

**As Reported by the Senate Judiciary Committee**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Sub. S. B. No. 3**

**Senators Eklund, O'Brien**

**Cosponsors: Senators Obhof, Coley**

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**A BILL**

To amend sections 109.572, 128.04, 177.01, 1  
1901.186, 1901.20, 1907.02, 2152.021, 2152.18, 2  
2743.60, 2901.13, 2923.01, 2923.02, 2923.13, 3  
2923.241, 2923.31, 2923.41, 2925.01, 2925.02, 4  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 5  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 6  
2925.37, 2925.38, 2925.42, 2925.51, 2927.21, 7  
2929.01, 2929.13, 2929.14, 2929.141, 2929.15, 8  
2929.18, 2929.25, 2929.34, 2931.03, 2933.51, 9  
2935.36, 2941.1410, 2945.71, 2951.041, 2953.31, 10  
2953.32, 2953.52, 2967.18, 2967.19, 2967.28, 11  
2981.01, 3301.32, 3301.541, 3313.662, 3319.31, 12  
3319.39, 3712.09, 3719.013, 3719.21, 3719.99, 13  
3721.121, 3734.44, 3767.01, 4112.02, 4510.17, 14  
4729.99, 4742.03, 5103.0319, 5119.36, 5119.37, 15  
5119.93, 5119.94, 5120.53, 5153.111, and 5502.13 16  
and to enact sections 181.27, 2925.031, 17  
2925.032, 2925.111, and 2925.112 of the Revised 18  
Code to modify the controlled substance 19  
possession and trafficking prohibitions and 20  
penalties, modify the drug and alcohol abuse 21  
civil commitment mechanism, require the State 22  
Criminal Sentencing Commission to study the 23

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

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

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

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

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

(1) Within ninety days after the effective date of this 49

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

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

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

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

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

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

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

(1) The court finds that the offender's addiction to a 77  
drug of abuse was the primary factor leading to the offender's 78

commission of the offense charged.	79
(2) The offender is admitted to participate in the	80
participating in victory of transition (PIVOT) drug recovery	81
program.	82
(C) The Tiffin-Fostoria municipal court does not have	83
concurrent jurisdiction with the Seneca county court of common	84
pleas in a criminal action or proceeding when any of the	85
following applies:	86
(1) The defendant is not a resident of Seneca county.	87
(2) The defendant is charged with a felony offense of	88
violence.	89
(3) The defendant is charged with a felony sex offense or	90
has a duty to comply with sections 2950.04, 2950.041, 2950.05,	91
and 2950.06 of the Revised Code.	92
(4) The defendant is charged with a felony violation of	93
section 2925.04 or 2925.041 of the Revised Code.	94
(5) The defendant is under a community control sanction or	95
post-release control sanction imposed by another court or is on	96
parole or probation under the supervision of another	97
jurisdiction.	98
(6) Criminal proceedings are pending against the defendant	99
for a felony offense in another jurisdiction.	100
(7) The defendant is serving a prison term imposed by	101
another court.	102
(8) The defendant is engaged as an informant for a law	103
enforcement agency.	104
(D) <u>Division (A) (3) of section 1901.20 of the Revised Code</u>	105

does not apply to the Tiffin-Fostoria municipal court. 106

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

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

The municipal court, if it has a housing or environmental 130  
division, has jurisdiction over any criminal action over which 131  
the housing or environmental division is given jurisdiction by 132  
section 1901.181 of the Revised Code, provided that, except as 133  
specified in division (B) of that section, no judge of the court 134  
other than the judge of the division shall hear or determine any 135

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

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

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

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

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

(b) On the effective date of this amendment, the offense 164

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) For a felony, six years; 247

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

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

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

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

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

2921.01 of the Revised Code. 310

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(F) As used in this section: 469

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

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

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

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

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

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

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

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

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

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

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

**Sec. 2925.01.** As used in this chapter: 514

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

combined with the fentanyl-related compound. 604

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

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

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

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

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

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

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

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

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

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

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

(b) Any aerosol propellant; 649

(c) Any fluorocarbon refrigerant; 650

(d) Any anesthetic gas. 651

(2) Gamma Butyrolactone; 652

(3) 1,4 Butanediol. 653

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Fentanyl; 932

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

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

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

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

hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	941 942
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	943 944
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	945 946
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);	947 948
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);	949 950
(10) Alfentanil;	951
(11) Carfentanil;	952
(12) Remifentanil;	953
(13) Sufentanil;	954
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	955 956
(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:	957 958 959 960 961 962 963
(a) A chemical scaffold consisting of both of the following:	964 965
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	966 967

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

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

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

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

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

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

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

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

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

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

(1) Gamma hydroxybutyric acid; 1012

(2) Flunitrazepam; 1013

(3) Ketamine; 1014

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(e) If the amount of the drug involved equals or exceeds  
fifty times the bulk amount but is less than one hundred times  
the bulk amount and regardless of whether the offense was  
committed in the vicinity of a school or in the vicinity of a  
juvenile, aggravated trafficking in drugs is a felony of the  
first degree, and the court shall impose as a mandatory prison  
term a first degree felony mandatory prison term.~~ 1173  
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~~(f) If the amount of the drug involved equals or exceeds  
one hundred times the bulk amount and regardless of whether the  
offense was committed in the vicinity of a school or in the  
vicinity of a juvenile, aggravated trafficking in drugs is a  
felony of the first degree, the offender is a major drug  
offender, and the court shall impose as a mandatory prison term  
a maximum first degree felony mandatory prison term.~~ 1180  
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~~(2) If the drug involved in the violation is any compound,  
mixture, preparation, or substance included in schedule III, IV,  
or V, whoever violates division (A) of this section is guilty of  
trafficking in drugs. The penalty for the offense shall be  
determined as follows:~~ 1187  
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1191

~~(a) Except as otherwise provided in division (C) (2) (b),  
(c), (d), or (e) of this section, trafficking in drugs is a  
felony of the fifth degree, and division (B) of section 2929.13  
of the Revised Code applies in determining whether to impose a  
prison term on the offender.~~ 1192  
1193  
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1196

~~(b) Except as otherwise provided in division (C) (2) (c),  
(d), or (e) of this section, if the offense was committed in the  
vicinity of a school or in the vicinity of a juvenile,  
trafficking in drugs is a felony of the fourth degree, and~~ 1197  
1198  
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1200

~~division (C) of section 2929.13 of the Revised Code applies in~~ 1201  
~~determining whether to impose a prison term on the offender.~~ 1202

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

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

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

~~the first degree, and the court shall impose as a mandatory  
prison term a first degree felony mandatory prison term.~~ 1231  
1232

~~(3) If the drug involved in the violation is marihuana or  
a compound, mixture, preparation, or substance containing  
marihuana other than hashish, whoever violates division (A) of  
this section is guilty of trafficking in marihuana. The penalty  
for the offense shall be determined as follows:~~ 1233  
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~~(a) Except as otherwise provided in division (C) (3) (b),  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in  
marihuana is a felony of the fifth degree, and division (B) of  
section 2929.13 of the Revised Code applies in determining  
whether to impose a prison term on the offender.~~ 1238  
1239  
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~~(b) Except as otherwise provided in division (C) (3) (c),  
(d), (e), (f), (g), or (h) of this section, if the offense was  
committed in the vicinity of a school or in the vicinity of a  
juvenile, trafficking in marihuana is a felony of the fourth  
degree, and division (B) of section 2929.13 of the Revised Code  
applies in determining whether to impose a prison term on the  
offender.~~ 1243  
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~~(c) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds two hundred grams  
but is less than one thousand grams, trafficking in marihuana is  
a felony of the fourth degree, and division (B) of section  
2929.13 of the Revised Code applies in determining whether to  
impose a prison term on the offender. If the amount of the drug  
involved is within that range and if the offense was committed  
in the vicinity of a school or in the vicinity of a juvenile,  
trafficking in marihuana is a felony of the third degree, and  
division (C) of section 2929.13 of the Revised Code applies in  
determining whether to impose a prison term on the offender.~~ 1250  
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~~(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.~~

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

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

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

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

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

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

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

~~(b) Except as otherwise provided in division (C) (4) (c),  
(d), (e), (f), or (g) of this section, if the offense was  
committed in the vicinity of a school or in the vicinity of a  
juvenile, trafficking in cocaine is a felony of the fourth  
degree, and division (C) of section 2929.13 of the Revised Code  
applies in determining whether to impose a prison term on the  
offender.~~ 1322  
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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.~~ 1329  
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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~~ 1339  
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~~a mandatory prison term a second degree felony mandatory prison term.~~ 1353  
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~~(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than twenty seven grams of cocaine, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 1355  
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~~(f) If the amount of the drug involved equals or exceeds twenty seven grams but is less than one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 1366  
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~~(g) If the amount of the drug involved equals or exceeds one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~ 1373  
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~~(5) If the drug involved in the violation is L.S.D. or a compound, mixture, preparation, or substance containing L.S.D., whoever violates division (A) of this section is guilty of~~ 1380  
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~~trafficking in L.S.D. The penalty for the offense shall be~~ 1383  
~~determined as follows:~~ 1384

~~(a) Except as otherwise provided in division (C) (5) (b),~~ 1385  
~~(c), (d), (e), (f), or (g) of this section, trafficking in~~ 1386  
~~L.S.D. is a felony of the fifth degree, and division (B) of~~ 1387  
~~section 2929.13 of the Revised Code applies in determining~~ 1388  
~~whether to impose a prison term on the offender.~~ 1389

~~(b) Except as otherwise provided in division (C) (5) (c),~~ 1390  
~~(d), (e), (f), or (g) of this section, if the offense was~~ 1391  
~~committed in the vicinity of a school or in the vicinity of a~~ 1392  
~~juvenile, trafficking in L.S.D. is a felony of the fourth~~ 1393  
~~degree, and division (C) of section 2929.13 of the Revised Code~~ 1394  
~~applies in determining whether to impose a prison term on the~~ 1395  
~~offender.~~ 1396

~~(c) Except as otherwise provided in this division, if the~~ 1397  
~~amount of the drug involved equals or exceeds ten unit doses but~~ 1398  
~~is less than fifty unit doses of L.S.D. in a solid form or~~ 1399  
~~equals or exceeds one gram but is less than five grams of L.S.D.~~ 1400  
~~in a liquid concentrate, liquid extract, or liquid distillate~~ 1401  
~~form, trafficking in L.S.D. is a felony of the fourth degree,~~ 1402  
~~and division (B) of section 2929.13 of the Revised Code applies~~ 1403  
~~in determining whether to impose a prison term for the offense.~~ 1404  
~~If the amount of the drug involved is within that range and if~~ 1405  
~~the offense was committed in the vicinity of a school or in the~~ 1406  
~~vicinity of a juvenile, trafficking in L.S.D. is a felony of the~~ 1407  
~~third degree, and there is a presumption for a prison term for~~ 1408  
~~the offense.~~ 1409

~~(d) Except as otherwise provided in this division, if the~~ 1410  
~~amount of the drug involved equals or exceeds fifty unit doses~~ 1411  
~~but is less than two hundred fifty unit doses of L.S.D. in a~~ 1412

~~solid form or equals or exceeds five grams but is less than 1413~~  
~~twenty five grams of L.S.D. in a liquid concentrate, liquid 1414~~  
~~extract, or liquid distillate form, trafficking in L.S.D. is a 1415~~  
~~felony of the third degree, and, except as otherwise provided in 1416~~  
~~this division, there is a presumption for a prison term for the 1417~~  
~~offense. If trafficking in L.S.D. is a felony of the third 1418~~  
~~degree under this division and if the offender two or more times 1419~~  
~~previously has been convicted of or pleaded guilty to a felony 1420~~  
~~drug abuse offense, the court shall impose as a mandatory prison 1421~~  
~~term one of the prison terms prescribed for a felony of the 1422~~  
~~third degree. If the amount of the drug involved is within that 1423~~  
~~range and if the offense was committed in the vicinity of a 1424~~  
~~school or in the vicinity of a juvenile, trafficking in L.S.D. 1425~~  
~~is a felony of the second degree, and the court shall impose as 1426~~  
~~a mandatory prison term a second degree felony mandatory prison 1427~~  
~~term. 1428~~

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

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

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

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

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

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

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

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

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

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

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

~~hashish is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 1534  
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~~(b) Except as otherwise provided in division (C) (7) (e), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 1537  
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~~(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 1544  
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~~(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third~~ 1558  
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~~degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.~~ 1564  
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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.~~ 1571  
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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~~ 1584  
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~~juvenile, trafficking in hashish is a felony of the first- 1595  
degree, and the court shall impose as a mandatory prison term a- 1596  
maximum first degree felony mandatory prison term. 1597~~

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

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

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

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

~~(d), (e), (f), or (g) of this section, if the offense was~~ 1625  
~~committed in the vicinity of a school or in the vicinity of a~~ 1626  
~~juvenile, trafficking in a controlled substance analog is a~~ 1627  
~~felony of the fourth degree, and division (C) of section 2929.13~~ 1628  
~~of the Revised Code applies in determining whether to impose a~~ 1629  
~~prison term on the offender.~~ 1630

~~(e) Except as otherwise provided in this division, if the~~ 1631  
~~amount of the drug involved equals or exceeds ten grams but is~~ 1632  
~~less than twenty grams, trafficking in a controlled substance~~ 1633  
~~analog is a felony of the fourth degree, and division (D) of~~ 1634  
~~section 2929.13 of the Revised Code applies in determining~~ 1635  
~~whether to impose a prison term for the offense. If the amount~~ 1636  
~~of the drug involved is within that range and if the offense was~~ 1637  
~~committed in the vicinity of a school or in the vicinity of a~~ 1638  
~~juvenile, trafficking in a controlled substance analog is a~~ 1639  
~~felony of the third degree, and there is a presumption for a~~ 1640  
~~prison term for the offense.~~ 1641

~~(d) Except as otherwise provided in this division, if the~~ 1642  
~~amount of the drug involved equals or exceeds twenty grams but~~ 1643  
~~is less than thirty grams, trafficking in a controlled substance~~ 1644  
~~analog is a felony of the third degree, and there is a~~ 1645  
~~presumption for a prison term for the offense. If the amount of~~ 1646  
~~the drug involved is within that range and if the offense was~~ 1647  
~~committed in the vicinity of a school or in the vicinity of a~~ 1648  
~~juvenile, trafficking in a controlled substance analog is a~~ 1649  
~~felony of the second degree, and there is a presumption for a~~ 1650  
~~prison term for the offense.~~ 1651

~~(e) Except as otherwise provided in this division, if the~~ 1652  
~~amount of the drug involved equals or exceeds thirty grams but~~ 1653  
~~is less than forty grams, trafficking in a controlled substance~~ 1654

~~analog is a felony of the second degree, and the court shall  
impose as a mandatory prison term a second degree felony  
mandatory prison term. If the amount of the drug involved is  
within that range and if the offense was committed in the  
vicinity of a school or in the vicinity of a juvenile,  
trafficking in a controlled substance analog is a felony of the  
first degree, and the court shall impose as a mandatory prison a  
first degree felony mandatory prison term.~~

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

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

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

follows: 1685

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) A controlled substance; 2169

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<u>L.S.D. in liquid concentrate, liquid extract, or liquid</u>	2250
<u>distillate form;</u>	2251
<u>(e) If the drug involved in the conduct described in</u>	2252
<u>division (A) (1) of this section is heroin or a compound,</u>	2253
<u>mixture, preparation, or substance containing heroin, an amount</u>	2254
<u>of the drug so involved that equals or exceeds fifty unit doses</u>	2255
<u>or five grams but is less than three hundred unit doses or</u>	2256
<u>thirty grams;</u>	2257
<u>(f) If the drug involved in the conduct described in</u>	2258
<u>division (A) (1) of this section is a fentanyl-related compound</u>	2259
<u>or a compound, mixture, preparation, or substance containing a</u>	2260
<u>fentanyl-related compound, an amount of the drug so involved</u>	2261
<u>that equals or exceeds fifty unit doses or five grams but is</u>	2262
<u>less than one hundred unit doses or ten grams;</u>	2263
<u>(g) If the drug involved in the conduct described in</u>	2264
<u>division (A) (1) of this section is marihuana other than hashish</u>	2265
<u>or a compound, mixture, preparation, or substance containing</u>	2266
<u>marihuana other than hashish, an amount of the drug so involved</u>	2267
<u>that equals or exceeds one thousand grams but is less than forty</u>	2268
<u>thousand grams;</u>	2269
<u>(h) If the drug involved in the conduct described in</u>	2270
<u>division (A) (1) of this section is hashish or a compound,</u>	2271
<u>mixture, preparation, or substance containing hashish, an amount</u>	2272
<u>of the drug so involved that equals or exceeds fifty grams but</u>	2273
<u>is less than two thousand grams;</u>	2274
<u>(i) If the drug involved in the conduct described in</u>	2275
<u>division (A) (1) of this section is a controlled substance analog</u>	2276
<u>or a compound, mixture, preparation, or substance containing a</u>	2277
<u>controlled substance analog, an amount of the drug so involved</u>	2278

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

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

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

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

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

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

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

follows: 2308

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<u>fifty unit doses;</u>	2513
<u>(g) If the drug involved in the conduct described in</u>	2514
<u>division (A) (1) of this section is marihuana other than hashish</u>	2515
<u>or a compound, mixture, preparation, or substance containing</u>	2516
<u>marihuana other than hashish, an amount of the drug so involved</u>	2517
<u>that equals or exceeds twenty-five one-thousandths of one gram</u>	2518
<u>but is less than one thousand grams;</u>	2519
<u>(h) If the drug involved in the conduct described in</u>	2520
<u>division (A) (1) of this section is hashish or a compound,</u>	2521
<u>mixture, preparation, or substance containing hashish, an amount</u>	2522
<u>of the drug so involved that equals or exceeds twenty-five one-</u>	2523
<u>thousandths of one gram but is less than fifty grams;</u>	2524
<u>(i) If the drug involved in the conduct described in</u>	2525
<u>division (A) (1) of this section is a controlled substance analog</u>	2526
<u>or a compound, mixture, preparation, or substance containing a</u>	2527
<u>controlled substance analog, an amount of the drug so involved</u>	2528
<u>that equals or exceeds twenty-five one-thousandths of one gram</u>	2529
<u>but is less than twenty grams.</u>	2530
<u>(B) (1) Whoever violates division (A) (1) of this section</u>	2531
<u>based on an amount specified in division (A) (2) (a) of this</u>	2532
<u>section is guilty of trafficking in schedule I or schedule II</u>	2533
<u>drugs. The penalty for the offense shall be determined as</u>	2534
<u>follows:</u>	2535
<u>(a) Except as otherwise provided in division (B) (1) (b) of</u>	2536
<u>this section, trafficking in schedule I or schedule II drugs is</u>	2537
<u>one of the following:</u>	2538
<u>(i) Except as otherwise provided in division (B) (1) (a) (ii)</u>	2539
<u>of this section, trafficking in schedule I or schedule II drugs</u>	2540
<u>is a felony of the fifth degree, and division (B) of section</u>	2541

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

concentrate, liquid extract, or liquid distillate form; 2895

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

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

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

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

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

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

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

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

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

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

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

forged, or obtained through deception or commission of a theft offense. 2954  
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As used in division (B) (1) (d) of this section, "deception" and "theft offense" have the same meanings as in section 2913.01 of the Revised Code. 2956  
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(2) (a) As used in division (B) (2) of this section: 2959

(i) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 2960  
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(ii) "Community control sanction" and "drug treatment program" have the same meanings as in section 2929.01 of the Revised Code. 2962  
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2964

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

(iv) "Minor drug possession offense" ~~means a violation of this section that is a misdemeanor or a felony of the fifth degree~~ has the same meaning as in section 2925.01 of the Revised Code. 2967  
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(v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code. 2971  
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(vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 2973  
2974

(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code. 2975  
2976

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~degree, and the court shall impose as a mandatory prison term a~~ 3097  
~~second degree felony mandatory prison term.~~ 3098

~~(d) If the amount of the drug involved equals or exceeds~~ 3099  
~~fifty times the bulk amount but is less than one hundred times~~ 3100  
~~the bulk amount, aggravated possession of drugs is a felony of~~ 3101  
~~the first degree, and the court shall impose as a mandatory~~ 3102  
~~prison term a first degree felony mandatory prison term.~~ 3103

