. 16714

(4) The superintendent shall include in the results of the 16715

criminal records check a list or description of the offenses 16716
listed or described in division (A) (1), (2), (3), (4), (5), (6), 16717
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 16718
of this section, whichever division requires the superintendent 16719
to conduct the criminal records check. The superintendent shall 16720
exclude from the results any information the dissemination of 16721
which is prohibited by federal law. 16722

(5) The superintendent shall send the results of the 16723
criminal records check to the person to whom it is to be sent 16724
not later than the following number of days after the date the 16725
superintendent receives the request for the criminal records 16726
check, the completed form prescribed under division (C) (1) of 16727
this section, and the set of fingerprint impressions obtained in 16728
the manner described in division (C) (2) of this section: 16729

(a) If the superintendent is required by division (A) of 16730
this section (other than division (A) (3) of this section) to 16731
conduct the criminal records check, thirty; 16732

(b) If the superintendent is required by division (A) (3) 16733
of this section to conduct the criminal records check, sixty. 16734

(C) (1) The superintendent shall prescribe a form to obtain 16735
the information necessary to conduct a criminal records check 16736
from any person for whom a criminal records check is to be 16737
conducted under this section. The form that the superintendent 16738
prescribes pursuant to this division may be in a tangible 16739
format, in an electronic format, or in both tangible and 16740
electronic formats. 16741

(2) The superintendent shall prescribe standard impression 16742
sheets to obtain the fingerprint impressions of any person for 16743
whom a criminal records check is to be conducted under this 16744

section. Any person for whom a records check is to be conducted 16745
under this section shall obtain the fingerprint impressions at a 16746
county sheriff's office, municipal police department, or any 16747
other entity with the ability to make fingerprint impressions on 16748
the standard impression sheets prescribed by the superintendent. 16749
The office, department, or entity may charge the person a 16750
reasonable fee for making the impressions. The standard 16751
impression sheets the superintendent prescribes pursuant to this 16752
division may be in a tangible format, in an electronic format, 16753
or in both tangible and electronic formats. 16754

(3) Subject to division (D) of this section, the 16755
superintendent shall prescribe and charge a reasonable fee for 16756
providing a criminal records check under this section. The 16757
person requesting the criminal records check shall pay the fee 16758
prescribed pursuant to this division. In the case of a request 16759
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 16760
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 16761
fee shall be paid in the manner specified in that section. 16762

(4) The superintendent of the bureau of criminal 16763
identification and investigation may prescribe methods of 16764
forwarding fingerprint impressions and information necessary to 16765
conduct a criminal records check, which methods shall include, 16766
but not be limited to, an electronic method. 16767

(D) The results of a criminal records check conducted 16768
under this section, other than a criminal records check 16769
specified in division (A) (7) of this section, are valid for the 16770
person who is the subject of the criminal records check for a 16771
period of one year from the date upon which the superintendent 16772
completes the criminal records check. If during that period the 16773
superintendent receives another request for a criminal records 16774

check to be conducted under this section for that person, the 16775
superintendent shall provide the results from the previous 16776
criminal records check of the person at a lower fee than the fee 16777
prescribed for the initial criminal records check. 16778

(E) When the superintendent receives a request for 16779
information from a registered private provider, the 16780
superintendent shall proceed as if the request was received from 16781
a school district board of education under section 3319.39 of 16782
the Revised Code. The superintendent shall apply division (A) (1) 16783
(c) of this section to any such request for an applicant who is 16784
a teacher. 16785

(F) (1) Subject to division (F) (2) of this section, all 16786
information regarding the results of a criminal records check 16787
conducted under this section that the superintendent reports or 16788
sends under division (A) (7) or (9) of this section to the 16789
director of public safety, the treasurer of state, or the 16790
person, board, or entity that made the request for the criminal 16791
records check shall relate to the conviction of the subject 16792
person, or the subject person's plea of guilty to, a criminal 16793
offense. 16794

(2) Division (F) (1) of this section does not limit, 16795
restrict, or preclude the superintendent's release of 16796
information that relates to the arrest of a person who is 16797
eighteen years of age or older, to an adjudication of a child as 16798
a delinquent child, or to a criminal conviction of a person 16799
under eighteen years of age in circumstances in which a release 16800
of that nature is authorized under division (E) (2), (3), or (4) 16801
of section 109.57 of the Revised Code pursuant to a rule adopted 16802
under division (E) (1) of that section. 16803

(G) As used in this section: 16804

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

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

(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States 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.