~~(e) If the amount of the drug involved equals or exceeds~~ 3104  
~~one hundred times the bulk amount, aggravated possession of~~ 3105  
~~drugs is a felony of the first degree, the offender is a major~~ 3106  
~~drug offender, and the court shall impose as a mandatory prison~~ 3107  
~~term a maximum first degree felony mandatory prison term.~~ 3108

~~(2) If the drug involved in the violation is a compound,~~ 3109  
~~mixture, preparation, or substance included in schedule III, IV,~~ 3110  
~~or V, whoever violates division (A) of this section is guilty of~~ 3111  
~~possession of drugs. The penalty for the offense shall be~~ 3112  
~~determined as follows:~~ 3113

~~(a) Except as otherwise provided in division (C) (2) (b),~~ 3114  
~~(c), or (d) of this section, possession of drugs is a~~ 3115  
~~misdemeanor of the first degree or, if the offender previously~~ 3116  
~~has been convicted of a drug abuse offense, a felony of the~~ 3117  
~~fifth degree.~~ 3118

~~(b) If the amount of the drug involved equals or exceeds~~ 3119  
~~the bulk amount but is less than five times the bulk amount,~~ 3120  
~~possession of drugs is a felony of the fourth degree, and~~ 3121  
~~division (C) of section 2929.13 of the Revised Code applies in~~ 3122  
~~determining whether to impose a prison term on the offender.~~ 3123

~~(c) If the amount of the drug involved equals or exceeds~~ 3124  
~~five times the bulk amount but is less than fifty times the bulk~~ 3125

~~amount, possession of drugs is a felony of the third degree, and~~ 3126  
~~there is a presumption for a prison term for the offense.~~ 3127

~~(d) If the amount of the drug involved equals or exceeds~~ 3128  
~~fifty times the bulk amount, possession of drugs is a felony of~~ 3129  
~~the second degree, and the court shall impose upon the offender~~ 3130  
~~as a mandatory prison term a second degree felony mandatory~~ 3131  
~~prison term.~~ 3132

~~(3) If the drug involved in the violation is marihuana or~~ 3133  
~~a compound, mixture, preparation, or substance containing~~ 3134  
~~marihuana other than hashish, whoever violates division (A) of~~ 3135  
~~this section is guilty of possession of marihuana. The penalty~~ 3136  
~~for the offense shall be determined as follows:~~ 3137

~~(a) Except as otherwise provided in division (C) (3) (b),~~ 3138  
~~(c), (d), (e), (f), or (g) of this section, possession of~~ 3139  
~~marihuana is a minor misdemeanor.~~ 3140

~~(b) If the amount of the drug involved equals or exceeds~~ 3141  
~~one hundred grams but is less than two hundred grams, possession~~ 3142  
~~of marihuana is a misdemeanor of the fourth degree.~~ 3143

~~(c) If the amount of the drug involved equals or exceeds~~ 3144  
~~two hundred grams but is less than one thousand grams,~~ 3145  
~~possession of marihuana is a felony of the fifth degree, and~~ 3146  
~~division (B) of section 2929.13 of the Revised Code applies in~~ 3147  
~~determining whether to impose a prison term on the offender.~~ 3148

~~(d) If the amount of the drug involved equals or exceeds~~ 3149  
~~one thousand grams but is less than five thousand grams,~~ 3150  
~~possession of marihuana is a felony of the third degree, and~~ 3151  
~~division (C) of section 2929.13 of the Revised Code applies in~~ 3152  
~~determining whether to impose a prison term on the offender.~~ 3153

~~(e) If the amount of the drug involved equals or exceeds~~ 3154

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

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

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

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

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

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

~~(c) If the amount of the drug involved equals or exceeds ten grams but is less than twenty grams of cocaine, possession of cocaine is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If possession of cocaine is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree.~~ 3184  
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~~(d) If the amount of the drug involved equals or exceeds twenty grams but is less than twenty seven grams of cocaine, possession of cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.~~ 3194  
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~~(e) If the amount of the drug involved equals or exceeds twenty seven grams but is less than one hundred grams of cocaine, possession of cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 3199  
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3201  
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~~(f) If the amount of the drug involved equals or exceeds one hundred grams of cocaine, possession of cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~ 3204  
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~~(5) If the drug involved in the violation is L.S.D., whoever violates division (A) of this section is guilty of possession of L.S.D. The penalty for the offense shall be determined as follows:~~ 3209  
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3212

~~(a) Except as otherwise provided in division (C) (5) (b), (c), (d), (e), or (f) of this section, possession of L.S.D. is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3213  
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~~(b) If the amount of L.S.D. involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3218  
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~~(c) If the amount of L.S.D. involved equals or exceeds fifty unit doses, but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the third degree, and there is a presumption for a prison term for the offense.~~ 3226  
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~~(d) If the amount of L.S.D. involved equals or exceeds two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.~~ 3233  
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~~(e) If the amount of L.S.D. involved equals or exceeds one thousand unit doses but is less than five thousand unit doses of~~ 3241  
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~~L.S.D. in a solid form or equals or exceeds one hundred grams— 3243  
but is less than five hundred grams of L.S.D. in a liquid— 3244  
concentrate, liquid extract, or liquid distillate form,— 3245  
possession of L.S.D. is a felony of the first degree, and the— 3246  
court shall impose as a mandatory prison term a first degree— 3247  
felony mandatory prison term. 3248~~

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

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

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

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

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

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

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

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

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

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

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

~~ten grams but is less than twenty grams, possession of a 3360  
controlled substance analog is a felony of the fourth degree, 3361  
and there is a presumption for a prison term for the offense. 3362~~

~~(c) If the amount of the drug involved equals or exceeds 3363  
twenty grams but is less than thirty grams, possession of a 3364  
controlled substance analog is a felony of the third degree, and 3365  
there is a presumption for a prison term for the offense. 3366~~

~~(d) If the amount of the drug involved equals or exceeds 3367  
thirty grams but is less than forty grams, possession of a 3368  
controlled substance analog is a felony of the second degree, 3369  
and the court shall impose as a mandatory prison term a second- 3370  
degree felony mandatory prison term. 3371~~

~~(e) If the amount of the drug involved equals or exceeds 3372  
forty grams but is less than fifty grams, possession of a 3373  
controlled substance analog is a felony of the first degree, and 3374  
the court shall impose as a mandatory prison term a first degree 3375  
felony mandatory prison term. 3376~~

~~(f) If the amount of the drug involved equals or exceeds 3377  
fifty grams, possession of a controlled substance analog is a 3378  
felony of the first degree, the offender is a major drug 3379  
offender, and the court shall impose as a mandatory prison term 3380  
a maximum first degree felony mandatory prison term. 3381~~

~~(9) Whoever violates division (A) (1) of this section is 3382  
guilty of possession of a controlled substance and shall be 3383  
penalized as follows: 3384~~

~~(1) (a) If the violation is based on an amount specified in 3385  
division (A) (2) (a), (b), (c), (d), or (f) of this section, 3386  
except as otherwise provided in this division, possession of a 3387  
controlled substance is an unclassified misdemeanor and division 3388~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

this section. 3685

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

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

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

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

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

(1) A controlled substance; 3720

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

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

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

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

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

effective date of this amendment. 3744

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

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

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

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

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

<u>Revised Code, whichever is applicable regarding the conduct.</u>	3773
<u>(ii) If division (J) (2) (c) (i) of this section does not</u>	3774
<u>apply, the penalty, forfeiture, or punishment for the violation</u>	3775
<u>shall be imposed according to former section 2925.11 of the</u>	3776
<u>Revised Code.</u>	3777
<u>Sec. 2925.111. (A) No person shall knowingly obtain,</u>	3778
<u>possess, or use marihuana other than hashish or a compound,</u>	3779
<u>mixture, preparation, or substance containing marihuana other</u>	3780
<u>than hashish, when the amount of the drug involved equals or</u>	3781
<u>exceeds twenty-five one-thousandths of a gram but is less than</u>	3782
<u>one thousand grams.</u>	3783
<u>(B) No person shall knowingly obtain, possess, or use</u>	3784
<u>hashish or a compound, mixture, preparation, or substance</u>	3785
<u>containing hashish, when the amount of the drug involved equals</u>	3786
<u>or exceeds twenty-five one-thousandths of a gram but is less</u>	3787
<u>than fifty grams.</u>	3788
<u>(C) Whoever violates division (A) of this section is</u>	3789
<u>guilty of possession of marihuana. The penalty for the offense</u>	3790
<u>shall be determined as follows:</u>	3791
<u>(1) If the amount of the drug involved equals or exceeds</u>	3792
<u>twenty-five one-thousandths of one gram but is less than two</u>	3793
<u>hundred grams, possession of marihuana is a minor misdemeanor;</u>	3794
<u>(2) If the amount of the drug involved is at least two</u>	3795
<u>hundred grams but is less than four hundred grams, possession of</u>	3796
<u>marihuana is a misdemeanor of the fourth degree;</u>	3797
<u>(3) If the amount of the drug involved is at least four</u>	3798
<u>hundred grams but is less than one thousand grams, possession of</u>	3799
<u>marihuana is a misdemeanor of the first degree.</u>	3800

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 2929.01.** As used in this chapter: 3983

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

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

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

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

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

supervision. 4006

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) A stated prison term; 4194

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

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

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

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

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

first or second degree; 4210

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

attached. 4357

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the following is applicable: 4504

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses; 4798  
4799

(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense listed in division (F) (7) (a) of this section that resulted in the death of a person or in physical harm to a person. 4800  
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(8) Any offense, other than a violation of section 2923.12 of the Revised Code, that is a felony, if the offender had a firearm on or about the offender's person or under the offender's control while committing the felony, with respect to a portion of the sentence imposed pursuant to division (B) (1) (a) of section 2929.14 of the Revised Code for having the firearm; 4805  
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(9) Any offense of violence that is a felony, if the offender wore or carried body armor while committing the felony offense of violence, with respect to the portion of the sentence imposed pursuant to division (B) (1) (d) of section 2929.14 of the Revised Code for wearing or carrying the body armor; 4811  
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(10) Corrupt activity in violation of section 2923.32 of the Revised Code when the most serious offense in the pattern of corrupt activity that is the basis of the offense is a felony of the first degree; 4816  
4817  
4818  
4819

(11) Any violent sex offense or designated homicide, assault, or kidnapping offense if, in relation to that offense, the offender is adjudicated a sexually violent predator; 4820  
4821  
4822

(12) A violation of division (A) (1) or (2) of section 2921.36 of the Revised Code, or a violation of division (C) of that section involving an item listed in division (A) (1) or (2) of that section, if the offender is an officer or employee of 4823  
4824  
4825  
4826

the department of rehabilitation and correction; 4827

(13) A violation of division (A) (1) or (2) of section 4828  
2903.06 of the Revised Code if the victim of the offense is a 4829  
peace officer, as defined in section 2935.01 of the Revised 4830  
Code, or an investigator of the bureau of criminal 4831  
identification and investigation, as defined in section 2903.11 4832  
of the Revised Code, with respect to the portion of the sentence 4833  
imposed pursuant to division (B) (5) of section 2929.14 of the 4834  
Revised Code; 4835

(14) A violation of division (A) (1) or (2) of section 4836  
2903.06 of the Revised Code if the offender has been convicted 4837  
of or pleaded guilty to three or more violations of division (A) 4838  
or (B) of section 4511.19 of the Revised Code or an equivalent 4839  
offense, as defined in section 2941.1415 of the Revised Code, or 4840  
three or more violations of any combination of those divisions 4841  
and offenses, with respect to the portion of the sentence 4842  
imposed pursuant to division (B) (6) of section 2929.14 of the 4843  
Revised Code; 4844

(15) Kidnapping, in the circumstances specified in section 4845  
2971.03 of the Revised Code and when no other provision of 4846  
division (F) of this section applies; 4847

(16) Kidnapping, abduction, compelling prostitution, 4848  
promoting prostitution, engaging in a pattern of corrupt 4849  
activity, a violation of division (A) (1) or (2) of section 4850  
2907.323 of the Revised Code that involves a minor, or 4851  
endangering children in violation of division (B) (1), (2), (3), 4852  
(4), or (5) of section 2919.22 of the Revised Code, if the 4853  
offender is convicted of or pleads guilty to a specification as 4854  
described in section 2941.1422 of the Revised Code that was 4855  
included in the indictment, count in the indictment, or 4856

information charging the offense; 4857

(17) A felony violation of division (A) or (B) of section 4858  
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 4859  
that section, and division (D) (6) of that section, require the 4860  
imposition of a prison term; 4861

(18) A felony violation of section 2903.11, 2903.12, or 4862  
2903.13 of the Revised Code, if the victim of the offense was a 4863  
woman that the offender knew was pregnant at the time of the 4864  
violation, with respect to a portion of the sentence imposed 4865  
pursuant to division (B) (8) of section 2929.14 of the Revised 4866  
Code; 4867

(19) (a) Any violent felony offense if the offender is a 4868  
violent career criminal and had a firearm on or about the 4869  
offender's person or under the offender's control during the 4870  
commission of the violent felony offense and displayed or 4871  
brandished the firearm, indicated that the offender possessed a 4872  
firearm, or used the firearm to facilitate the offense, with 4873  
respect to the portion of the sentence imposed under division 4874  
(K) of section 2929.14 of the Revised Code. 4875

(b) As used in division (F) (19) (a) of this section, 4876  
"violent career criminal" and "violent felony offense" have the 4877  
same meanings as in section 2923.132 of the Revised Code; 4878

(20) Any violation of division (A) (1) of section 2903.11 4879  
of the Revised Code if the offender used an accelerant in 4880  
committing the violation and the serious physical harm to 4881  
another or another's unborn caused by the violation resulted in 4882  
a permanent, serious disfigurement or permanent, substantial 4883  
incapacity or any violation of division (A) (2) of that section 4884  
if the offender used an accelerant in committing the violation, 4885

the violation caused physical harm to another or another's 4886  
unborn, and the physical harm resulted in a permanent, serious 4887  
disfigurement or permanent, substantial incapacity, with respect 4888  
to a portion of the sentence imposed pursuant to division (B) (9) 4889  
of section 2929.14 of the Revised Code. The provisions of this 4890  
division and of division (D) (2) of section 2903.11, divisions 4891  
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 4892  
the Revised Code shall be known as "Judy's Law." 4893

(21) Any violation of division (A) of section 2903.11 of 4894  
the Revised Code if the victim of the offense suffered permanent 4895  
disabling harm as a result of the offense and the victim was 4896  
under ten years of age at the time of the offense, with respect 4897  
to a portion of the sentence imposed pursuant to division (B) 4898  
(10) of section 2929.14 of the Revised Code. 4899

(22) A felony violation of section 2925.03, 2925.031, 4900  
2925.032, 2925.05, or 2925.11 of the Revised Code, if the drug 4901  
involved in the violation is a fentanyl-related compound or a 4902  
compound, mixture, preparation, or substance containing a 4903  
fentanyl-related compound and the offender is convicted of or 4904  
pleads guilty to a specification of the type described in 4905  
division (B) of section 2941.1410 of the Revised Code that was 4906  
included in the indictment, count in the indictment, or 4907  
information charging the offense, with respect to the portion of 4908  
the sentence imposed under division (B) ~~(9)~~ (11) of section 4909  
2929.14 of the Revised Code. 4910

(G) Notwithstanding divisions (A) to (E) of this section, 4911  
if an offender is being sentenced for a fourth degree felony OVI 4912  
offense or for a third degree felony OVI offense, the court 4913  
shall impose upon the offender a mandatory term of local 4914  
incarceration or a mandatory prison term in accordance with the 4915

following: 4916

(1) If the offender is being sentenced for a fourth degree 4917  
felony OVI offense and if the offender has not been convicted of 4918  
and has not pleaded guilty to a specification of the type 4919  
described in section 2941.1413 of the Revised Code, the court 4920  
may impose upon the offender a mandatory term of local 4921  
incarceration of sixty days or one hundred twenty days as 4922  
specified in division (G) (1) (d) of section 4511.19 of the 4923  
Revised Code. The court shall not reduce the term pursuant to 4924  
section 2929.20, 2967.193, or any other provision of the Revised 4925  
Code. The court that imposes a mandatory term of local 4926  
incarceration under this division shall specify whether the term 4927  
is to be served in a jail, a community-based correctional 4928  
facility, a halfway house, or an alternative residential 4929  
facility, and the offender shall serve the term in the type of 4930  
facility specified by the court. A mandatory term of local 4931  
incarceration imposed under division (G) (1) of this section is 4932  
not subject to any other Revised Code provision that pertains to 4933  
a prison term except as provided in division (A) (1) of this 4934  
section. 4935

(2) If the offender is being sentenced for a third degree 4936  
felony OVI offense, or if the offender is being sentenced for a 4937  
fourth degree felony OVI offense and the court does not impose a 4938  
mandatory term of local incarceration under division (G) (1) of 4939  
this section, the court shall impose upon the offender a 4940  
mandatory prison term of one, two, three, four, or five years if 4941  
the offender also is convicted of or also pleads guilty to a 4942  
specification of the type described in section 2941.1413 of the 4943  
Revised Code or shall impose upon the offender a mandatory 4944  
prison term of sixty days or one hundred twenty days as 4945  
specified in division (G) (1) (d) or (e) of section 4511.19 of the 4946

Revised Code if the offender has not been convicted of and has 4947  
not pleaded guilty to a specification of that type. Subject to 4948  
divisions (C) to (I) of section 2967.19 of the Revised Code, the 4949  
court shall not reduce the term pursuant to section 2929.20, 4950  
2967.19, 2967.193, or any other provision of the Revised Code. 4951  
The offender shall serve the one-, two-, three-, four-, or five- 4952  
year mandatory prison term consecutively to and prior to the 4953  
prison term imposed for the underlying offense and consecutively 4954  
to any other mandatory prison term imposed in relation to the 4955  
offense. In no case shall an offender who once has been 4956  
sentenced to a mandatory term of local incarceration pursuant to 4957  
division (G) (1) of this section for a fourth degree felony OVI 4958  
offense be sentenced to another mandatory term of local 4959  
incarceration under that division for any violation of division 4960  
(A) of section 4511.19 of the Revised Code. In addition to the 4961  
mandatory prison term described in division (G) (2) of this 4962  
section, the court may sentence the offender to a community 4963  
control sanction under section 2929.16 or 2929.17 of the Revised 4964  
Code, but the offender shall serve the prison term prior to 4965  
serving the community control sanction. The department of 4966  
rehabilitation and correction may place an offender sentenced to 4967  
a mandatory prison term under this division in an intensive 4968  
program prison established pursuant to section 5120.033 of the 4969  
Revised Code if the department gave the sentencing judge prior 4970  
notice of its intent to place the offender in an intensive 4971  
program prison established under that section and if the judge 4972  
did not notify the department that the judge disapproved the 4973  
placement. Upon the establishment of the initial intensive 4974  
program prison pursuant to section 5120.033 of the Revised Code 4975  
that is privately operated and managed by a contractor pursuant 4976  
to a contract entered into under section 9.06 of the Revised 4977  
Code, both of the following apply: 4978

(a) The department of rehabilitation and correction shall 4979  
make a reasonable effort to ensure that a sufficient number of 4980  
offenders sentenced to a mandatory prison term under this 4981  
division are placed in the privately operated and managed prison 4982  
so that the privately operated and managed prison has full 4983  
occupancy. 4984

(b) Unless the privately operated and managed prison has 4985  
full occupancy, the department of rehabilitation and correction 4986  
shall not place any offender sentenced to a mandatory prison 4987  
term under this division in any intensive program prison 4988  
established pursuant to section 5120.033 of the Revised Code 4989  
other than the privately operated and managed prison. 4990

(H) If an offender is being sentenced for a sexually 4991  
oriented offense or child-victim oriented offense that is a 4992  
felony committed on or after January 1, 1997, the judge shall 4993  
require the offender to submit to a DNA specimen collection 4994  
procedure pursuant to section 2901.07 of the Revised Code. 4995

(I) If an offender is being sentenced for a sexually 4996  
oriented offense or a child-victim oriented offense committed on 4997  
or after January 1, 1997, the judge shall include in the 4998  
sentence a summary of the offender's duties imposed under 4999  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 5000  
Code and the duration of the duties. The judge shall inform the 5001  
offender, at the time of sentencing, of those duties and of 5002  
their duration. If required under division (A)(2) of section 5003  
2950.03 of the Revised Code, the judge shall perform the duties 5004  
specified in that section, or, if required under division (A)(6) 5005  
of section 2950.03 of the Revised Code, the judge shall perform 5006  
the duties specified in that division. 5007

(J)(1) Except as provided in division (J)(2) of this 5008

section, when considering sentencing factors under this section 5009  
in relation to an offender who is convicted of or pleads guilty 5010  
to an attempt to commit an offense in violation of section 5011  
2923.02 of the Revised Code, the sentencing court shall consider 5012  
the factors applicable to the felony category of the violation 5013  
of section 2923.02 of the Revised Code instead of the factors 5014  
applicable to the felony category of the offense attempted. 5015

(2) When considering sentencing factors under this section 5016  
in relation to an offender who is convicted of or pleads guilty 5017  
to an attempt to commit a drug abuse offense for which the 5018  
penalty is determined by the amount or number of unit doses of 5019  
the controlled substance involved in the drug abuse offense, the 5020  
sentencing court shall consider the factors applicable to the 5021  
felony category that the drug abuse offense attempted would be 5022  
if that drug abuse offense had been committed and had involved 5023  
an amount or number of unit doses of the controlled substance 5024  
that is within the next lower range of controlled substance 5025  
amounts than was involved in the attempt. 5026

(K) As used in this section: 5027

(1) "Community addiction services provider" has the same 5028  
meaning as in section 5119.01 of the Revised Code. 5029

(2) "Drug abuse offense" has the same meaning as in 5030  
section 2925.01 of the Revised Code. 5031

(3) "Minor drug possession offense" has the same meaning 5032  
as in section ~~2925.11~~2925.01 of the Revised Code. 5033

(4) "Qualifying assault offense" means a violation of 5034  
section 2903.13 of the Revised Code for which the penalty 5035  
provision in division (C) (8) (b) or (C) (9) (b) of that section 5036  
applies. 5037

(L) At the time of sentencing an offender for any sexually 5038  
oriented offense, if the offender is a tier III sex 5039  
offender/child-victim offender relative to that offense and the 5040  
offender does not serve a prison term or jail term, the court 5041  
may require that the offender be monitored by means of a global 5042  
positioning device. If the court requires such monitoring, the 5043  
cost of monitoring shall be borne by the offender. If the 5044  
offender is indigent, the cost of compliance shall be paid by 5045  
the crime victims reparations fund. 5046

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 5047  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 5048  
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 5049  
in division (D) (6) of section 2919.25 of the Revised Code and 5050  
except in relation to an offense for which a sentence of death 5051  
or life imprisonment is to be imposed, if the court imposing a 5052  
sentence upon an offender for a felony elects or is required to 5053  
impose a prison term on the offender pursuant to this chapter, 5054  
the court shall impose a prison term that shall be one of the 5055  
following: 5056

(1) (a) For a felony of the first degree committed on or 5057  
after the effective date of this amendment, the prison term 5058  
shall be an indefinite prison term with a stated minimum term 5059  
selected by the court of three, four, five, six, seven, eight, 5060  
nine, ten, or eleven years and a maximum term that is determined 5061  
pursuant to section 2929.144 of the Revised Code, except that if 5062  
the section that criminalizes the conduct constituting the 5063  
felony specifies a different minimum term or penalty for the 5064  
offense, the specific language of that section shall control in 5065  
determining the minimum term or otherwise sentencing the 5066  
offender but the minimum term or sentence imposed under that 5067  
specific language shall be considered for purposes of the 5068

Revised Code as if it had been imposed under this division. 5069

(b) For a felony of the first degree committed prior to 5070  
the effective date of this amendment, the prison term shall be a 5071  
definite prison term of three, four, five, six, seven, eight, 5072  
nine, ten, or eleven years. 5073

(2) (a) For a felony of the second degree committed on or 5074  
after the effective date of this amendment, the prison term 5075  
shall be an indefinite prison term with a stated minimum term 5076  
selected by the court of two, three, four, five, six, seven, or 5077  
eight years and a maximum term that is determined pursuant to 5078  
section 2929.144 of the Revised Code, except that if the section 5079  
that criminalizes the conduct constituting the felony specifies 5080  
a different minimum term or penalty for the offense, the 5081  
specific language of that section shall control in determining 5082  
the minimum term or otherwise sentencing the offender but the 5083  
minimum term or sentence imposed under that specific language 5084  
shall be considered for purposes of the Revised Code as if it 5085  
had been imposed under this division. 5086

(b) For a felony of the second degree committed prior to 5087  
the effective date of this amendment, the prison term shall be a 5088  
definite term of two, three, four, five, six, seven, or eight 5089  
years. 5090

(3) (a) For a felony of the third degree that is a 5091  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 5092  
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 5093  
Code or that is a violation of section 2911.02 or 2911.12 of the 5094  
Revised Code if the offender previously has been convicted of or 5095  
pleaded guilty in two or more separate proceedings to two or 5096  
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 5097  
of the Revised Code, the prison term shall be a definite term of 5098

twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 5099  
forty-eight, fifty-four, or sixty months. 5100

(b) For a felony of the third degree that is not an 5101  
offense for which division (A) (3) (a) of this section applies, 5102  
the prison term shall be a definite term of nine, twelve, 5103  
eighteen, twenty-four, thirty, or thirty-six months. 5104

(4) For a felony of the fourth degree, the prison term 5105  
shall be a definite term of six, seven, eight, nine, ten, 5106  
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 5107  
or eighteen months. 5108

(5) For a felony of the fifth degree, the prison term 5109  
shall be a definite term of six, seven, eight, nine, ten, 5110  
eleven, or twelve months. 5111

(B) (1) (a) Except as provided in division (B) (1) (e) of this 5112  
section, if an offender who is convicted of or pleads guilty to 5113  
a felony also is convicted of or pleads guilty to a 5114  
specification of the type described in section 2941.141, 5115  
2941.144, or 2941.145 of the Revised Code, the court shall 5116  
impose on the offender one of the following prison terms: 5117

(i) A prison term of six years if the specification is of 5118  
the type described in division (A) of section 2941.144 of the 5119  
Revised Code that charges the offender with having a firearm 5120  
that is an automatic firearm or that was equipped with a firearm 5121  
muffler or suppressor on or about the offender's person or under 5122  
the offender's control while committing the offense; 5123

(ii) A prison term of three years if the specification is 5124  
of the type described in division (A) of section 2941.145 of the 5125  
Revised Code that charges the offender with having a firearm on 5126  
or about the offender's person or under the offender's control 5127

while committing the offense and displaying the firearm, 5128  
brandishing the firearm, indicating that the offender possessed 5129  
the firearm, or using it to facilitate the offense; 5130

(iii) A prison term of one year if the specification is of 5131  
the type described in division (A) of section 2941.141 of the 5132  
Revised Code that charges the offender with having a firearm on 5133  
or about the offender's person or under the offender's control 5134  
while committing the offense; 5135

(iv) A prison term of nine years if the specification is 5136  
of the type described in division (D) of section 2941.144 of the 5137  
Revised Code that charges the offender with having a firearm 5138  
that is an automatic firearm or that was equipped with a firearm 5139  
muffler or suppressor on or about the offender's person or under 5140  
the offender's control while committing the offense and 5141  
specifies that the offender previously has been convicted of or 5142  
pleaded guilty to a specification of the type described in 5143  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 5144  
the Revised Code; 5145

(v) A prison term of fifty-four months if the 5146  
specification is of the type described in division (D) of 5147  
section 2941.145 of the Revised Code that charges the offender 5148  
with having a firearm on or about the offender's person or under 5149  
the offender's control while committing the offense and 5150  
displaying the firearm, brandishing the firearm, indicating that 5151  
the offender possessed the firearm, or using the firearm to 5152  
facilitate the offense and that the offender previously has been 5153  
convicted of or pleaded guilty to a specification of the type 5154  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 5155  
2941.1412 of the Revised Code; 5156

(vi) A prison term of eighteen months if the specification 5157

is of the type described in division (D) of section 2941.141 of 5158  
the Revised Code that charges the offender with having a firearm 5159  
on or about the offender's person or under the offender's 5160  
control while committing the offense and that the offender 5161  
previously has been convicted of or pleaded guilty to a 5162  
specification of the type described in section 2941.141, 5163  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 5164

(b) If a court imposes a prison term on an offender under 5165  
division (B) (1) (a) of this section, the prison term shall not be 5166  
reduced pursuant to section 2967.19, section 2929.20, section 5167  
2967.193, or any other provision of Chapter 2967. or Chapter 5168  
5120. of the Revised Code. Except as provided in division (B) (1) 5169  
(g) of this section, a court shall not impose more than one 5170  
prison term on an offender under division (B) (1) (a) of this 5171  
section for felonies committed as part of the same act or 5172  
transaction. 5173

(c) (i) Except as provided in division (B) (1) (e) of this 5174  
section, if an offender who is convicted of or pleads guilty to 5175  
a violation of section 2923.161 of the Revised Code or to a 5176  
felony that includes, as an essential element, purposely or 5177  
knowingly causing or attempting to cause the death of or 5178  
physical harm to another, also is convicted of or pleads guilty 5179  
to a specification of the type described in division (A) of 5180  
section 2941.146 of the Revised Code that charges the offender 5181  
with committing the offense by discharging a firearm from a 5182  
motor vehicle other than a manufactured home, the court, after 5183  
imposing a prison term on the offender for the violation of 5184  
section 2923.161 of the Revised Code or for the other felony 5185  
offense under division (A), (B) (2), or (B) (3) of this section, 5186  
shall impose an additional prison term of five years upon the 5187  
offender that shall not be reduced pursuant to section 2929.20, 5188

section 2967.19, section 2967.193, or any other provision of 5189  
Chapter 2967. or Chapter 5120. of the Revised Code. 5190

(ii) Except as provided in division (B)(1)(e) of this 5191  
section, if an offender who is convicted of or pleads guilty to 5192  
a violation of section 2923.161 of the Revised Code or to a 5193  
felony that includes, as an essential element, purposely or 5194  
knowingly causing or attempting to cause the death of or 5195  
physical harm to another, also is convicted of or pleads guilty 5196  
to a specification of the type described in division (C) of 5197  
section 2941.146 of the Revised Code that charges the offender 5198  
with committing the offense by discharging a firearm from a 5199  
motor vehicle other than a manufactured home and that the 5200  
offender previously has been convicted of or pleaded guilty to a 5201  
specification of the type described in section 2941.141, 5202  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 5203  
the court, after imposing a prison term on the offender for the 5204  
violation of section 2923.161 of the Revised Code or for the 5205  
other felony offense under division (A), (B)(2), or (3) of this 5206  
section, shall impose an additional prison term of ninety months 5207  
upon the offender that shall not be reduced pursuant to section 5208  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 5209  
2967. or Chapter 5120. of the Revised Code. 5210

(iii) A court shall not impose more than one additional 5211  
prison term on an offender under division (B)(1)(c) of this 5212  
section for felonies committed as part of the same act or 5213  
transaction. If a court imposes an additional prison term on an 5214  
offender under division (B)(1)(c) of this section relative to an 5215  
offense, the court also shall impose a prison term under 5216  
division (B)(1)(a) of this section relative to the same offense, 5217  
provided the criteria specified in that division for imposing an 5218  
additional prison term are satisfied relative to the offender 5219

and the offense. 5220

(d) If an offender who is convicted of or pleads guilty to 5221  
an offense of violence that is a felony also is convicted of or 5222  
pleads guilty to a specification of the type described in 5223  
section 2941.1411 of the Revised Code that charges the offender 5224  
with wearing or carrying body armor while committing the felony 5225  
offense of violence, the court shall impose on the offender an 5226  
additional prison term of two years. The prison term so imposed, 5227  
subject to divisions (C) to (I) of section 2967.19 of the 5228  
Revised Code, shall not be reduced pursuant to section 2929.20, 5229  
section 2967.19, section 2967.193, or any other provision of 5230  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 5231  
shall not impose more than one prison term on an offender under 5232  
division (B) (1) (d) of this section for felonies committed as 5233  
part of the same act or transaction. If a court imposes an 5234  
additional prison term under division (B) (1) (a) or (c) of this 5235  
section, the court is not precluded from imposing an additional 5236  
prison term under division (B) (1) (d) of this section. 5237

(e) The court shall not impose any of the prison terms 5238  
described in division (B) (1) (a) of this section or any of the 5239  
additional prison terms described in division (B) (1) (c) of this 5240  
section upon an offender for a violation of section 2923.12 or 5241  
2923.123 of the Revised Code. The court shall not impose any of 5242  
the prison terms described in division (B) (1) (a) or (b) of this 5243  
section upon an offender for a violation of section 2923.122 5244  
that involves a deadly weapon that is a firearm other than a 5245  
dangerous ordnance, section 2923.16, or section 2923.121 of the 5246  
Revised Code. The court shall not impose any of the prison terms 5247  
described in division (B) (1) (a) of this section or any of the 5248  
additional prison terms described in division (B) (1) (c) of this 5249  
section upon an offender for a violation of section 2923.13 of 5250

the Revised Code unless all of the following apply: 5251

(i) The offender previously has been convicted of 5252  
aggravated murder, murder, or any felony of the first or second 5253  
degree. 5254

(ii) Less than five years have passed since the offender 5255  
was released from prison or post-release control, whichever is 5256  
later, for the prior offense. 5257

(f) (i) If an offender is convicted of or pleads guilty to 5258  
a felony that includes, as an essential element, causing or 5259  
attempting to cause the death of or physical harm to another and 5260  
also is convicted of or pleads guilty to a specification of the 5261  
type described in division (A) of section 2941.1412 of the 5262  
Revised Code that charges the offender with committing the 5263  
offense by discharging a firearm at a peace officer as defined 5264  
in section 2935.01 of the Revised Code or a corrections officer, 5265  
as defined in section 2941.1412 of the Revised Code, the court, 5266  
after imposing a prison term on the offender for the felony 5267  
offense under division (A), (B) (2), or (B) (3) of this section, 5268  
shall impose an additional prison term of seven years upon the 5269  
offender that shall not be reduced pursuant to section 2929.20, 5270  
section 2967.19, section 2967.193, or any other provision of 5271  
Chapter 2967. or Chapter 5120. of the Revised Code. 5272

(ii) If an offender is convicted of or pleads guilty to a 5273  
felony that includes, as an essential element, causing or 5274  
attempting to cause the death of or physical harm to another and 5275  
also is convicted of or pleads guilty to a specification of the 5276  
type described in division (B) of section 2941.1412 of the 5277  
Revised Code that charges the offender with committing the 5278  
offense by discharging a firearm at a peace officer, as defined 5279  
in section 2935.01 of the Revised Code, or a corrections 5280

officer, as defined in section 2941.1412 of the Revised Code, 5281  
and that the offender previously has been convicted of or 5282  
pleaded guilty to a specification of the type described in 5283  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 5284  
the Revised Code, the court, after imposing a prison term on the 5285  
offender for the felony offense under division (A), (B) (2), or 5286  
(3) of this section, shall impose an additional prison term of 5287  
one hundred twenty-six months upon the offender that shall not 5288  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 5289  
any other provision of Chapter 2967. or 5120. of the Revised 5290  
Code. 5291

(iii) If an offender is convicted of or pleads guilty to 5292  
two or more felonies that include, as an essential element, 5293  
causing or attempting to cause the death or physical harm to 5294  
another and also is convicted of or pleads guilty to a 5295  
specification of the type described under division (B) (1) (f) of 5296  
this section in connection with two or more of the felonies of 5297  
which the offender is convicted or to which the offender pleads 5298  
guilty, the sentencing court shall impose on the offender the 5299  
prison term specified under division (B) (1) (f) of this section 5300  
for each of two of the specifications of which the offender is 5301  
convicted or to which the offender pleads guilty and, in its 5302  
discretion, also may impose on the offender the prison term 5303  
specified under that division for any or all of the remaining 5304  
specifications. If a court imposes an additional prison term on 5305  
an offender under division (B) (1) (f) of this section relative to 5306  
an offense, the court shall not impose a prison term under 5307  
division (B) (1) (a) or (c) of this section relative to the same 5308  
offense. 5309

(g) If an offender is convicted of or pleads guilty to two 5310  
or more felonies, if one or more of those felonies are 5311

aggravated murder, murder, attempted aggravated murder, 5312  
attempted murder, aggravated robbery, felonious assault, or 5313  
rape, and if the offender is convicted of or pleads guilty to a 5314  
specification of the type described under division (B) (1) (a) of 5315  
this section in connection with two or more of the felonies, the 5316  
sentencing court shall impose on the offender the prison term 5317  
specified under division (B) (1) (a) of this section for each of 5318  
the two most serious specifications of which the offender is 5319  
convicted or to which the offender pleads guilty and, in its 5320  
discretion, also may impose on the offender the prison term 5321  
specified under that division for any or all of the remaining 5322  
specifications. 5323

(2) (a) If division (B) (2) (b) of this section does not 5324  
apply, the court may impose on an offender, in addition to the 5325  
longest prison term authorized or required for the offense or, 5326  
for offenses for which division (A) (1) (a) or (2) (a) of this 5327  
section applies, in addition to the longest minimum prison term 5328  
authorized or required for the offense, an additional definite 5329  
prison term of one, two, three, four, five, six, seven, eight, 5330  
nine, or ten years if all of the following criteria are met: 5331

(i) The offender is convicted of or pleads guilty to a 5332  
specification of the type described in section 2941.149 of the 5333  
Revised Code that the offender is a repeat violent offender. 5334

(ii) The offense of which the offender currently is 5335  
convicted or to which the offender currently pleads guilty is 5336  
aggravated murder and the court does not impose a sentence of 5337  
death or life imprisonment without parole, murder, terrorism and 5338  
the court does not impose a sentence of life imprisonment 5339  
without parole, any felony of the first degree that is an 5340  
offense of violence and the court does not impose a sentence of 5341

life imprisonment without parole, or any felony of the second 5342  
degree that is an offense of violence and the trier of fact 5343  
finds that the offense involved an attempt to cause or a threat 5344  
to cause serious physical harm to a person or resulted in 5345  
serious physical harm to a person. 5346

(iii) The court imposes the longest prison term for the 5347  
offense or the longest minimum prison term for the offense, 5348  
whichever is applicable, that is not life imprisonment without 5349  
parole. 5350

(iv) The court finds that the prison terms imposed 5351  
pursuant to division (B) (2) (a) (iii) of this section and, if 5352  
applicable, division (B) (1) or (3) of this section are 5353  
inadequate to punish the offender and protect the public from 5354  
future crime, because the applicable factors under section 5355  
2929.12 of the Revised Code indicating a greater likelihood of 5356  
recidivism outweigh the applicable factors under that section 5357  
indicating a lesser likelihood of recidivism. 5358

(v) The court finds that the prison terms imposed pursuant 5359  
to division (B) (2) (a) (iii) of this section and, if applicable, 5360  
division (B) (1) or (3) of this section are demeaning to the 5361  
seriousness of the offense, because one or more of the factors 5362  
under section 2929.12 of the Revised Code indicating that the 5363  
offender's conduct is more serious than conduct normally 5364  
constituting the offense are present, and they outweigh the 5365  
applicable factors under that section indicating that the 5366  
offender's conduct is less serious than conduct normally 5367  
constituting the offense. 5368

(b) The court shall impose on an offender the longest 5369  
prison term authorized or required for the offense or, for 5370  
offenses for which division (A) (1) (a) or (2) (a) of this section 5371

applies, the longest minimum prison term authorized or required 5372  
for the offense, and shall impose on the offender an additional 5373  
definite prison term of one, two, three, four, five, six, seven, 5374  
eight, nine, or ten years if all of the following criteria are 5375  
met: 5376

(i) The offender is convicted of or pleads guilty to a 5377  
specification of the type described in section 2941.149 of the 5378  
Revised Code that the offender is a repeat violent offender. 5379

(ii) The offender within the preceding twenty years has 5380  
been convicted of or pleaded guilty to three or more offenses 5381  
described in division (CC)(1) of section 2929.01 of the Revised 5382  
Code, including all offenses described in that division of which 5383  
the offender is convicted or to which the offender pleads guilty 5384  
in the current prosecution and all offenses described in that 5385  
division of which the offender previously has been convicted or 5386  
to which the offender previously pleaded guilty, whether 5387  
prosecuted together or separately. 5388