Section 8. That the version of existing section 109.572 of the Revised Code that is scheduled to take effect on September 20, 2019, is hereby repealed.

Section 9. That the version of section 5119.36 of the Revised Code that is scheduled to take effect on September 29, 2019, be amended to read as follows:

Sec. 5119.36. (A) A community mental health services provider applicant or community addiction services provider applicant that seeks certification of its certifiable services and supports shall submit an application to the director of mental health and addiction services. On receipt of the application, the director may conduct an on-site review and

shall evaluate the applicant to determine whether its 16834
certifiable services and supports satisfy the standards 16835
established by rules adopted under this section. The director 16836
shall make the evaluation, and, if the director conducts an on- 16837
site review of the applicant, may make the review, in 16838
cooperation with a board of alcohol, drug addiction, and mental 16839
health services that seeks to contract with the applicant under 16840
section 340.036 of the Revised Code. 16841

(B) Subject to section 5119.361 of the Revised Code, the 16842
director shall determine whether the certifiable services and 16843
supports of a community mental health services provider 16844
applicant or community addiction services provider applicant 16845
satisfy the standards for certification. If the director 16846
determines that an applicant's certifiable services and supports 16847
satisfy the standards for certification and the applicant has 16848
paid the fee required by this section, the director shall 16849
certify the certifiable services and supports. 16850

No community mental health services provider shall be 16851
eligible to receive for its certifiable services and supports 16852
any state funds, federal funds, or funds administered by a board 16853
of alcohol, drug addiction, and mental health services , unless 16854
those certifiable services and supports have been certified by 16855
the director. 16856

No person or government entity subject to section 5119.35 16857
of the Revised Code or any other community addiction services 16858
provider shall be eligible to receive for its services described 16859
in that section or its other certifiable services and supports 16860
any state funds, federal funds, or funds administered by a board 16861
of alcohol, drug addiction, and mental health services, unless 16862
those services or other certifiable services and supports have 16863

been certified by the director. 16864

(C) If the director determines that a community mental 16865
health services provider applicant's or a community addiction 16866
services provider applicant's certifiable services and supports 16867
do not satisfy the standards for certification, the director 16868
shall identify the areas of noncompliance, specify what action 16869
is necessary to satisfy the standards, and may offer technical 16870
assistance to the applicant and to a board of alcohol, drug 16871
addiction, and mental health services so that the board may 16872
assist the applicant in satisfying the standards. The director 16873
shall give the applicant a reasonable time within which to 16874
demonstrate that its certifiable services and supports satisfy 16875
the standards or to bring them into compliance with the 16876
standards. If the director concludes that the certifiable 16877
services and supports continue to fail to satisfy the standards, 16878
the director may request that the board reallocate any funds for 16879
the certifiable services and supports the applicant was to 16880
provide to another community mental health services provider or 16881
community addiction services provider whose certifiable services 16882
and supports satisfy the standards. If the board does not 16883
reallocate such funds in a reasonable period of time, the 16884
director may withhold state and federal funds for the 16885
certifiable services and supports and allocate those funds 16886
directly to a community mental health services provider or 16887
community addiction services provider whose certifiable services 16888
and supports satisfy the standards. 16889

(D) Each community mental health services provider 16890
applicant or community addiction services provider applicant 16891
seeking certification of its certifiable services and supports 16892
under this section shall pay a fee for the certification 16893
required by this section, unless the applicant is exempt under 16894

rules adopted under this section. Fees shall be paid into the 16895
state treasury to the credit of the sale of goods and services 16896
fund created pursuant to section 5119.45 of the Revised Code. 16897

(E) The director shall adopt rules in accordance with 16898
Chapter 119. of the Revised Code to implement this section. The 16899
rules shall do all of the following: 16900

(1) Subject to section 340.034 of the Revised Code, 16901
specify the types of recovery supports that are required to be 16902
certified under this section; 16903