(iii) The offense or offenses of which the offender 5389  
currently is convicted or to which the offender currently pleads 5390  
guilty is aggravated murder and the court does not impose a 5391  
sentence of death or life imprisonment without parole, murder, 5392  
terrorism and the court does not impose a sentence of life 5393  
imprisonment without parole, any felony of the first degree that 5394  
is an offense of violence and the court does not impose a 5395  
sentence of life imprisonment without parole, or any felony of 5396  
the second degree that is an offense of violence and the trier 5397  
of fact finds that the offense involved an attempt to cause or a 5398  
threat to cause serious physical harm to a person or resulted in 5399  
serious physical harm to a person. 5400

(c) For purposes of division (B)(2)(b) of this section, 5401

two or more offenses committed at the same time or as part of 5402  
the same act or event shall be considered one offense, and that 5403  
one offense shall be the offense with the greatest penalty. 5404

(d) A sentence imposed under division (B)(2)(a) or (b) of 5405  
this section shall not be reduced pursuant to section 2929.20, 5406  
section 2967.19, or section 2967.193, or any other provision of 5407  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 5408  
shall serve an additional prison term imposed under division (B) 5409  
(2)(a) or (b) of this section consecutively to and prior to the 5410  
prison term imposed for the underlying offense. 5411

(e) When imposing a sentence pursuant to division (B)(2) 5412  
(a) or (b) of this section, the court shall state its findings 5413  
explaining the imposed sentence. 5414

(3) Except when an offender commits a violation of section 5415  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 5416  
for the violation is life imprisonment or commits a violation of 5417  
section 2903.02 of the Revised Code, if the offender commits a 5418  
violation of section 2925.03, 2925.031, 2925.032, or 2925.11 of 5419  
the Revised Code and that section classifies the offender as a 5420  
major drug offender, if the offender commits a violation of 5421  
section 2925.05 of the Revised Code and division (E)(1) of that 5422  
section classifies the offender as a major drug offender, if the 5423  
offender commits a felony violation of section 2925.02, 2925.04, 5424  
2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, 5425  
or 4729.61, division (C) or (D) of section 3719.172, division 5426  
(E) of section 4729.51, or division (J) of section 4729.54 of 5427  
the Revised Code that includes the sale, offer to sell, or 5428  
possession of a schedule I or II controlled substance, with the 5429  
exception of marihuana, and the court imposing sentence upon the 5430  
offender finds that the offender is guilty of a specification of 5431

the type described in division (A) of section 2941.1410 of the Revised Code charging that the offender is a major drug offender, if the court imposing sentence upon an offender for a felony finds that the offender is guilty of corrupt activity with the most serious offense in the pattern of corrupt activity being a felony of the first degree, or if the offender is guilty of an attempted violation of section 2907.02 of the Revised Code and, had the offender completed the violation of section 2907.02 of the Revised Code that was attempted, the offender would have been subject to a sentence of life imprisonment or life imprisonment without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a mandatory prison term determined as described in this division that, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, cannot be reduced pursuant to section 2929.20, section 2967.19, or any other provision of Chapter 2967. or 5120. of the Revised Code. The mandatory prison term shall be the maximum definite prison term prescribed in division (A)(1)(b) of this section for a felony of the first degree, except that for offenses for which division (A)(1)(a) of this section applies, the mandatory prison term shall be the longest minimum prison term prescribed in that division for the offense.

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A)(4) of this section, may sentence the offender to a definite prison term of

not less than six months and not more than thirty months, and if 5463  
the offender is being sentenced for a third degree felony OVI 5464  
offense, the sentencing court may sentence the offender to an 5465  
additional prison term of any duration specified in division (A) 5466  
(3) of this section. In either case, the additional prison term 5467  
imposed shall be reduced by the sixty or one hundred twenty days 5468  
imposed upon the offender as the mandatory prison term. The 5469  
total of the additional prison term imposed under division (B) 5470  
(4) of this section plus the sixty or one hundred twenty days 5471  
imposed as the mandatory prison term shall equal a definite term 5472  
in the range of six months to thirty months for a fourth degree 5473  
felony OVI offense and shall equal one of the authorized prison 5474  
terms specified in division (A) (3) of this section for a third 5475  
degree felony OVI offense. If the court imposes an additional 5476  
prison term under division (B) (4) of this section, the offender 5477  
shall serve the additional prison term after the offender has 5478  
served the mandatory prison term required for the offense. In 5479  
addition to the mandatory prison term or mandatory and 5480  
additional prison term imposed as described in division (B) (4) 5481  
of this section, the court also may sentence the offender to a 5482  
community control sanction under section 2929.16 or 2929.17 of 5483  
the Revised Code, but the offender shall serve all of the prison 5484  
terms so imposed prior to serving the community control 5485  
sanction. 5486

If the offender is being sentenced for a fourth degree 5487  
felony OVI offense under division (G) (1) of section 2929.13 of 5488  
the Revised Code and the court imposes a mandatory term of local 5489  
incarceration, the court may impose a prison term as described 5490  
in division (A) (1) of that section. 5491

(5) If an offender is convicted of or pleads guilty to a 5492  
violation of division (A) (1) or (2) of section 2903.06 of the 5493

Revised Code and also is convicted of or pleads guilty to a 5494  
specification of the type described in section 2941.1414 of the 5495  
Revised Code that charges that the victim of the offense is a 5496  
peace officer, as defined in section 2935.01 of the Revised 5497  
Code, or an investigator of the bureau of criminal 5498  
identification and investigation, as defined in section 2903.11 5499  
of the Revised Code, the court shall impose on the offender a 5500  
prison term of five years. If a court imposes a prison term on 5501  
an offender under division (B) (5) of this section, the prison 5502  
term, subject to divisions (C) to (I) of section 2967.19 of the 5503  
Revised Code, shall not be reduced pursuant to section 2929.20, 5504  
section 2967.19, section 2967.193, or any other provision of 5505  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 5506  
shall not impose more than one prison term on an offender under 5507  
division (B) (5) of this section for felonies committed as part 5508  
of the same act. 5509

(6) If an offender is convicted of or pleads guilty to a 5510  
violation of division (A) (1) or (2) of section 2903.06 of the 5511  
Revised Code and also is convicted of or pleads guilty to a 5512  
specification of the type described in section 2941.1415 of the 5513  
Revised Code that charges that the offender previously has been 5514  
convicted of or pleaded guilty to three or more violations of 5515  
division (A) or (B) of section 4511.19 of the Revised Code or an 5516  
equivalent offense, as defined in section 2941.1415 of the 5517  
Revised Code, or three or more violations of any combination of 5518  
those divisions and offenses, the court shall impose on the 5519  
offender a prison term of three years. If a court imposes a 5520  
prison term on an offender under division (B) (6) of this 5521  
section, the prison term, subject to divisions (C) to (I) of 5522  
section 2967.19 of the Revised Code, shall not be reduced 5523  
pursuant to section 2929.20, section 2967.19, section 2967.193, 5524

or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (6) of this section for felonies committed as part of the same act.

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

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

(ii) If the offense is a felony of the second or third degree, a definite prison term of not less than three years and not greater than the maximum prison term allowed for the offense by division (A) (2) (b) or (3) of this section, except that if the offense is a felony of the second degree committed on or after the effective date of this amendment, the court shall impose as the minimum prison term a mandatory term of not less than three years and not greater than eight years;

(iii) If the offense is a felony of the fourth or fifth

degree, a definite prison term that is the maximum prison term 5555  
allowed for the offense by division (A) of section 2929.14 of 5556  
the Revised Code. 5557

(b) Subject to divisions (C) to (I) of section 2967.19 of 5558  
the Revised Code, the prison term imposed under division (B) (7) 5559  
(a) of this section shall not be reduced pursuant to section 5560  
2929.20, section 2967.19, section 2967.193, or any other 5561  
provision of Chapter 2967. of the Revised Code. A court shall 5562  
not impose more than one prison term on an offender under 5563  
division (B) (7) (a) of this section for felonies committed as 5564  
part of the same act, scheme, or plan. 5565

(8) If an offender is convicted of or pleads guilty to a 5566  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 5567  
Revised Code and also is convicted of or pleads guilty to a 5568  
specification of the type described in section 2941.1423 of the 5569  
Revised Code that charges that the victim of the violation was a 5570  
woman whom the offender knew was pregnant at the time of the 5571  
violation, notwithstanding the range prescribed in division (A) 5572  
of this section as the definite prison term or minimum prison 5573  
term for felonies of the same degree as the violation, the court 5574  
shall impose on the offender a mandatory prison term that is 5575  
either a definite prison term of six months or one of the prison 5576  
terms prescribed in division (A) of this section for felonies of 5577  
the same degree as the violation, except that if the violation 5578  
is a felony of the first or second degree committed on or after 5579  
the effective date of this amendment, the court shall impose as 5580  
the minimum prison term under division (A) (1) (a) or (2) (a) of 5581  
this section a mandatory term that is one of the terms 5582  
prescribed in that division, whichever is applicable, for the 5583  
offense. 5584

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

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

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

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

(c) The provisions of divisions (B) (9) and (C) (6) of this section and of division (D) (2) of section 2903.11, division (F) (20) of section 2929.13, and section 2941.1425 of the Revised

Code shall be known as "Judy's Law." 5615

(10) If an offender is convicted of or pleads guilty to a 5616  
violation of division (A) of section 2903.11 of the Revised Code 5617  
and also is convicted of or pleads guilty to a specification of 5618  
the type described in section 2941.1426 of the Revised Code that 5619  
charges that the victim of the offense suffered permanent 5620  
disabling harm as a result of the offense and that the victim 5621  
was under ten years of age at the time of the offense, 5622  
regardless of whether the offender knew the age of the victim, 5623  
the court shall impose upon the offender an additional definite 5624  
prison term of six years. A prison term imposed on an offender 5625  
under division (B) (10) of this section shall not be reduced 5626  
pursuant to section 2929.20, section 2967.193, or any other 5627  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 5628  
If a court imposes an additional prison term on an offender 5629  
under this division relative to a violation of division (A) of 5630  
section 2903.11 of the Revised Code, the court shall not impose 5631  
any other additional prison term on the offender relative to the 5632  
same offense. 5633

(11) If an offender is convicted of or pleads guilty to a 5634  
felony violation of section 2925.03, 2925.031, 2925.032, or 5635  
2925.05 of the Revised Code or a felony violation of section 5636  
2925.11 of the Revised Code for which division (C) (11) of that 5637  
section applies in determining the sentence for the violation, 5638  
if the drug involved in the violation is a fentanyl-related 5639  
compound or a compound, mixture, preparation, or substance 5640  
containing a fentanyl-related compound, and if the offender also 5641  
is convicted of or pleads guilty to a specification of the type 5642  
described in division (B) of section 2941.1410 of the Revised 5643  
Code that charges that the offender is a major drug offender, in 5644  
addition to any other penalty imposed for the violation, the 5645

court shall impose on the offender a mandatory prison term of 5646  
three, four, five, six, seven, or eight years. If a court 5647  
imposes a prison term on an offender under division (B) (11) of 5648  
this section, the prison term, subject to divisions (C) to (I) 5649  
of section 2967.19 of the Revised Code, shall not be reduced 5650  
pursuant to section 2929.20, 2967.19, or 2967.193, or any other 5651  
provision of Chapter 2967. or 5120. of the Revised Code. A court 5652  
shall not impose more than one prison term on an offender under 5653  
division (B) (11) of this section for felonies committed as part 5654  
of the same act. 5655

(C) (1) (a) Subject to division (C) (1) (b) of this section, 5656  
if a mandatory prison term is imposed upon an offender pursuant 5657  
to division (B) (1) (a) of this section for having a firearm on or 5658  
about the offender's person or under the offender's control 5659  
while committing a felony, if a mandatory prison term is imposed 5660  
upon an offender pursuant to division (B) (1) (c) of this section 5661  
for committing a felony specified in that division by 5662  
discharging a firearm from a motor vehicle, or if both types of 5663  
mandatory prison terms are imposed, the offender shall serve any 5664  
mandatory prison term imposed under either division 5665  
consecutively to any other mandatory prison term imposed under 5666  
either division or under division (B) (1) (d) of this section, 5667  
consecutively to and prior to any prison term imposed for the 5668  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 5669  
this section or any other section of the Revised Code, and 5670  
consecutively to any other prison term or mandatory prison term 5671  
previously or subsequently imposed upon the offender. 5672

(b) If a mandatory prison term is imposed upon an offender 5673  
pursuant to division (B) (1) (d) of this section for wearing or 5674  
carrying body armor while committing an offense of violence that 5675  
is a felony, the offender shall serve the mandatory term so 5676

imposed consecutively to any other mandatory prison term imposed 5677  
under that division or under division (B) (1) (a) or (c) of this 5678  
section, consecutively to and prior to any prison term imposed 5679  
for the underlying felony under division (A), (B) (2), or (B) (3) 5680  
of this section or any other section of the Revised Code, and 5681  
consecutively to any other prison term or mandatory prison term 5682  
previously or subsequently imposed upon the offender. 5683

(c) If a mandatory prison term is imposed upon an offender 5684  
pursuant to division (B) (1) (f) of this section, the offender 5685  
shall serve the mandatory prison term so imposed consecutively 5686  
to and prior to any prison term imposed for the underlying 5687  
felony under division (A), (B) (2), or (B) (3) of this section or 5688  
any other section of the Revised Code, and consecutively to any 5689  
other prison term or mandatory prison term previously or 5690  
subsequently imposed upon the offender. 5691

(d) If a mandatory prison term is imposed upon an offender 5692  
pursuant to division (B) (7) or (8) of this section, the offender 5693  
shall serve the mandatory prison term so imposed consecutively 5694  
to any other mandatory prison term imposed under that division 5695  
or under any other provision of law and consecutively to any 5696  
other prison term or mandatory prison term previously or 5697  
subsequently imposed upon the offender. 5698

(e) If a mandatory prison term is imposed upon an offender 5699  
pursuant to division (B) ~~(10)~~ (11) of this section, the offender 5700  
shall serve the mandatory prison term consecutively to any other 5701  
mandatory prison term imposed under that division, consecutively 5702  
to and prior to any prison term imposed for the underlying 5703  
felony, and consecutively to any other prison term or mandatory 5704  
prison term previously or subsequently imposed upon the 5705  
offender. 5706

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

(3) If a prison term is imposed for a violation of division (B) of section 2911.01 of the Revised Code, a violation of division (A) of section 2913.02 of the Revised Code in which the stolen property is a firearm or dangerous ordnance, or a felony violation of division (B) of section 2921.331 of the Revised Code, the offender shall serve that prison term consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(4) If multiple prison terms are imposed on an offender for convictions of multiple offenses, the court may require the offender to serve the prison terms consecutively if the court finds that the consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the

offender poses to the public, and if the court also finds any of 5738  
the following: 5739

(a) The offender committed one or more of the multiple 5740  
offenses while the offender was awaiting trial or sentencing, 5741  
was under a sanction imposed pursuant to section 2929.16, 5742  
2929.17, or 2929.18 of the Revised Code, or was under post- 5743  
release control for a prior offense. 5744

(b) At least two of the multiple offenses were committed 5745  
as part of one or more courses of conduct, and the harm caused 5746  
by two or more of the multiple offenses so committed was so 5747  
great or unusual that no single prison term for any of the 5748  
offenses committed as part of any of the courses of conduct 5749  
adequately reflects the seriousness of the offender's conduct. 5750

(c) The offender's history of criminal conduct 5751  
demonstrates that consecutive sentences are necessary to protect 5752  
the public from future crime by the offender. 5753

(5) If a mandatory prison term is imposed upon an offender 5754  
pursuant to division (B) (5) or (6) of this section, the offender 5755  
shall serve the mandatory prison term consecutively to and prior 5756  
to any prison term imposed for the underlying violation of 5757  
division (A) (1) or (2) of section 2903.06 of the Revised Code 5758  
pursuant to division (A) of this section or section 2929.142 of 5759  
the Revised Code. If a mandatory prison term is imposed upon an 5760  
offender pursuant to division (B) (5) of this section, and if a 5761  
mandatory prison term also is imposed upon the offender pursuant 5762  
to division (B) (6) of this section in relation to the same 5763  
violation, the offender shall serve the mandatory prison term 5764  
imposed pursuant to division (B) (5) of this section 5765  
consecutively to and prior to the mandatory prison term imposed 5766  
pursuant to division (B) (6) of this section and consecutively to 5767

and prior to any prison term imposed for the underlying 5768  
violation of division (A) (1) or (2) of section 2903.06 of the 5769  
Revised Code pursuant to division (A) of this section or section 5770  
2929.142 of the Revised Code. 5771

(6) If a mandatory prison term is imposed on an offender 5772  
pursuant to division (B) (9) of this section, the offender shall 5773  
serve the mandatory prison term consecutively to and prior to 5774  
any prison term imposed for the underlying violation of division 5775  
(A) (1) or (2) of section 2903.11 of the Revised Code and 5776  
consecutively to and prior to any other prison term or mandatory 5777  
prison term previously or subsequently imposed on the offender. 5778

(7) If a mandatory prison term is imposed on an offender 5779  
pursuant to division (B) (10) of this section, the offender shall 5780  
serve that mandatory prison term consecutively to and prior to 5781  
any prison term imposed for the underlying felonious assault. 5782  
Except as otherwise provided in division (C) of this section, 5783  
any other prison term or mandatory prison term previously or 5784  
subsequently imposed upon the offender may be served 5785  
concurrently with, or consecutively to, the prison term imposed 5786  
pursuant to division (B) (10) of this section. 5787

(8) Any prison term imposed for a violation of section 5788  
2903.04 of the Revised Code that is based on a violation of 5789  
section 2925.03 ~~or, 2925.031, 2925.032, 2925.11, 2925.111, or~~ 5790  
2925.112 of the Revised Code or on a violation of section 5791  
2925.05 of the Revised Code that is not funding of marihuana 5792  
trafficking shall run consecutively to any prison term imposed 5793  
for the violation of section 2925.03 ~~or, 2925.031, 2925.032,~~ 5794  
2925.11, 2925.111, or 2925.112 of the Revised Code or for the 5795  
violation of section 2925.05 of the Revised Code that is not 5796  
funding of marihuana trafficking. 5797

(9) When consecutive prison terms are imposed pursuant to 5798  
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 5799  
division (H) (1) or (2) of this section, subject to division (C) 5800  
(8) of this section, the term to be served is the aggregate of 5801  
all of the terms so imposed. 5802

(10) When a court sentences an offender to a non-life 5803  
felony indefinite prison term, any definite prison term or 5804  
mandatory definite prison term previously or subsequently 5805  
imposed on the offender in addition to that indefinite sentence 5806  
that is required to be served consecutively to that indefinite 5807  
sentence shall be served prior to the indefinite sentence. 5808

(11) If a court is sentencing an offender for a felony of 5809  
the first or second degree, if division (A) (1) (a) or (2) (a) of 5810  
this section applies with respect to the sentencing for the 5811  
offense, and if the court is required under the Revised Code 5812  
section that sets forth the offense or any other Revised Code 5813  
provision to impose a mandatory prison term for the offense, the 5814  
court shall impose the required mandatory prison term as the 5815  
minimum term imposed under division (A) (1) (a) or (2) (a) of this 5816  
section, whichever is applicable. 5817

(D) (1) If a court imposes a prison term, other than a term 5818  
of life imprisonment, for a felony of the first degree, for a 5819  
felony of the second degree, for a felony sex offense, or for a 5820  
felony of the third degree that is an offense of violence and 5821  
that is not a felony sex offense, it shall include in the 5822  
sentence a requirement that the offender be subject to a period 5823  
of post-release control after the offender's release from 5824  
imprisonment, in accordance with section 2967.28 of the Revised 5825  
Code. If a court imposes a sentence including a prison term of a 5826  
type described in this division on or after July 11, 2006, the 5827

failure of a court to include a post-release control requirement 5828  
in the sentence pursuant to this division does not negate, 5829  
limit, or otherwise affect the mandatory period of post-release 5830  
control that is required for the offender under division (B) of 5831  
section 2967.28 of the Revised Code. Section 2929.191 of the 5832  
Revised Code applies if, prior to July 11, 2006, a court imposed 5833  
a sentence including a prison term of a type described in this 5834  
division and failed to include in the sentence pursuant to this 5835  
division a statement regarding post-release control. 5836

(2) If a court imposes a prison term for a felony of the 5837  
third, fourth, or fifth degree that is not subject to division 5838  
(D)(1) of this section, it shall include in the sentence a 5839  
requirement that the offender be subject to a period of post- 5840  
release control after the offender's release from imprisonment, 5841  
in accordance with that division, if the parole board determines 5842  
that a period of post-release control is necessary. Section 5843  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 5844  
a court imposed a sentence including a prison term of a type 5845  
described in this division and failed to include in the sentence 5846  
pursuant to this division a statement regarding post-release 5847  
control. 5848

(E) The court shall impose sentence upon the offender in 5849  
accordance with section 2971.03 of the Revised Code, and Chapter 5850  
2971. of the Revised Code applies regarding the prison term or 5851  
term of life imprisonment without parole imposed upon the 5852  
offender and the service of that term of imprisonment if any of 5853  
the following apply: 5854

(1) A person is convicted of or pleads guilty to a violent 5855  
sex offense or a designated homicide, assault, or kidnapping 5856  
offense, and, in relation to that offense, the offender is 5857

adjudicated a sexually violent predator. 5858

(2) A person is convicted of or pleads guilty to a 5859  
violation of division (A) (1) (b) of section 2907.02 of the 5860  
Revised Code committed on or after January 2, 2007, and either 5861  
the court does not impose a sentence of life without parole when 5862  
authorized pursuant to division (B) of section 2907.02 of the 5863  
Revised Code, or division (B) of section 2907.02 of the Revised 5864  
Code provides that the court shall not sentence the offender 5865  
pursuant to section 2971.03 of the Revised Code. 5866

(3) A person is convicted of or pleads guilty to attempted 5867  
rape committed on or after January 2, 2007, and a specification 5868  
of the type described in section 2941.1418, 2941.1419, or 5869  
2941.1420 of the Revised Code. 5870

(4) A person is convicted of or pleads guilty to a 5871  
violation of section 2905.01 of the Revised Code committed on or 5872  
after January 1, 2008, and that section requires the court to 5873  
sentence the offender pursuant to section 2971.03 of the Revised 5874  
Code. 5875

(5) A person is convicted of or pleads guilty to 5876  
aggravated murder committed on or after January 1, 2008, and 5877  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 5878  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 5879  
(d) of section 2929.03, or division (A) or (B) of section 5880  
2929.06 of the Revised Code requires the court to sentence the 5881  
offender pursuant to division (B) (3) of section 2971.03 of the 5882  
Revised Code. 5883

(6) A person is convicted of or pleads guilty to murder 5884  
committed on or after January 1, 2008, and division (B) (2) of 5885  
section 2929.02 of the Revised Code requires the court to 5886

sentence the offender pursuant to section 2971.03 of the Revised Code. 5887  
5888

(F) If a person who has been convicted of or pleaded 5889  
guilty to a felony is sentenced to a prison term or term of 5890  
imprisonment under this section, sections 2929.02 to 2929.06 of 5891  
the Revised Code, section 2929.142 of the Revised Code, section 5892  
2971.03 of the Revised Code, or any other provision of law, 5893  
section 5120.163 of the Revised Code applies regarding the 5894  
person while the person is confined in a state correctional 5895  
institution. 5896

(G) If an offender who is convicted of or pleads guilty to 5897  
a felony that is an offense of violence also is convicted of or 5898  
pleads guilty to a specification of the type described in 5899  
section 2941.142 of the Revised Code that charges the offender 5900  
with having committed the felony while participating in a 5901  
criminal gang, the court shall impose upon the offender an 5902  
additional prison term of one, two, or three years. 5903

(H) (1) If an offender who is convicted of or pleads guilty 5904  
to aggravated murder, murder, or a felony of the first, second, 5905  
or third degree that is an offense of violence also is convicted 5906  
of or pleads guilty to a specification of the type described in 5907  
section 2941.143 of the Revised Code that charges the offender 5908  
with having committed the offense in a school safety zone or 5909  
towards a person in a school safety zone, the court shall impose 5910  
upon the offender an additional prison term of two years. The 5911  
offender shall serve the additional two years consecutively to 5912  
and prior to the prison term imposed for the underlying offense. 5913

(2) (a) If an offender is convicted of or pleads guilty to 5914  
a felony violation of section 2907.22, 2907.24, 2907.241, or 5915  
2907.25 of the Revised Code and to a specification of the type 5916

described in section 2941.1421 of the Revised Code and if the 5917  
court imposes a prison term on the offender for the felony 5918  
violation, the court may impose upon the offender an additional 5919  
prison term as follows: 5920

(i) Subject to division (H)(2)(a)(ii) of this section, an 5921  
additional prison term of one, two, three, four, five, or six 5922  
months; 5923

(ii) If the offender previously has been convicted of or 5924  
pleaded guilty to one or more felony or misdemeanor violations 5925  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 5926  
the Revised Code and also was convicted of or pleaded guilty to 5927  
a specification of the type described in section 2941.1421 of 5928  
the Revised Code regarding one or more of those violations, an 5929  
additional prison term of one, two, three, four, five, six, 5930  
seven, eight, nine, ten, eleven, or twelve months. 5931

(b) In lieu of imposing an additional prison term under 5932  
division (H)(2)(a) of this section, the court may directly 5933  
impose on the offender a sanction that requires the offender to 5934  
wear a real-time processing, continual tracking electronic 5935  
monitoring device during the period of time specified by the 5936  
court. The period of time specified by the court shall equal the 5937  
duration of an additional prison term that the court could have 5938  
imposed upon the offender under division (H)(2)(a) of this 5939  
section. A sanction imposed under this division shall commence 5940  
on the date specified by the court, provided that the sanction 5941  
shall not commence until after the offender has served the 5942  
prison term imposed for the felony violation of section 2907.22, 5943  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 5944  
residential sanction imposed for the violation under section 5945  
2929.16 of the Revised Code. A sanction imposed under this 5946

division shall be considered to be a community control sanction 5947  
for purposes of section 2929.15 of the Revised Code, and all 5948  
provisions of the Revised Code that pertain to community control 5949  
sanctions shall apply to a sanction imposed under this division, 5950  
except to the extent that they would by their nature be clearly 5951  
inapplicable. The offender shall pay all costs associated with a 5952  
sanction imposed under this division, including the cost of the 5953  
use of the monitoring device. 5954

(I) At the time of sentencing, the court may recommend the 5955  
offender for placement in a program of shock incarceration under 5956  
section 5120.031 of the Revised Code or for placement in an 5957  
intensive program prison under section 5120.032 of the Revised 5958  
Code, disapprove placement of the offender in a program of shock 5959  
incarceration or an intensive program prison of that nature, or 5960  
make no recommendation on placement of the offender. In no case 5961  
shall the department of rehabilitation and correction place the 5962  
offender in a program or prison of that nature unless the 5963  
department determines as specified in section 5120.031 or 5964  
5120.032 of the Revised Code, whichever is applicable, that the 5965  
offender is eligible for the placement. 5966

If the court disapproves placement of the offender in a 5967  
program or prison of that nature, the department of 5968  
rehabilitation and correction shall not place the offender in 5969  
any program of shock incarceration or intensive program prison. 5970

If the court recommends placement of the offender in a 5971  
program of shock incarceration or in an intensive program 5972  
prison, and if the offender is subsequently placed in the 5973  
recommended program or prison, the department shall notify the 5974  
court of the placement and shall include with the notice a brief 5975  
description of the placement. 5976

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

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

(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (c) of that section applies, the person shall be sentenced pursuant to section 2929.142 of the Revised Code.

(K) (1) The court shall impose an additional mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years on an offender who is convicted of or pleads guilty to a violent felony offense if the offender also

is convicted of or pleads guilty to a specification of the type 6007  
described in section 2941.1424 of the Revised Code that charges 6008  
that the offender is a violent career criminal and had a firearm 6009  
on or about the offender's person or under the offender's 6010  
control while committing the presently charged violent felony 6011  
offense and displayed or brandished the firearm, indicated that 6012  
the offender possessed a firearm, or used the firearm to 6013  
facilitate the offense. The offender shall serve the prison term 6014  
imposed under this division consecutively to and prior to the 6015  
prison term imposed for the underlying offense. The prison term 6016  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 6017  
any other provision of Chapter 2967. or 5120. of the Revised 6018  
Code. A court may not impose more than one sentence under 6019  
division (B) (2) (a) of this section and this division for acts 6020  
committed as part of the same act or transaction. 6021

(2) As used in division (K) (1) of this section, "violent 6022  
career criminal" and "violent felony offense" have the same 6023  
meanings as in section 2923.132 of the Revised Code. 6024

**Sec. 2929.15.** (A) (1) If in sentencing an offender for a 6025  
felony the court is not required to impose a prison term, a 6026  
mandatory prison term, or a term of life imprisonment upon the 6027  
offender, the court may directly impose a sentence that consists 6028  
of one or more community control sanctions authorized pursuant 6029  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 6030  
the court is sentencing an offender for a fourth degree felony 6031  
OVI offense under division (G) (1) of section 2929.13 of the 6032  
Revised Code, in addition to the mandatory term of local 6033  
incarceration imposed under that division and the mandatory fine 6034  
required by division (B) (3) of section 2929.18 of the Revised 6035  
Code, the court may impose upon the offender a community control 6036  
sanction or combination of community control sanctions in 6037

accordance with sections 2929.16 and 2929.17 of the Revised 6038  
Code. If the court is sentencing an offender for a third or 6039  
fourth degree felony OVI offense under division (G) (2) of 6040  
section 2929.13 of the Revised Code, in addition to the 6041  
mandatory prison term or mandatory prison term and additional 6042  
prison term imposed under that division, the court also may 6043  
impose upon the offender a community control sanction or 6044  
combination of community control sanctions under section 2929.16 6045  
or 2929.17 of the Revised Code, but the offender shall serve all 6046  
of the prison terms so imposed prior to serving the community 6047  
control sanction. 6048

The duration of all community control sanctions imposed 6049  
upon an offender under this division shall not exceed five 6050  
years. If the offender absconds or otherwise leaves the 6051  
jurisdiction of the court in which the offender resides without 6052  
obtaining permission from the court or the offender's probation 6053  
officer to leave the jurisdiction of the court, or if the 6054  
offender is confined in any institution for the commission of 6055  
any offense while under a community control sanction, the period 6056  
of the community control sanction ceases to run until the 6057  
offender is brought before the court for its further action. If 6058  
the court sentences the offender to one or more nonresidential 6059  
sanctions under section 2929.17 of the Revised Code, the court 6060  
shall impose as a condition of the nonresidential sanctions 6061  
that, during the period of the sanctions, the offender must 6062  
abide by the law and must not leave the state without the 6063  
permission of the court or the offender's probation officer. The 6064  
court may impose any other conditions of release under a 6065  
community control sanction that the court considers appropriate, 6066  
including, but not limited to, requiring that the offender not 6067  
ingest or be injected with a drug of abuse and submit to random 6068

drug testing as provided in division (D) of this section to 6069  
determine whether the offender ingested or was injected with a 6070  
drug of abuse and requiring that the results of the drug test 6071  
indicate that the offender did not ingest or was not injected 6072  
with a drug of abuse. 6073

(2) (a) If a court sentences an offender to any community 6074  
control sanction or combination of community control sanctions 6075  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 6076  
the Revised Code, the court shall place the offender under the 6077  
general control and supervision of a department of probation in 6078  
the county that serves the court for purposes of reporting to 6079  
the court a violation of any condition of the sanctions, any 6080  
condition of release under a community control sanction imposed 6081  
by the court, a violation of law, or the departure of the 6082  
offender from this state without the permission of the court or 6083  
the offender's probation officer. Alternatively, if the offender 6084  
resides in another county and a county department of probation 6085  
has been established in that county or that county is served by 6086  
a multicounty probation department established under section 6087  
2301.27 of the Revised Code, the court may request the court of 6088  
common pleas of that county to receive the offender into the 6089  
general control and supervision of that county or multicounty 6090  
department of probation for purposes of reporting to the court a 6091  
violation of any condition of the sanctions, any condition of 6092  
release under a community control sanction imposed by the court, 6093  
a violation of law, or the departure of the offender from this 6094  
state without the permission of the court or the offender's 6095  
probation officer, subject to the jurisdiction of the trial 6096  
judge over and with respect to the person of the offender, and 6097  
to the rules governing that department of probation. 6098

If there is no department of probation in the county that 6099

6100 serves the court, the court shall place the offender, regardless  
6101 of the offender's county of residence, under the general control  
6102 and supervision of the adult parole authority or an entity  
6103 authorized under division (B) of section 2301.27 of the Revised  
6104 Code to provide probation and supervisory services to counties  
6105 for purposes of reporting to the court a violation of any of the  
6106 sanctions, any condition of release under a community control  
6107 sanction imposed by the court, a violation of law, or the  
6108 departure of the offender from this state without the permission  
6109 of the court or the offender's probation officer.

6110 (b) If the court imposing sentence upon an offender  
6111 sentences the offender to any community control sanction or  
6112 combination of community control sanctions authorized pursuant  
6113 to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and  
6114 if the offender violates any condition of the sanctions, any  
6115 condition of release under a community control sanction imposed  
6116 by the court, violates any law, or departs the state without the  
6117 permission of the court or the offender's probation officer, the  
6118 public or private person or entity that operates or administers  
6119 the sanction or the program or activity that comprises the  
6120 sanction shall report the violation or departure directly to the  
6121 sentencing court, or shall report the violation or departure to  
6122 the county or multicounty department of probation with general  
6123 control and supervision over the offender under division (A) (2)  
6124 (a) of this section or the officer of that department who  
6125 supervises the offender, or, if there is no such department with  
6126 general control and supervision over the offender under that  
6127 division, to the adult parole authority or an entity authorized  
6128 under division (B) of section 2301.27 of the Revised Code to  
6129 provide probation and supervisory services to the county. If the  
6130 public or private person or entity that operates or administers

the sanction or the program or activity that comprises the 6131  
sanction reports the violation or departure to the county or 6132  
multicounty department of probation, the adult parole authority, 6133  
or any other entity providing probation and supervisory services 6134  
to the county, the department's, authority's, or other entity's 6135  
officers may treat the offender as if the offender were on 6136  
probation and in violation of the probation, and shall report 6137  
the violation of the condition of the sanction, any condition of 6138  
release under a community control sanction imposed by the court, 6139  
the violation of law, or the departure from the state without 6140  
the required permission to the sentencing court. 6141

(3) If an offender who is eligible for community control 6142  
sanctions under this section admits to being drug addicted or 6143  
the court has reason to believe that the offender is drug 6144  
addicted, and if the offense for which the offender is being 6145  
sentenced was related to the addiction, the court may require 6146  
that the offender be assessed by a properly credentialed 6147  
professional within a specified period of time and shall require 6148  
the professional to file a written assessment of the offender 6149  
with the court. If a court imposes treatment and recovery 6150  
support services as a community control sanction, the court 6151  
shall direct the level and type of treatment and recovery 6152  
support services after consideration of the written assessment, 6153  
if available at the time of sentencing, and recommendations of 6154  
the professional and other treatment and recovery support 6155  
services providers. 6156

(4) If an assessment completed pursuant to division (A) (3) 6157  
of this section indicates that the offender is addicted to drugs 6158  
or alcohol, the court may include in any community control 6159  
sanction imposed for a violation of section 2925.02, 2925.03, 6160  
2925.04, 2925.05, 2925.06, 2925.11, 2925.111, 2925.112, 2925.13, 6161

2925.22, 2925.23, 2925.36, or 2925.37 of the Revised Code a 6162  
requirement that the offender participate in alcohol and drug 6163  
addiction services and recovery supports certified under section 6164  
5119.36 of the Revised Code or offered by a properly 6165  
credentialed community addiction services provider. 6166

(B) (1) If the conditions of a community control sanction 6167  
imposed for a felony are violated or if the offender violates a 6168  
law or leaves the state without the permission of the court or 6169  
the offender's probation officer, the sentencing court may 6170  
impose upon the violator one or more of the following penalties: 6171

(a) A longer time under the same sanction if the total 6172  
time under the sanctions does not exceed the five-year limit 6173  
specified in division (A) of this section; 6174

(b) A more restrictive sanction under section 2929.16, 6175  
2929.17, or 2929.18 of the Revised Code, including but not 6176  
limited to, a new term in a community-based correctional 6177  
facility, halfway house, or jail pursuant to division (A) (6) of 6178  
section 2929.16 of the Revised Code; 6179

(c) A prison term on the offender pursuant to section 6180  
2929.14 of the Revised Code and division (B) (3) of this section, 6181  
provided that a prison term imposed under this division is 6182  
subject to the following limitations, as applicable: 6183

(i) If the prison term is imposed for any technical 6184  
violation of the conditions of a community control sanction 6185  
~~imposed for a felony of the fifth degree or for any violation of~~ 6186  
~~law committed while under a community control sanction imposed~~ 6187  
~~for such a felony that consists of a new criminal offense and~~ 6188  
~~that is not a felony,~~ the prison term shall not exceed ninety 6189  
days, provided that if the remaining period of community control 6190

at the time of the violation or the remaining period of the 6191  
suspended prison sentence at that time is less than ninety days, 6192  
the prison term shall not exceed the length of the remaining 6193  
period of community control or the remaining period of the 6194  
suspended prison sentence. If the court imposes a prison term as 6195  
described in this division, division (B) (2) (b) of this section 6196  
applies. 6197

(ii) If the prison term is imposed for any technical 6198  
violation of the conditions of a community control sanction 6199  
imposed for a felony of the fourth degree that is not an offense 6200  
of violence and is not a sexually oriented offense ~~or for any~~ 6201  
~~violation of law committed while under a community control~~ 6202  
~~sanction imposed for such a felony that consists of a new~~ 6203  
~~criminal offense and that is not a felony,~~ the prison term shall 6204  
not exceed one hundred eighty days, provided that if the 6205  
remaining period of the community control at the time of the 6206  
violation or the remaining period of the suspended prison 6207  
sentence at that time is less than one hundred eighty days, the 6208  
prison term shall not exceed the length of the remaining period 6209  
of community control or the remaining period of the suspended 6210  
prison sentence. If the court imposes a prison term as described 6211  
in this division, division (B) (2) (b) of this section applies. 6212

(2) (a) If an offender was acting pursuant to division (B) 6213  
(2) (b) of section 2925.11 of the Revised Code and in so doing 6214  
violated the conditions of a community control sanction based on 6215  
a minor drug possession offense, as defined in section 2925.11 6216  
of the Revised Code, the sentencing court may consider the 6217  
offender's conduct in seeking or obtaining medical assistance 6218  
for another in good faith or for self or may consider the 6219  
offender being the subject of another person seeking or 6220  
obtaining medical assistance in accordance with that division as 6221

a mitigating factor before imposing any of the penalties 6222  
described in division (B) (1) of this section. 6223

(b) If a court imposes a prison term on an offender under 6224  
division (B) (1) (c) (i) or (ii) of this section for a technical 6225  
violation of the conditions of a community control sanction, one 6226  
of the following is applicable with respect to the time that the 6227  
offender spends in prison under the term: 6228

(i) Subject to division (B) (2) (b) (ii) of this section, it 6229  
shall be credited against the offender's community control 6230  
sanction that was being served at the time of the violation, and 6231  
the remaining time under that community control sanction shall 6232  
be reduced by the time that the offender spends in prison under 6233  
the prison term. The offender upon release from the prison term 6234  
shall continue serving the remaining time under the community 6235  
control sanction, as reduced under this division. 6236

(ii) If the offender at the time of the violation was 6237  
-serving a community control sanction as part of a suspended 6238  
prison sentence, it shall be credited against the offender's 6239  
community control sanction that was being served at the time of 6240  
the violation and against the suspended prison sentence, and the 6241  
remaining time under that community control sanction and under 6242  
the suspended prison sentence shall be reduced by the time that 6243  
the offender spends in prison under the prison term. The 6244  
offender upon release from the prison term shall continue 6245  
serving the remaining time under the community control sanction, 6246  
as reduced under this division. 6247