(2) Establish certification standards for certifiable 16904
services and supports that are consistent with nationally 16905
recognized applicable standards and facilitate participation in 16906
federal assistance programs. The rules shall include as 16907
certification standards only requirements that improve the 16908
quality of certifiable services and supports or the health and 16909
safety of persons receiving certifiable services and supports. 16910
The standards shall address at a minimum all of the following: 16911

(a) Reporting major unusual incidents to the director; 16912

(b) Procedures for applicants for and persons receiving 16913
certifiable services and supports to file grievances and 16914
complaints; 16915

(c) Seclusion; 16916

(d) Restraint; 16917

(e) Requirements regarding the physical facilities in 16918
which certifiable services and supports are provided; 16919

(f) Requirements with regard to health, safety, adequacy, 16920
and cultural specificity and sensitivity; 16921

(g) Standards for evaluating certifiable services and supports;	16922 16923
(h) Standards and procedures for granting full, probationary, and interim certification of the certifiable services and supports of a community mental health services provider applicant or community addiction services provider applicant;	16924 16925 16926 16927 16928
(i) Standards and procedures for revoking the certification of a community mental health services provider's or community addiction services provider's certifiable services and supports that do not continue to meet the minimum standards established pursuant to this section;	16929 16930 16931 16932 16933
(j) The limitations to be placed on a provider whose certifiable services and supports are granted probationary or interim certification;	16934 16935 16936
(k) Development of written policies addressing the rights of persons receiving certifiable services and supports, including all of the following:	16937 16938 16939
(i) The right to a copy of the written policies addressing the rights of persons receiving certifiable services and supports;	16940 16941 16942
(ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;	16943 16944
(iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;	16945 16946 16947 16948
(iv) The right to have a client rights officer provided by	16949

the provider or board of alcohol, drug addiction, and mental 16950
health services advise the person of the person's rights, 16951
including the person's rights under Chapter 5122. of the Revised 16952
Code if the person is committed to the provider or board. 16953

(3) Establish the process for certification of certifiable 16954
services and supports; 16955

(4) Set the amount of certification review fees; 16956

(5) Specify the type of notice and hearing to be provided 16957
prior to a decision on whether to reallocate funds. 16958

(F) The director may issue an order suspending admissions 16959
to a community addiction services provider that provides 16960
overnight accommodations if the director finds either of the 16961
following: 16962

(1) The provider's certifiable services and supports are 16963
not in compliance with rules adopted under this section; 16964

(2) The provider has been cited for more than one 16965
violation of statutes or rules during any previous certification 16966
period of the provider. 16967

(G) The department of mental health and addiction services 16968
shall maintain a current list of community addiction services 16969
providers and shall provide a copy of the list to a judge of a 16970
court of common pleas who requests a copy for the use of the 16971
judge under division ~~(H)~~(P) of section 2925.03 or a related 16972
provision of section 2925.031 or 2925.032 of the Revised Code. 16973
The list shall identify each provider by its name, its address, 16974
and the county in which it is located. 16975

(H) No person shall represent in any manner that a 16976
community mental health services provider's or community 16977

addiction services provider's certifiable services and supports 16978
are certified by the director if the certifiable services and 16979
supports are not so certified at the time the representation is 16980
made. 16981

Section 10. That the version of existing section 5119.36 16982
of the Revised Code that is scheduled to take effect on 16983
September 29, 2019, is hereby repealed. 16984

Section 11. The General Assembly, applying the principle 16985
stated in division (B) of section 1.52 of the Revised Code that 16986
amendments are to be harmonized if reasonably capable of 16987
simultaneous operation, finds that the following sections, 16988
presented in this act as composites of the sections as amended 16989
by the acts indicated, are the resulting versions of the 16990
sections in effect prior to the effective date of the sections 16991
as presented in this act: 16992

(A) As presented in Section 1 of this act: 16993

Section 2925.01 of the Revised Code as amended by Am. Sub. 16994
H.B. 49, Am. Sub. S.B. 1, Am. Sub. S.B. 201, Sub. S.B. 229, Am. 16995
Sub. S.B. 255, and Sub. S.B. 259, all of the 132nd General 16996
Assembly. 16997