(c) A court is not limited in the number of times it may 6248  
sentence an offender to a prison term under division (B) (1) (c) 6249  
of this section for a violation of the conditions of a community 6250  
control sanction or for a violation of a law or leaving the 6251

state without the permission of the court or the offender's 6252  
probation officer. If an offender who is under a community 6253  
control sanction violates the conditions of the sanction or 6254  
violates a law or leaves the state without the permission of the 6255  
court or the offender's probation officer, is sentenced to a 6256  
prison term for the violation or conduct, is released from the 6257  
term after serving it, and subsequently violates the conditions 6258  
of the sanction or violates a law or leaves the state without 6259  
the permission of the court or the offender's probation officer, 6260  
the court may impose a new prison term sanction on the offender 6261  
under division (B) (1) (c) of this section for the subsequent 6262  
violation or conduct. 6263

(3) The prison term, if any, imposed upon a violator 6264  
pursuant to this division and division (B) (1) of this section 6265  
shall be within the range of prison terms described in this 6266  
division and shall not exceed the prison term specified in the 6267  
notice provided to the offender at the sentencing hearing 6268  
pursuant to division (B) (2) of section 2929.19 of the Revised 6269  
Code. The court may reduce the longer period of time that the 6270  
offender is required to spend under the longer sanction, the 6271  
more restrictive sanction, or a prison term imposed pursuant to 6272  
division (B) (1) of this section by the time the offender 6273  
successfully spent under the sanction that was initially 6274  
imposed. Except as otherwise specified in this division, the 6275  
prison term imposed under this division and division (B) (1) of 6276  
this section shall be within the range of prison terms available 6277  
as a definite term for the offense for which the sanction that 6278  
was violated was imposed. If the offense for which the sanction 6279  
that was violated was imposed is a felony of the first or second 6280  
degree committed on or after ~~the effective date of this~~ 6281  
~~amendment~~ March 22, 2019, the prison term so imposed under this 6282

division shall be within the range of prison terms available as 6283  
a minimum term for the offense under division (A) (1) (a) or (2) 6284  
(a) of section 2929.14 of the Revised Code. 6285

(4) As used in divisions (B) (1) to (3) of this section, 6286  
"technical violation" means a violation of the conditions of a 6287  
community control sanction imposed for a felony of the fifth 6288  
degree, or for a felony of the fourth degree that is not an 6289  
offense of violence and is not a sexually oriented offense, and 6290  
to which neither of the following applies: 6291

(a) The violation consists of a new criminal offense that 6292  
is a felony or that is a misdemeanor other than a minor 6293  
misdemeanor, and the violation is committed while under the 6294  
community control sanction. 6295

(b) The violation consists of or includes the offender's 6296  
articulated or demonstrated refusal to participate in the 6297  
community control sanction imposed on the offender or any of its 6298  
conditions, and the refusal demonstrates to the court that the 6299  
offender has abandoned the objects of the community control 6300  
sanction or condition. 6301

(5) As used in divisions (B) (1) and (2) of this section, 6302  
"suspended prison term" means that a prison term was imposed on 6303  
the offender for an offense and the sentencing court suspends 6304  
the prison term and places the offender under a community 6305  
control sanction that the offender serves instead of the 6306  
suspended prison term. 6307

(C) If an offender, for a significant period of time, 6308  
fulfills the conditions of a sanction imposed pursuant to 6309  
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 6310  
exemplary manner, the court may reduce the period of time under 6311

the sanction or impose a less restrictive sanction, but the 6312  
court shall not permit the offender to violate any law or permit 6313  
the offender to leave the state without the permission of the 6314  
court or the offender's probation officer. 6315

(D) (1) If a court under division (A) (1) of this section 6316  
imposes a condition of release under a community control 6317  
sanction that requires the offender to submit to random drug 6318  
testing, the department of probation, the adult parole 6319  
authority, or any other entity that has general control and 6320  
supervision of the offender under division (A) (2) (a) of this 6321  
section may cause the offender to submit to random drug testing 6322  
performed by a laboratory or entity that has entered into a 6323  
contract with any of the governmental entities or officers 6324  
authorized to enter into a contract with that laboratory or 6325  
entity under section 341.26, 753.33, or 5120.63 of the Revised 6326  
Code. 6327

(2) If no laboratory or entity described in division (D) 6328  
(1) of this section has entered into a contract as specified in 6329  
that division, the department of probation, the adult parole 6330  
authority, or any other entity that has general control and 6331  
supervision of the offender under division (A) (2) (a) of this 6332  
section shall cause the offender to submit to random drug 6333  
testing performed by a reputable public laboratory to determine 6334  
whether the individual who is the subject of the drug test 6335  
ingested or was injected with a drug of abuse. 6336

(3) A laboratory or entity that has entered into a 6337  
contract pursuant to section 341.26, 753.33, or 5120.63 of the 6338  
Revised Code shall perform the random drug tests under division 6339  
(D) (1) of this section in accordance with the applicable 6340  
standards that are included in the terms of that contract. A 6341

public laboratory shall perform the random drug tests under 6342  
division (D) (2) of this section in accordance with the standards 6343  
set forth in the policies and procedures established by the 6344  
department of rehabilitation and correction pursuant to section 6345  
5120.63 of the Revised Code. An offender who is required under 6346  
division (A) (1) of this section to submit to random drug testing 6347  
as a condition of release under a community control sanction and 6348  
whose test results indicate that the offender ingested or was 6349  
injected with a drug of abuse shall pay the fee for the drug 6350  
test if the department of probation, the adult parole authority, 6351  
or any other entity that has general control and supervision of 6352  
the offender requires payment of a fee. A laboratory or entity 6353  
that performs the random drug testing on an offender under 6354  
division (D) (1) or (2) of this section shall transmit the 6355  
results of the drug test to the appropriate department of 6356  
probation, the adult parole authority, or any other entity that 6357  
has general control and supervision of the offender under 6358  
division (A) (2) (a) of this section. 6359

**Sec. 2931.03.** The court of common pleas has original 6360  
jurisdiction of all crimes and offenses, including in cases 6361  
filed in the court under division (A) (3) of section 1901.20 or 6362  
division (A) (3) of section 1907.02 of the Revised Code, except 6363  
that the court of common pleas does not have original 6364  
jurisdiction in cases of minor offenses the exclusive 6365  
jurisdiction of which is vested in courts inferior to the court 6366  
of common pleas. 6367

A judge of a court of common pleas does not have the 6368  
authority to dismiss a criminal complaint, charge, information, 6369  
or indictment solely at the request of the complaining witness 6370  
and over the objection of the prosecuting attorney or other 6371  
chief legal officer who is responsible for the prosecution of 6372

the case. 6373

**Sec. 2941.1410.** (A) Except as provided in sections 6374  
2925.03, 2925.031, 2925.032, and 2925.11 and division (E) (1) of 6375  
section 2925.05 of the Revised Code, the determination by a 6376  
court that an offender is a major drug offender is precluded 6377  
unless the indictment, count in the indictment, or information 6378  
charging the offender specifies that the offender is a major 6379  
drug offender. The specification shall be stated at the end of 6380  
the body of the indictment, count, or information, and shall be 6381  
stated in substantially the following form: 6382

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 6383  
Grand Jurors (or insert the person's or prosecuting attorney's 6384  
name when appropriate) further find and specify that (set forth 6385  
that the offender is a major drug offender)." 6386

(B) Imposition of a three, four, five, six, seven, or 6387  
eight-year mandatory prison term upon an offender under division 6388  
(B) ~~(9)~~ (11) of section 2929.14 of the Revised Code, pursuant to 6389  
determination by a court that an offender is a major drug 6390  
offender, is precluded unless the indictment, count in the 6391  
indictment, or information charging the offender with the 6392  
violation of section 2925.03, 2925.031, 2925.032, 2925.05, or 6393  
2925.11 of the Revised Code specifies that the offender is a 6394  
major drug offender and that the drug involved in the violation 6395  
is a fentanyl-related compound or a compound, mixture, 6396  
preparation, or substance containing a fentanyl-related 6397  
compound. The specification shall be stated at the end of the 6398  
body of the indictment, count, or information, and shall be 6399  
stated in substantially the following form: 6400

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 6401  
Grand Jurors (or insert the person's or prosecuting attorney's 6402

name when appropriate) further find and specify that (set forth 6403  
that the offender is a major drug offender and the drug involved 6404  
in the violation is a fentanyl-related compound or a compound, 6405  
mixture, preparation, or substance containing a fentanyl-related 6406  
compound)."

(C) The court shall determine the issue of whether an 6408  
offender is a major drug offender. 6409

(D) As used in this section, "major drug offender" has the 6410  
same meaning as in section 2929.01 of the Revised Code. 6411

**Sec. 2945.71.** (A) Subject to division (D) of this section, 6412  
a person against whom a charge is pending in a court not of 6413  
record, or against whom a charge of minor misdemeanor is pending 6414  
in a court of record, shall be brought to trial within thirty 6415  
days after the person's arrest or the service of summons. 6416

(B) Subject to division (D) of this section, a person 6417  
against whom a charge of misdemeanor, other than a minor 6418  
misdemeanor, is pending in a court of record, shall be brought 6419  
to trial as follows: 6420

(1) Within forty-five days after the person's arrest or 6421  
the service of summons, if the offense charged is a misdemeanor 6422  
of the third or fourth degree, or other misdemeanor for which 6423  
the maximum penalty is imprisonment for not more than sixty 6424  
days; 6425

(2) Within ninety days after the person's arrest or the 6426  
service of summons, if the offense charged is a misdemeanor of 6427  
the first or second degree, or other misdemeanor for which the 6428  
maximum penalty is imprisonment for more than sixty days; 6429

(3) Within two hundred seventy days after the person's 6430  
arrest or the service of summons, if the offense charged is an 6431

unclassified misdemeanor arising out of a violation of section 6432  
2925.11 or 2925.112 of the Revised Code. 6433

(C) A person against whom a charge of felony is pending: 6434

(1) Notwithstanding any provisions to the contrary in 6435  
Criminal Rule 5(B), shall be accorded a preliminary hearing 6436  
within fifteen consecutive days after the person's arrest if the 6437  
accused is not held in jail in lieu of bail on the pending 6438  
charge or within ten consecutive days after the person's arrest 6439  
if the accused is held in jail in lieu of bail on the pending 6440  
charge; 6441

(2) Shall be brought to trial within two hundred seventy 6442  
days after the person's arrest. 6443

(D) A person against whom one or more charges of different 6444  
degrees, whether felonies, misdemeanors, or combinations of 6445  
felonies and misdemeanors, all of which arose out of the same 6446  
act or transaction, are pending shall be brought to trial on all 6447  
of the charges within the time period required for the highest 6448  
degree of offense charged, as determined under divisions (A), 6449  
(B), and (C) of this section. 6450

(E) For purposes of computing time under divisions (A), 6451  
(B), (C) (2), and (D) of this section, each day during which the 6452  
accused is held in jail in lieu of bail on the pending charge 6453  
shall be counted as three days. This division does not apply for 6454  
purposes of computing time under division (C) (1) of this 6455  
section. 6456

(F) This section shall not be construed to modify in any 6457  
way section 2941.401 or sections 2963.30 to 2963.35 of the 6458  
Revised Code. 6459

**Sec. 2953.31.** As used in sections 2953.31 to 2953.36 of 6460

the Revised Code: 6461

(A) (1) "Eligible offender" means either of the following: 6462

(a) Anyone who has been convicted of one or more offenses, 6463  
but not more than five felonies, in this state or any other 6464  
jurisdiction, if all of the offenses in this state are felonies 6465  
of the fourth or fifth degree ~~or,~~ misdemeanors, or reclassified 6466  
misdemeanor drug possession offenses and none of those offenses 6467  
are an offense of violence or a felony sex offense and all of 6468  
the offenses in another jurisdiction, if committed in this 6469  
state, would be felonies of the fourth or fifth degree ~~or,~~ 6470  
misdemeanors, or reclassified misdemeanor drug possession 6471  
offenses and none of those offenses would be an offense of 6472  
violence or a felony sex offense; 6473

(b) Anyone who has been convicted of an offense in this 6474  
state or any other jurisdiction, to whom division (A) (1) (a) of 6475  
this section does not apply, and who has not more than one 6476  
felony conviction, not more than two misdemeanor convictions, or 6477  
not more than one felony conviction and one misdemeanor 6478  
conviction in this state or any other jurisdiction. When two or 6479  
more convictions result from or are connected with the same act 6480  
or result from offenses committed at the same time, they shall 6481  
be counted as one conviction. When two or three convictions 6482  
result from the same indictment, information, or complaint, from 6483  
the same plea of guilty, or from the same official proceeding, 6484  
and result from related criminal acts that were committed within 6485  
a three-month period but do not result from the same act or from 6486  
offenses committed at the same time, they shall be counted as 6487  
one conviction, provided that a court may decide as provided in 6488  
division (C) (1) (a) of section 2953.32 of the Revised Code that 6489  
it is not in the public interest for the two or three 6490

convictions to be counted as one conviction. 6491

(2) For purposes of, and except as otherwise provided in, 6492  
division (A)(1)(b) of this section, a conviction for a minor 6493  
misdemeanor, for a violation of any section in Chapter 4507., 6494  
4510., 4511., 4513., or 4549. of the Revised Code, or for a 6495  
violation of a municipal ordinance that is substantially similar 6496  
to any section in those chapters is not a conviction. However, a 6497  
conviction for a violation of section 4511.19, 4511.251, 6498  
4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections 6499  
4549.41 to 4549.46 of the Revised Code, for a violation of 6500  
section 4510.11 or 4510.14 of the Revised Code that is based 6501  
upon the offender's operation of a vehicle during a suspension 6502  
imposed under section 4511.191 or 4511.196 of the Revised Code, 6503  
for a violation of a substantially equivalent municipal 6504  
ordinance, for a felony violation of Title XLV of the Revised 6505  
Code, or for a violation of a substantially equivalent former 6506  
law of this state or former municipal ordinance shall be 6507  
considered a conviction. 6508

(B) "Prosecutor" means the county prosecuting attorney, 6509  
city director of law, village solicitor, or similar chief legal 6510  
officer, who has the authority to prosecute a criminal case in 6511  
the court in which the case is filed. 6512

(C) "Bail forfeiture" means the forfeiture of bail by a 6513  
defendant who is arrested for the commission of a misdemeanor, 6514  
other than a defendant in a traffic case as defined in Traffic 6515  
Rule 2, if the forfeiture is pursuant to an agreement with the 6516  
court and prosecutor in the case. 6517

(D) "Official records" has the same meaning as in division 6518  
(D) of section 2953.51 of the Revised Code. 6519

(E) "Official proceeding" has the same meaning as in section 2921.01 of the Revised Code. 6520  
6521

(F) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 6522  
6523

(G) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code. 6524  
6525  
6526

(H) "DNA database," "DNA record," and "law enforcement agency" have the same meanings as in section 109.573 of the Revised Code. 6527  
6528  
6529

(I) "Fingerprints filed for record" means any fingerprints obtained by the superintendent of the bureau of criminal identification and investigation pursuant to sections 109.57 and 109.571 of the Revised Code. 6530  
6531  
6532  
6533

(J) (1) "Reclassified misdemeanor drug possession offense" 6534  
means any of the following: 6535

(a) Any offense that is a qualifying misdemeanor drug possession offense; 6536  
6537

(b) Any offense committed in any jurisdiction other than this state that, if committed in this state, would be an offense described in division (J) (1) (a) of this section. 6538  
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(2) Any reference in sections 2953.31 to 2953.36 of the Revised Code to a felony does not include any reclassified misdemeanor drug possession offense, and references in those sections to a misdemeanor shall include reclassified misdemeanor drug possession offenses. 6541  
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(K) "Qualifying misdemeanor drug possession offense" means a violation of section 2925.11 of the Revised Code that was 6546  
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committed prior to the effective date of this amendment and to 6548  
which both of the following apply: 6549

(a) At the time of the commission of the violation, the 6550  
violation was a felony under the version of section 2925.11 of 6551  
the Revised Code that then was in effect. 6552

(b) On the effective date of this amendment, the offense 6553  
classification of the violation was reduced to a misdemeanor 6554  
under the version of section 2925.11, 2925.111, or 2925.112 of 6555  
the Revised Code that took effect on that date. 6556

**Sec. 2953.32.** (A) (1) Except as provided in section 2953.61 6557  
of the Revised Code, an eligible offender may apply to the 6558  
sentencing court if convicted in this state, or to a court of 6559  
common pleas if convicted in another state or in a federal 6560  
court, for the sealing of the record of the case that pertains 6561  
to the conviction. Application may be made at one of the 6562  
following times: 6563

(a) At the expiration of three years after the offender's 6564  
final discharge if convicted of one felony, provided that 6565  
application may be made prior to that time if authorized under 6566  
division (A) (1) (d) of this section; 6567

(b) When division (A) (1) (a) of section 2953.31 of the 6568  
Revised Code applies to the offender, at the expiration of four 6569  
years after the offender's final discharge if convicted of two 6570  
felonies, or at the expiration of five years after final 6571  
discharge if convicted of three, four, or five felonies; 6572

(c) At the expiration of one year after the offender's 6573  
final discharge if convicted of a misdemeanor, provided that 6574  
application may be made prior to that time if authorized under 6575  
division (A) (1) (d) of this section; 6576

(d) If the conviction was of a violation of section 2925.11, 2925.111, or 2925.112 of the Revised Code that is a misdemeanor or a felony of the fourth or fifth degree or that was a violation of a municipal ordinance of a municipal corporation of this state that is substantially equivalent to either section, at any time after successful completion of either of the following: 6577  
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(i) A treatment program or other type of program imposed on the eligible offender with respect to the offense, by a drug court; 6584  
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(ii) An intervention plan imposed on the eligible offender with respect to the offense, pursuant to a grant of intervention in lieu of conviction under section 2951.041 of the Revised Code. 6587  
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(2) Any person who has been arrested for any misdemeanor offense and who has effected a bail forfeiture for the offense charged may apply to the court in which the misdemeanor criminal case was pending when bail was forfeited for the sealing of the record of the case that pertains to the charge. Except as provided in section 2953.61 of the Revised Code, the application may be filed at any time after the expiration of one year from the date on which the bail forfeiture was entered upon the minutes of the court or the journal, whichever entry occurs first. 6591  
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(3) On and after the effective date of this amendment, any conviction of a violation of section 2925.11, 2925.111, or 2925.112 of the Revised Code that, prior to that date, was a felony and that is a reclassified misdemeanor drug possession offense on and after that date shall be considered and treated for purposes of sections 2953.31 to 2953.36 of the Revised Code 6601  
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as if it were, and always had been, a conviction of a 6607  
misdemeanor. 6608

(B) Upon the filing of an application under this section, 6609  
the court shall set a date for a hearing and shall notify the 6610  
prosecutor for the case of the hearing on the application. The 6611  
prosecutor may object to the granting of the application by 6612  
filing an objection with the court prior to the date set for the 6613  
hearing. The prosecutor shall specify in the objection the 6614  
reasons for believing a denial of the application is justified. 6615  
The court shall direct its regular probation officer, a state 6616  
probation officer, or the department of probation of the county 6617  
in which the applicant resides to make inquiries and written 6618  
reports as the court requires concerning the applicant. The 6619  
probation officer or county department of probation that the 6620  
court directs to make inquiries concerning the applicant shall 6621  
determine whether or not the applicant was fingerprinted at the 6622  
time of arrest or under section 109.60 of the Revised Code. If 6623  
the applicant was so fingerprinted, the probation officer or 6624  
county department of probation shall include with the written 6625  
report a record of the applicant's fingerprints. If the 6626  
applicant was convicted of or pleaded guilty to a violation of 6627  
division (A) (2) or (B) of section 2919.21 of the Revised Code, 6628  
the probation officer or county department of probation that the 6629  
court directed to make inquiries concerning the applicant shall 6630  
contact the child support enforcement agency enforcing the 6631  
applicant's obligations under the child support order to inquire 6632  
about the offender's compliance with the child support order. 6633

(C) (1) The court shall do each of the following: 6634

(a) Determine whether the applicant is an eligible 6635  
offender or whether the forfeiture of bail was agreed to by the 6636

applicant and the prosecutor in the case. If the applicant 6637  
applies as an eligible offender pursuant to division (A) (1) of 6638  
this section and has two or three convictions that result from 6639  
the same indictment, information, or complaint, from the same 6640  
plea of guilty, or from the same official proceeding, and result 6641  
from related criminal acts that were committed within a three- 6642  
month period but do not result from the same act or from 6643  
offenses committed at the same time, in making its determination 6644  
under this division, the court initially shall determine whether 6645  
it is not in the public interest for the two or three 6646  
convictions to be counted as one conviction. If the court 6647  
determines that it is not in the public interest for the two or 6648  
three convictions to be counted as one conviction, the court 6649  
shall determine that the applicant is not an eligible offender; 6650  
if the court does not make that determination, the court shall 6651  
determine that the offender is an eligible offender. 6652

(b) Determine whether criminal proceedings are pending 6653  
against the applicant; 6654

(c) If the applicant is an eligible offender who applies 6655  
pursuant to division (A) (1) of this section, determine whether 6656  
the applicant has been rehabilitated to the satisfaction of the 6657  
court; 6658

(d) If the prosecutor has filed an objection in accordance 6659  
with division (B) of this section, consider the reasons against 6660  
granting the application specified by the prosecutor in the 6661  
objection; 6662

(e) Weigh the interests of the applicant in having the 6663  
records pertaining to the applicant's conviction or bail 6664  
forfeiture sealed against the legitimate needs, if any, of the 6665  
government to maintain those records. 6666

(2) If the court determines, after complying with division 6667  
(C) (1) of this section, that the applicant is an eligible 6668  
offender or the subject of a bail forfeiture, that no criminal 6669  
proceeding is pending against the applicant, that the interests 6670  
of the applicant in having the records pertaining to the 6671  
applicant's conviction or bail forfeiture sealed are not 6672  
outweighed by any legitimate governmental needs to maintain 6673  
those records, and that the rehabilitation of an applicant who 6674  
is an eligible offender applying pursuant to division (A) (1) of 6675  
this section has been attained to the satisfaction of the court, 6676  
the court, except as provided in division (C) (4), (G), (H), or 6677  
(I) of this section, shall order all official records of the 6678  
case that pertain to the conviction or bail forfeiture sealed 6679  
and, except as provided in division (F) of this section, all 6680  
index references to the case that pertain to the conviction or 6681  
bail forfeiture deleted and, in the case of bail forfeitures, 6682  
shall dismiss the charges in the case. The proceedings in the 6683  
case that pertain to the conviction or bail forfeiture shall be 6684  
considered not to have occurred and the conviction or bail 6685  
forfeiture of the person who is the subject of the proceedings 6686  
shall be sealed, except that upon conviction of a subsequent 6687  
offense, the sealed record of prior conviction or bail 6688  
forfeiture may be considered by the court in determining the 6689  
sentence or other appropriate disposition, including the relief 6690  
provided for in sections 2953.31 to 2953.33 of the Revised Code. 6691

(3) An applicant may request the sealing of the records of 6692  
more than one case in a single application under this section. 6693  
Upon the filing of an application under this section, the 6694  
applicant, unless indigent, shall pay a fee of fifty dollars, 6695  
regardless of the number of records the application requests to 6696  
have sealed. The court shall pay thirty dollars of the fee into 6697

the state treasury. It shall pay twenty dollars of the fee into 6698  
the county general revenue fund if the sealed conviction or bail 6699  
forfeiture was pursuant to a state statute, or into the general 6700  
revenue fund of the municipal corporation involved if the sealed 6701  
conviction or bail forfeiture was pursuant to a municipal 6702  
ordinance. 6703

(4) If the court orders the official records pertaining to 6704  
the case sealed, the court shall do one of the following: 6705

(a) If the applicant was fingerprinted at the time of 6706  
arrest or under section 109.60 of the Revised Code and the 6707  
record of the applicant's fingerprints was provided to the court 6708  
under division (B) of this section, forward a copy of the 6709  
sealing order and the record of the applicant's fingerprints to 6710  
the bureau of criminal identification and investigation. 6711

(b) If the applicant was not fingerprinted at the time of 6712  
arrest or under section 109.60 of the Revised Code, or the 6713  
record of the applicant's fingerprints was not provided to the 6714  
court under division (B) of this section, but fingerprinting was 6715  
required for the offense, order the applicant to appear before a 6716  
sheriff to have the applicant's fingerprints taken according to 6717  
the fingerprint system of identification on the forms furnished 6718  
by the superintendent of the bureau of criminal identification 6719  
and investigation. The sheriff shall forward the applicant's 6720  
fingerprints to the court. The court shall forward the 6721  
applicant's fingerprints and a copy of the sealing order to the 6722  
bureau of criminal identification and investigation. 6723

Failure of the court to order fingerprints at the time of 6724  
sealing does not constitute a reversible error. 6725

(D) Inspection of the sealed records included in the order 6726

may be made only by the following persons or for the following 6727  
purposes: 6728

(1) By a law enforcement officer or prosecutor, or the 6729  
assistants of either, to determine whether the nature and 6730  
character of the offense with which a person is to be charged 6731  
would be affected by virtue of the person's previously having 6732  
been convicted of a crime; 6733

(2) By the parole or probation officer of the person who 6734  
is the subject of the records, for the exclusive use of the 6735  
officer in supervising the person while on parole or under a 6736  
community control sanction or a post-release control sanction, 6737  
and in making inquiries and written reports as requested by the 6738  
court or adult parole authority; 6739

(3) Upon application by the person who is the subject of 6740  
the records, by the persons named in the application; 6741

(4) By a law enforcement officer who was involved in the 6742  
case, for use in the officer's defense of a civil action arising 6743  
out of the officer's involvement in that case; 6744

(5) By a prosecuting attorney or the prosecuting 6745  
attorney's assistants, to determine a defendant's eligibility to 6746  
enter a pre-trial diversion program established pursuant to 6747  
section 2935.36 of the Revised Code; 6748

(6) By any law enforcement agency or any authorized 6749  
employee of a law enforcement agency or by the department of 6750  
rehabilitation and correction or department of youth services as 6751  
part of a background investigation of a person who applies for 6752  
employment with the agency or with the department; 6753

(7) By any law enforcement agency or any authorized 6754  
employee of a law enforcement agency, for the purposes set forth 6755

in, and in the manner provided in, section 2953.321 of the Revised Code; 6756  
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(8) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of providing information to a board or person pursuant to division (F) or (G) of section 109.57 of the Revised Code; 6758  
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(9) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of performing a criminal history records check on a person to whom a certificate as prescribed in section 109.77 of the Revised Code is to be awarded; 6762  
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(10) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of conducting a criminal records check of an individual pursuant to division (B) of section 109.572 of the Revised Code that was requested pursuant to any of the sections identified in division (B)(1) of that section; 6767  
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(11) By the bureau of criminal identification and investigation, an authorized employee of the bureau, a sheriff, or an authorized employee of a sheriff in connection with a criminal records check described in section 311.41 of the Revised Code; 6773  
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(12) By the attorney general or an authorized employee of the attorney general or a court for purposes of determining a person's classification pursuant to Chapter 2950. of the Revised Code; 6778  
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(13) By a court, the registrar of motor vehicles, a prosecuting attorney or the prosecuting attorney's assistants, or a law enforcement officer for the purpose of assessing points 6782  
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against a person under section 4510.036 of the Revised Code or 6785  
for taking action with regard to points assessed. 6786

When the nature and character of the offense with which a 6787  
person is to be charged would be affected by the information, it 6788  
may be used for the purpose of charging the person with an 6789  
offense. 6790

(E) In any criminal proceeding, proof of any otherwise 6791  
admissible prior conviction may be introduced and proved, 6792  
notwithstanding the fact that for any such prior conviction an 6793  
order of sealing previously was issued pursuant to sections 6794  
2953.31 to 2953.36 of the Revised Code. 6795

(F) The person or governmental agency, office, or 6796  
department that maintains sealed records pertaining to 6797  
convictions or bail forfeitures that have been sealed pursuant 6798  
to this section may maintain a manual or computerized index to 6799  
the sealed records. The index shall contain only the name of, 6800  
and alphanumeric identifiers that relate to, the persons who are 6801  
the subject of the sealed records, the word "sealed," and the 6802  
name of the person, agency, office, or department that has 6803  
custody of the sealed records, and shall not contain the name of 6804  
the crime committed. The index shall be made available by the 6805  
person who has custody of the sealed records only for the 6806  
purposes set forth in divisions (C), (D), and (E) of this 6807  
section. 6808

(G) Notwithstanding any provision of this section or 6809  
section 2953.33 of the Revised Code that requires otherwise, a 6810  
board of education of a city, local, exempted village, or joint 6811  
vocational school district that maintains records of an 6812  
individual who has been permanently excluded under sections 6813  
3301.121 and 3313.662 of the Revised Code is permitted to 6814

maintain records regarding a conviction that was used as the 6815  
basis for the individual's permanent exclusion, regardless of a 6816  
court order to seal the record. An order issued under this 6817  
section to seal the record of a conviction does not revoke the 6818  
adjudication order of the superintendent of public instruction 6819  
to permanently exclude the individual who is the subject of the 6820  
sealing order. An order issued under this section to seal the 6821  
record of a conviction of an individual may be presented to a 6822  
district superintendent as evidence to support the contention 6823  
that the superintendent should recommend that the permanent 6824  
exclusion of the individual who is the subject of the sealing 6825  
order be revoked. Except as otherwise authorized by this 6826  
division and sections 3301.121 and 3313.662 of the Revised Code, 6827  
any school employee in possession of or having access to the 6828  
sealed conviction records of an individual that were the basis 6829  
of a permanent exclusion of the individual is subject to section 6830  
2953.35 of the Revised Code. 6831

(H) For purposes of sections 2953.31 to 2953.36 of the 6832  
Revised Code, DNA records collected in the DNA database and 6833  
fingerprints filed for record by the superintendent of the 6834  
bureau of criminal identification and investigation shall not be 6835  
sealed unless the superintendent receives a certified copy of a 6836  
final court order establishing that the offender's conviction 6837  
has been overturned. For purposes of this section, a court order 6838  
is not "final" if time remains for an appeal or application for 6839  
discretionary review with respect to the order. 6840

(I) The sealing of a record under this section does not 6841  
affect the assessment of points under section 4510.036 of the 6842  
Revised Code and does not erase points assessed against a person 6843  
as a result of the sealed record. 6844

**Sec. 2953.52.** (A) (1) Any person, who is found not guilty 6845  
of an offense by a jury or a court or who is the defendant named 6846  
in a dismissed complaint, indictment, or information, including 6847  
a dismissal of the type described in division (D) (2) (b) of 6848  
section 2925.11 of the Revised Code, may apply to the court for 6849  
an order to seal the person's official records in the case. 6850  
Except as provided in section 2953.61 of the Revised Code, the 6851  
application may be filed at any time after the finding of not 6852  
guilty or the dismissal of the complaint, indictment, or 6853  
information is entered upon the minutes of the court or the 6854  
journal, whichever entry occurs first. 6855

(2) Any person, against whom a no bill is entered by a 6856  
grand jury, may apply to the court for an order to seal his 6857  
official records in the case. Except as provided in section 6858  
2953.61 of the Revised Code, the application may be filed at any 6859  
time after the expiration of two years after the date on which 6860  
the foreperson or deputy foreperson of the grand jury reports to 6861  
the court that the grand jury has reported a no bill. 6862

(B) (1) Upon the filing of an application pursuant to 6863  
division (A) of this section, the court shall set a date for a 6864  
hearing and shall notify the prosecutor in the case of the 6865  
hearing on the application. The prosecutor may object to the 6866  
granting of the application by filing an objection with the 6867  
court prior to the date set for the hearing. The prosecutor 6868  
shall specify in the objection the reasons the prosecutor 6869  
believes justify a denial of the application. 6870

(2) The court shall do each of the following, except as 6871  
provided in division (B) (3) of this section: 6872

(a) (i) Determine whether the person was found not guilty 6873  
in the case, or the complaint, indictment, or information in the 6874

case was dismissed, or a no bill was returned in the case and a 6875  
period of two years or a longer period as required by section 6876  
2953.61 of the Revised Code has expired from the date of the 6877  
report to the court of that no bill by the foreperson or deputy 6878  
foreperson of the grand jury; 6879

(ii) If the complaint, indictment, or information in the 6880  
case was dismissed, determine whether it was dismissed with 6881  
prejudice or without prejudice and, if it was dismissed without 6882  
prejudice, determine whether the relevant statute of limitations 6883  
has expired, provided that this division does not apply if the 6884  
complaint, indictment, or information was a charge of a drug 6885  
possession offense and the charge was dismissed as described in 6886  
division (D) (2) (b) of section 2925.11 of the Revised Code. 6887

(b) Determine whether criminal proceedings are pending 6888  
against the person; 6889

(c) If the prosecutor has filed an objection in accordance 6890  
with division (B) (1) of this section, consider the reasons 6891  
against granting the application specified by the prosecutor in 6892  
the objection; 6893

(d) Weigh the interests of the person in having the 6894  
official records pertaining to the case sealed against the 6895  
legitimate needs, if any, of the government to maintain those 6896  
records. 6897

(3) If the court determines after complying with division 6898  
(B) (2) (a) of this section that the person was found not guilty 6899  
in the case, that the complaint, indictment, or information was 6900  
a charge of a drug possession offense and the charge was 6901  
dismissed as described in division (D) (2) (b) of section 2925.11 6902  
of the Revised Code, that the complaint, indictment, or 6903

information in the case was a charge other than a charge of a 6904  
drug possession offense and was dismissed with prejudice, or 6905  
that the complaint, indictment, or information in the case was a 6906  
charge other than a charge of a drug possession offense and was 6907  
dismissed without prejudice and that the relevant statute of 6908  
limitations has expired, the court shall issue an order to the 6909  
superintendent of the bureau of criminal identification and 6910  
investigation directing that the superintendent seal or cause to 6911  
be sealed the official records in the case consisting of DNA 6912  
specimens that are in the possession of the bureau and all DNA 6913  
records and DNA profiles. The determinations and considerations 6914  
described in divisions (B) (2) (b), (c), and (d) of this section 6915  
do not apply with respect to a determination of the court 6916  
described in this division. 6917

(4) The determinations described in this division are 6918  
separate from the determination described in division (B) (3) of 6919  
this section. If the court determines, after complying with 6920  
division (B) (2) of this section, that the person was found not 6921  
guilty in the case, that the complaint, indictment, or 6922  
information was a charge of a drug possession offense and the 6923  
charge was dismissed as described in division (D) (2) (b) of 6924  
section 2925.11 of the Revised Code, that the complaint, 6925  
indictment, or information in the case was a charge other than a 6926  
charge of a drug possession offense and was dismissed, or that a 6927  
no bill was returned in the case and that the appropriate period 6928  
of time has expired from the date of the report to the court of 6929  
the no bill by the foreperson or deputy foreperson of the grand 6930  
jury; that no criminal proceedings are pending against the 6931  
person; and the interests of the person in having the records 6932  
pertaining to the case sealed are not outweighed by any 6933  
legitimate governmental needs to maintain such records, or if 6934

division (E) (2) (b) of section 4301.69 of the Revised Code 6935  
applies, in addition to the order required under division (B) (3) 6936  
of this section, the court shall issue an order directing that 6937  
all official records pertaining to the case be sealed and that, 6938  
except as provided in section 2953.53 of the Revised Code, the 6939  
proceedings in the case be deemed not to have occurred. 6940

(5) Any DNA specimens, DNA records, and DNA profiles 6941  
ordered to be sealed under this section shall not be sealed if 6942  
the person with respect to whom the order applies is otherwise 6943  
eligible to have DNA records or a DNA profile in the national 6944  
DNA index system. 6945

(C) As used in this section, "drug possession offense" 6946  
means a violation of section 2925.11, 2925.111, or 2925.112 of 6947  
the Revised Code. 6948

**Sec. 2981.01.** (A) Forfeitures under this chapter shall be 6949  
governed by all of the following purposes: 6950

(1) To provide economic disincentives and remedies to 6951  
deter and offset the economic effect of offenses by seizing and 6952  
forfeiting contraband, proceeds, and certain instrumentalities; 6953

(2) To ensure that seizures and forfeitures of 6954  
instrumentalities are proportionate to the offense committed; 6955

(3) To protect third parties from wrongful forfeiture of 6956  
their property; 6957

(4) To prioritize restitution for victims of offenses. 6958

(B) As used in this chapter: 6959

(1) "Aircraft" has the same meaning as in section 4561.01 6960  
of the Revised Code. 6961

(2) "Computers," "computer networks," "computer systems," 6962  
"computer software," and "telecommunications device" have the 6963  
same meanings as in section 2913.01 of the Revised Code. 6964

(3) "Financial institution" means a bank, credit union, 6965  
savings and loan association, or a licensee or registrant under 6966  
Chapter 1321. of the Revised Code. 6967

(4) "Firearm" and "dangerous ordnance" have the same 6968  
meanings as in section 2923.11 of the Revised Code. 6969

(5) "Innocent person" includes any bona fide purchaser of 6970  
property that is subject to forfeiture, including any person who 6971  
establishes a valid claim to or interest in the property in 6972  
accordance with section 2981.04 of the Revised Code, and any 6973  
victim of an alleged offense. 6974

(6) "Instrumentality" means property otherwise lawful to 6975  
possess that is used in or intended to be used in an offense. An 6976  
"instrumentality" may include, but is not limited to, a firearm, 6977  
a mobile instrumentality, a computer, a computer network, a 6978  
computer system, computer software, a telecommunications device, 6979  
money, and any other means of exchange. 6980

(7) "Law enforcement agency" includes, but is not limited 6981  
to, the state board of pharmacy, the enforcement division of the 6982  
department of taxation, the Ohio casino control commission, and 6983  
the office of the prosecutor. 6984

(8) "Mobile instrumentality" means an instrumentality that 6985  
is inherently mobile and used in the routine transport of 6986  
persons. "Mobile instrumentality" includes, but is not limited 6987  
to, any vehicle, any watercraft, and any aircraft. 6988

(9) "Money" has the same meaning as in section 1301.201 of 6989  
the Revised Code. 6990

(10) "Offense" means any act or omission that could be charged as a criminal offense or a delinquent act, whether or not a formal criminal prosecution or delinquent child proceeding began at the time the forfeiture is initiated. Except as otherwise specified, an offense for which property may be forfeited includes any felony and any misdemeanor. The commission of an "offense" includes the commission of a delinquent act.

(11) "Proceeds" means both of the following:

(a) In cases involving unlawful goods, services, or activities, "proceeds" means any property derived directly or indirectly from an offense. "Proceeds" may include, but is not limited to, money or any other means of exchange. "Proceeds" is not limited to the net gain or profit realized from the offense. "Proceeds" does not include property, including money or other means of exchange, if all of the following apply to that property:

(i) It is held under clear title by a law enforcement agency.

(ii) It is used or may be used to purchase contraband for the purpose of investigating any drug abuse offense, as defined in section 2925.01 of the Revised Code.

(iii) If it is used to purchase contraband under division (B) (11) (a) (ii) of this section, the property continues to be considered the property of the law enforcement agency if the agency establishes a clear chain of custody of it.