Section 2925.03 of the Revised Code as amended by both Am. 16998
Sub. S.B. 1 and Am. Sub. S.B. 201 of the 132 General Assembly. 16999

Section 2925.11 of the Revised Code as amended by Am. Sub. 17000
S.B. 1, Am. Sub. S.B. 201, and Sub. S.B. 229, all of the 132nd 17001
General Assembly. 17002

Section 2929.01 of the Revised Code as amended by Sub. 17003
H.B. 63, Sub. H.B. 411, Am. Sub. S.B. 1, Sub. S.B. 20, and Am. 17004
Sub. S.B. 201, all of the 132nd General Assembly. 17005

Section 2929.13 of the Revised Code as amended by Sub.	17006
H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, Am. Sub. S.B. 66, and	17007
Am. Sub. S.B. 201, all of the 132nd General Assembly.	17008
Section 2929.14 of the Revised Code as amended by Sub.	17009
H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, and Am. Sub. S.B. 201,	17010
all of the 132nd General Assembly.	17011
Section 2929.15 of the Revised Code as amended by both Am.	17012
Sub. S.B. 66 and Am. Sub. S.B. 201 of the 132nd General	17013
Assembly.	17014
(B) As presented in Section 3 of this act:	17015
Section 109.572 of the Revised Code as amended by Am. Sub.	17016
H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 51, Sub.	17017
S.B. 229, and Am. Sub. S.B. 255, all of the 132nd General	17018
Assembly.	17019
Section 2923.31 of the Revised Code as amended by both	17020
Sub. H.B. 199 and Am. H.B. 405 of the 132nd General Assembly.	17021
Section 2925.02 of the Revised Code as amended by both Am.	17022
Sub. S.B. 1 and Am. Sub. S.B. 201 of the 132nd General Assembly.	17023
Section 2925.04 of the Revised Code as amended by both Am.	17024
Sub. S.B. 1 and Am. Sub. S.B. 201 of the 132nd General Assembly.	17025
Section 2925.05 of the Revised Code as amended by both Am.	17026
Sub. S.B. 1 and Am. Sub. S.B. 201 of the 132nd General Assembly.	17027
Section 2951.041 of the Revised Code as amended by Sub.	17028
S.B. 4, Sub. S.B. 33, and Am. Sub. S.B. 66, all of the 132nd	17029
General Assembly.	17030
Section 2967.18 of the Revised Code as amended by both Am.	17031
Sub. H.B. 180 and Am. Sub. H.B. 445 of the 121st General	17032

Assembly.	17033
Section 2967.28 of the Revised Code as amended by both Am.	17034
Sub. S.B. 66 and Am. Sub. S.B. 201 of the 132nd General	17035
Assembly.	17036
Section 3719.99 of the Revised Code as amended by both Am.	17037
Sub. S.B. 1 and Am. Sub. S.B. 201 of the 132nd General Assembly.	17038
Section 4510.17 of the Revised Code as amended by both	17039
Sub. H.B. 388 and Sub. S.B. 204 of the 131st General Assembly.	17040
(C) As presented in Section 5 of this act:	17041
Section 2925.03 of the Revised Code as amended by Am. Sub.	17042
H.B. 111, Am. Sub. S.B. 1, Am. Sub. S.B. 201, and Sub. S.B. 229,	17043
all of the 132nd General Assembly.	17044
(D) As presented in Section 7 of this act:	17045
Section 109.572 of the Revised Code as amended by Am. Sub.	17046
H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 51, Sub.	17047
S.B. 229, Am. Sub. S.B. 255, and Sub. S.B. 263, all of the 132nd	17048
General Assembly.	17049
Section 12. (A) Sections 5 and 6 of this act shall take	17050
effect on June 29, 2019, or the effective date of this act,	17051
whichever is later.	17052
(B) Sections 7 and 8 of this act shall take effect on	17053
September 20, 2019, or the effective date of this act, whichever	17054
is later.	17055
(C) Sections 9 and 10 of this act shall take effect on	17056
September 29, 2019, or the effective date of this act, whichever	17057
is later.	17058
(D) Section 5119.37 of the Revised Code, as amended by	17059

this act, shall take effect on June 29, 2019.

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