(b) In cases involving lawful goods or services that are sold or provided in an unlawful manner, "proceeds" means the amount of money or other means of exchange acquired through the

illegal transactions resulting in the forfeiture, less the 7020  
direct costs lawfully incurred in providing the goods or 7021  
services. The lawful costs deduction does not include any part 7022  
of the overhead expenses of, or income taxes paid by, the entity 7023  
providing the goods or services. The alleged offender or 7024  
delinquent child has the burden to prove that any costs are 7025  
lawfully incurred. 7026

(12) "Property" means "property" as defined in section 7027  
2901.01 of the Revised Code and any benefit, privilege, claim, 7028  
position, interest in an enterprise, or right derived, directly 7029  
or indirectly, from the offense. 7030

(13) "Property subject to forfeiture" includes contraband 7031  
and proceeds and may include instrumentalities as provided in 7032  
this chapter. 7033

(14) "Prosecutor" has the same meaning as in section 7034  
2935.01 of the Revised Code. When relevant, "prosecutor" also 7035  
includes the attorney general. 7036

(15) "Vehicle" has the same meaning as in section 4501.01 7037  
of the Revised Code. 7038

(16) "Watercraft" has the same meaning as in section 7039  
1546.01 of the Revised Code. 7040

(C) The penalties and procedures under Chapters 2923., 7041  
2925., 2933., and 3772. of the Revised Code remain in effect to 7042  
the extent that they do not conflict with this chapter. 7043

(D) (1) If, prior to the effective date of this amendment, 7044  
a person committed a violation of the version of section 2925.11 7045  
of the Revised Code that was in effect prior to that effective 7046  
date, if the violation was a felony when it was committed, and 7047  
if on that effective date the violation is changed to an 7048

unclassified misdemeanor, notwithstanding the change of the 7049  
classification of the violation to an unclassified misdemeanor, 7050  
on and after that effective date, the provisions of this chapter 7051  
remain applicable with respect to the person and the violation 7052  
to the same extent as if the charge against the person had 7053  
remained a charge of a felony. This division applies regardless 7054  
of whether, on the effective date of this amendment, a 7055  
forfeiture proceeding is pending under this chapter against the 7056  
person based on the violation. 7057

(2) If, prior to the effective date of this amendment, 7058  
property of a person was forfeited under this chapter based on a 7059  
violation of the version of section 2925.11 of the Revised Code 7060  
that was in effect prior to that effective date, if the 7061  
violation was a felony when it was committed, and if on that 7062  
effective date the violation is changed to an unclassified 7063  
misdemeanor, notwithstanding the change of the classification of 7064  
the violation to an unclassified misdemeanor, on and after that 7065  
effective date, the change of the classification of the 7066  
violation does not affect the validity of the forfeiture and, 7067  
for purposes of this chapter, the violation shall be considered 7068  
as if it had remained a felony. 7069

**Sec. 5119.93.** (A) A person may initiate proceedings for 7070  
treatment for an individual suffering from alcohol and other 7071  
drug abuse by filing a verified petition in the probate court 7072  
and paying a filing fee in the same amount, if any, that is 7073  
~~charged for the filing under section 5122.11 of the Revised Code~~ 7074  
~~of an affidavit seeking the hospitalization of a person.~~ The 7075  
petition and all subsequent court documents shall be entitled: 7076  
"In the interest of (name of respondent)." A spouse, relative, 7077  
or guardian of the individual concerning whom the petition is 7078  
filed shall file the petition. A petition filed under this 7079

division shall be kept confidential and shall not be disclosed 7080  
by any person, except as needed for purposes of this section or 7081  
when disclosure is ordered by a court. 7082

(B) A petition filed under division (A) of this section 7083  
shall set forth all of the following: 7084

(1) The petitioner's relationship to the respondent; 7085

(2) The respondent's name, residence address, and current 7086  
location, if known; 7087

(3) The name and residence of the respondent's parents, if 7088  
living and if known, or of the respondent's legal guardian, if 7089  
any and if known; 7090

(4) The name and residence of the respondent's spouse, if 7091  
any and if known; 7092

(5) The name and residence of the person having custody of 7093  
the respondent, if any, or if no such person is known, the name 7094  
and residence of a near relative or a statement that the person 7095  
is unknown; 7096

(6) The petitioner's belief, including the factual basis 7097  
for the belief, that the respondent is suffering from alcohol 7098  
and other drug abuse and presents an imminent danger or imminent 7099  
threat of danger to self, family, or others if not treated for 7100  
alcohol or other drug abuse; 7101

(7) If the petitioner's belief specified in division (B) 7102  
(6) of this section is that the respondent is suffering from 7103  
opioid or opiate abuse, the information provided in the petition 7104  
under that division also shall include any evidence that the 7105  
respondent has overdosed and been revived one or more times by 7106  
an opioid antagonist, overdosed in a vehicle, or overdosed in 7107

the presence of a minor. 7108

(C) (1) Any petition filed pursuant to divisions (A) and 7109  
(B) of this section shall be accompanied by a certificate of a 7110  
physician who has examined the respondent within two days prior 7111  
to the day that the petition is filed in the probate court. The 7112  
physician shall be authorized to practice medicine and surgery 7113  
or osteopathic medicine and surgery under Chapter 4731. of the 7114  
Revised Code. A physician who is responsible for admitting 7115  
persons into treatment, if that physician examines the 7116  
respondent, may be the physician who completes the certificate. 7117  
The physician's certificate shall set forth the physician's 7118  
findings in support of the need to treat the respondent for 7119  
alcohol or other drug abuse. The certificate shall indicate if 7120  
the respondent presents an imminent danger or imminent threat of 7121  
danger to self, family, or others if not treated. Further, the 7122  
certificate shall indicate the type and length of treatment 7123  
required and if the respondent can reasonably benefit from 7124  
treatment. If the physician's certificate indicates that 7125  
inpatient treatment is required, the certificate shall identify 7126  
any inpatient facilities known to the physician that are able 7127  
and willing to provide the recommended inpatient treatment. 7128

If the respondent refuses to undergo an examination with a 7129  
physician concerning the respondent's possible need for 7130  
treatment for alcohol or other drug abuse, the petition shall 7131  
state that the respondent has refused all requests made by the 7132  
petitioner to undergo a physician's examination. In that case, 7133  
the petitioner shall not be required to provide a physician's 7134  
certificate with the petition. 7135

(2) Any petition filed pursuant to divisions (A) and (B) 7136  
of this section shall contain a statement that the petitioner 7137

has arranged for treatment of the respondent. Further, the 7138  
petition shall be accompanied by a statement from the person or 7139  
facility who has agreed to provide the treatment that verifies 7140  
that the person or facility has agreed to provide the treatment 7141  
and the estimated cost of the treatment. 7142

(D) Any petition filed pursuant to divisions (A) and (B) 7143  
of this section shall be accompanied by both of the following: 7144

(1) One of the following: 7145

(a) A security deposit to be deposited with the clerk of 7146  
the probate court that will cover half of the estimated cost of 7147  
treatment of the respondent; 7148

(b) Documentation establishing that insurance coverage of 7149  
the petitioner or respondent will cover at least half of the 7150  
estimated cost of treatment of the respondent; 7151

(c) Other evidence to the satisfaction of the court 7152  
establishing that the petitioner or respondent will be able to 7153  
cover some of the estimated cost of treatment of the respondent. 7154

(2) One of the following: 7155

(a) A guarantee, signed by the petitioner or another 7156  
person authorized to file the petition, obligating the guarantor 7157  
to pay the costs of the examinations of the respondent conducted 7158  
by the physician and qualified health professional under 7159  
division (B) (5) of section 5119.94 of the Revised Code, the 7160  
costs of the respondent that are associated with a hearing 7161  
conducted in accordance with section 5119.94 of the Revised Code 7162  
and that the court determines to be appropriate, and the costs 7163  
of any treatment ordered by the court; 7164

(b) Documentation establishing that insurance coverage of 7165

the petitioner or respondent will cover the costs described in 7166  
division (D) (2) (a) of this section; 7167

(c) Documentation establishing that, consistent with the 7168  
evidence described in division (D) (1) (c) of this section, the 7169  
petitioner or respondent will cover some of the costs described 7170  
in division (D) (2) (a) of this section. 7171

**Sec. 5119.94.** (A) Upon receipt of a petition filed under 7172  
section 5119.93 of the Revised Code ~~and the payment of the~~ 7173  
~~appropriate filing fee, if any,~~ the probate court shall examine 7174  
the petitioner under oath as to the contents of the petition. 7175

(B) If, after reviewing the allegations contained in the 7176  
petition and examining the petitioner under oath, it appears to 7177  
the probate court that there is probable cause to believe the 7178  
respondent may reasonably benefit from treatment, the court 7179  
shall do all of the following: 7180

(1) Schedule a hearing to be held within seven days to 7181  
determine if there is clear and convincing evidence that the 7182  
respondent may reasonably benefit from treatment for alcohol and 7183  
other drug abuse; 7184

(2) Notify the respondent, the legal guardian, if any and 7185  
if known, and the spouse, parents, or nearest relative or friend 7186  
of the respondent concerning the allegations and contents of the 7187  
petition and of the date and purpose of the hearing; 7188

(3) Notify the respondent that the respondent may retain 7189  
counsel and, if the person is unable to obtain an attorney, that 7190  
the respondent may be represented by court-appointed counsel at 7191  
public expense if the person is indigent. Upon the appointment 7192  
of an attorney to represent an indigent respondent, the court 7193  
shall notify the respondent of the name, address, and telephone 7194

number of the attorney appointed to represent the respondent. 7195

(4) Notify the respondent that the court shall cause the 7196  
respondent to be examined not later than twenty-four hours 7197  
before the hearing date by a physician for the purpose of a 7198  
physical examination and by a qualified health professional for 7199  
the purpose of a drug and alcohol addiction assessment and 7200  
diagnosis. In addition, the court shall notify the respondent 7201  
that the respondent may have an independent expert evaluation of 7202  
the person's physical and mental condition conducted at the 7203  
respondent's own expense. 7204

(5) Cause the respondent to be examined not later than 7205  
twenty-four hours before the hearing date by a ~~physician for the~~ 7206  
~~purpose of a physical examination and by a~~ qualified health 7207  
professional for the purpose of a drug and alcohol addiction 7208  
assessment and diagnosis; 7209

(6) Conduct the hearing. 7210

(C) The ~~physician and~~ qualified health professional who 7211  
~~examine~~ examines the respondent pursuant to division (B) (5) of 7212  
this section or who ~~are~~ is obtained by the respondent at the 7213  
respondent's own expense shall certify ~~their~~ the professional's 7214  
findings to the court within twenty-four hours of the 7215  
~~examinations~~ examination. The findings of each qualified health 7216  
professional shall include a recommendation for treatment if the 7217  
qualified health professional determines that treatment is 7218  
necessary. 7219

(D) (1) (a) If upon completion of the hearing held under 7220  
this section the probate court finds by clear and convincing 7221  
evidence that the respondent may reasonably benefit from 7222  
treatment, the court ~~may~~ shall order the treatment after 7223

considering the qualified health professionals' recommendations 7224  
for treatment that have been submitted to the court under 7225  
division (C) of this section. Evidence that the respondent has 7226  
overdosed and been revived one or more times by an opioid 7227  
antagonist, overdosed in a vehicle, or overdosed in the presence 7228  
of a minor is sufficient to satisfy this evidentiary 7229  
requirement. If the court orders the treatment under this 7230  
division, the order shall specify the type of treatment to be 7231  
provided, the type of required aftercare, and the duration of 7232  
the required aftercare which shall be at least three months and 7233  
shall not exceed six months, and the court shall order the 7234  
treatment to be provided through a community addiction services 7235  
provider or by an individual licensed or certified by the state 7236  
medical board under Chapter 4731. of the Revised Code, the 7237  
chemical dependency professionals board under Chapter 4758. of 7238  
the Revised Code, the counselor, social worker, and marriage and 7239  
family therapist board under Chapter 4757. of the Revised Code, 7240  
or a similar board of another state authorized to provide 7241  
substance abuse treatment. In addition, the court also may order 7242  
that the respondent submit to periodic examinations by a 7243  
qualified mental health professional to determine if the 7244  
treatment remains necessary. 7245

(b) If the qualified health professional who examines the 7246  
respondent certifies that the respondent meets the criteria 7247  
specified in division (B)(6) of section 5119.93 of the Revised 7248  
Code, if the court orders treatment under division (D)(1)(a) of 7249  
this section, and if the court finds by clear and convincing 7250  
evidence that the respondent presents an imminent danger or 7251  
imminent threat of danger to self, family, or others as a result 7252  
of alcohol or other drug abuse, separate from the treatment 7253  
described in division (D)(1)(a) of this section, the court may 7254

order that the respondent be hospitalized for a period not to 7255  
exceed seventy-two hours. The court shall direct that the order 7256  
shall be executed as soon as possible, but not later than 7257  
seventy-two hours, after its issuance. If the order cannot be 7258  
executed within seventy-two hours after its issuance, it remains 7259  
valid for sixty days after its issuance, subject to tolling as 7260  
described in division (D)(1)(c) of this section, and may be 7261  
executed at any time during that six-month period or that six- 7262  
month period as extended by the tolling. Any respondent who has 7263  
been admitted to a hospital under this division shall be 7264  
released within seventy-two hours of admittance, unless the 7265  
respondent voluntarily agrees to remain longer. A respondent who 7266  
voluntarily agrees to remain longer may be hospitalized for the 7267  
additional period of time agreed to by the respondent. No 7268  
respondent ordered under this division to be hospitalized shall 7269  
be held in jail pending transportation to the hospital unless 7270  
the court has previously found the respondent to be in contempt 7271  
of court for either failure to undergo treatment or failure to 7272  
appear at an evaluation ordered under this section. 7273

(c) The six-month period for execution of an order 7274  
specified in division (D)(1)(b) of this section shall not run 7275  
during any time when the respondent purposely avoids execution 7276  
of the order. Proof that the respondent departed this state or 7277  
concealed the respondent's identity or whereabouts is prima- 7278  
facie evidence of the respondent's purpose to avoid the 7279  
execution. 7280

(2)(a) Failure of a respondent to undergo and complete any 7281  
treatment ordered pursuant to this division is contempt of 7282  
court. Any community addiction services provider or person 7283  
providing treatment under this division shall notify the probate 7284  
court of a respondent's failure to undergo or complete the 7285

ordered treatment. 7286

(b) In addition to and separate from the sanction 7287  
specified in division (D) (2) (a) of this section, if a respondent 7288  
fails to undergo and complete any treatment ordered pursuant to 7289  
this section, the court may issue a summons. The summons shall 7290  
be directed to the respondent and shall command the respondent 7291  
to appear at a time and place specified in the summons. If a 7292  
respondent who has been summoned under this division fails to 7293  
appear at the specified time and place, the court may order a 7294  
peace officer, as defined in section 2935.01 of the Revised 7295  
Code, to transport the respondent to a place described in 7296  
division (D) (1) (a) of this section or a hospital for treatment. 7297  
The peace officer, with the approval of the officer's agency, 7298  
may provide for the transportation of the respondent by a 7299  
private entity. The transportation costs of the peace officer or 7300  
the private entity shall be included within the costs of 7301  
treatment. 7302

(E) If, at any time after a petition is filed under 7303  
section 5119.93 of the Revised Code, the probate court finds 7304  
that there is not probable cause to continue treatment or if the 7305  
petitioner withdraws the petition, then the court shall dismiss 7306  
the proceedings against the respondent. 7307

**Section 2.** That existing sections 1901.186, 1901.20, 7308  
1907.02, 2901.13, 2923.02, 2923.13, 2925.01, 2925.03, 2925.11, 7309  
2929.01, 2929.13, 2929.14, 2929.15, 2931.03, 2941.1410, 2945.71, 7310  
2953.31, 2953.32, 2953.52, 2981.01, 5119.93, and 5119.94 of the 7311  
Revised Code are hereby repealed. 7312

**Section 3.** That sections 109.572, 128.04, 177.01, 7313  
2152.021, 2152.18, 2743.60, 2923.01, 2923.241, 2923.31, 2923.41, 7314  
2925.02, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 7315

2925.23, 2925.36, 2925.37, 2925.38, 2925.42, 2925.51, 2927.21, 7316  
2929.141, 2929.18, 2929.25, 2929.34, 2933.51, 2935.36, 2951.041, 7317  
2967.18, 2967.19, 2967.28, 3301.32, 3301.541, 3313.662, 3319.31, 7318  
3319.39, 3712.09, 3719.013, 3719.21, 3719.99, 3721.121, 3734.44, 7319  
3767.01, 4112.02, 4510.17, 4729.99, 4742.03, 5103.0319, 5119.36, 7320  
5119.37, 5120.53, 5153.111, and 5502.13 of the Revised Code be 7321  
amended to read as follows: 7322

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 7323  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 7324  
Code, a completed form prescribed pursuant to division (C) (1) of 7325  
this section, and a set of fingerprint impressions obtained in 7326  
the manner described in division (C) (2) of this section, the 7327  
superintendent of the bureau of criminal identification and 7328  
investigation shall conduct a criminal records check in the 7329  
manner described in division (B) of this section to determine 7330  
whether any information exists that indicates that the person 7331  
who is the subject of the request previously has been convicted 7332  
of or pleaded guilty to any of the following: 7333

(a) A violation of section 2903.01, 2903.02, 2903.03, 7334  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 7335  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 7336  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 7337  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 7338  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 7339  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 7340  
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 7341  
Code, felonious sexual penetration in violation of former 7342  
section 2907.12 of the Revised Code, a violation of section 7343  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 7344  
a violation of section 2919.23 of the Revised Code that would 7345  
have been a violation of section 2905.04 of the Revised Code as 7346

it existed prior to July 1, 1996, had the violation been 7347  
committed prior to that date, or a violation of section 2925.11, 7348  
2925.111, or 2925.112 of the Revised Code that is not a minor 7349  
drug possession offense; 7350

(b) A violation of an existing or former law of this 7351  
state, any other state, or the United States that is 7352  
substantially equivalent to any of the offenses listed in 7353  
division (A) (1) (a) of this section; 7354

(c) If the request is made pursuant to section 3319.39 of 7355  
the Revised Code for an applicant who is a teacher, any offense 7356  
specified in section 3319.31 of the Revised Code. 7357

(2) On receipt of a request pursuant to section 3712.09 or 7358  
3721.121 of the Revised Code, a completed form prescribed 7359  
pursuant to division (C) (1) of this section, and a set of 7360  
fingerprint impressions obtained in the manner described in 7361  
division (C) (2) of this section, the superintendent of the 7362  
bureau of criminal identification and investigation shall 7363  
conduct a criminal records check with respect to any person who 7364  
has applied for employment in a position for which a criminal 7365  
records check is required by those sections. The superintendent 7366  
shall conduct the criminal records check in the manner described 7367  
in division (B) of this section to determine whether any 7368  
information exists that indicates that the person who is the 7369  
subject of the request previously has been convicted of or 7370  
pleaded guilty to any of the following: 7371

(a) A violation of section 2903.01, 2903.02, 2903.03, 7372  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 7373  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 7374  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 7375  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 7376

2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 7377  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 7378  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 7379  
2925.032, 2925.11, 2925.111, 2925.112, 2925.13, 2925.22, 7380  
2925.23, or 3716.11 of the Revised Code; 7381

(b) An existing or former law of this state, any other 7382  
state, or the United States that is substantially equivalent to 7383  
any of the offenses listed in division (A) (2) (a) of this 7384  
section. 7385

(3) On receipt of a request pursuant to section 173.27, 7386  
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 7387  
5123.081, or 5123.169 of the Revised Code, a completed form 7388  
prescribed pursuant to division (C) (1) of this section, and a 7389  
set of fingerprint impressions obtained in the manner described 7390  
in division (C) (2) of this section, the superintendent of the 7391  
bureau of criminal identification and investigation shall 7392  
conduct a criminal records check of the person for whom the 7393  
request is made. The superintendent shall conduct the criminal 7394  
records check in the manner described in division (B) of this 7395  
section to determine whether any information exists that 7396  
indicates that the person who is the subject of the request 7397  
previously has been convicted of, has pleaded guilty to, or 7398  
(except in the case of a request pursuant to section 5164.34, 7399  
5164.341, or 5164.342 of the Revised Code) has been found 7400  
eligible for intervention in lieu of conviction for any of the 7401  
following, regardless of the date of the conviction, the date of 7402  
entry of the guilty plea, or (except in the case of a request 7403  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 7404  
Revised Code) the date the person was found eligible for 7405  
intervention in lieu of conviction: 7406

(a) A violation of section 959.13, 959.131, 2903.01,	7407
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13,	7408
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341,	7409
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33,	7410
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	7411
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,	7412
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	7413
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	7414
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	7415
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	7416
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	7417
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	7418
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	7419
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	7420
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	7421
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	7422
2925.03, <u>2925.031</u> , <u>2925.032</u> , 2925.04, 2925.041, 2925.05,	7423
2925.06, 2925.09, 2925.11, <u>2925.111</u> , <u>2925.112</u> , 2925.13, 2925.14,	7424
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56,	7425
2927.12, or 3716.11 of the Revised Code;	7426
(b) Felonious sexual penetration in violation of former	7427
section 2907.12 of the Revised Code;	7428
(c) A violation of section 2905.04 of the Revised Code as	7429
it existed prior to July 1, 1996;	7430
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	7431
the Revised Code when the underlying offense that is the object	7432
of the conspiracy, attempt, or complicity is one of the offenses	7433
listed in divisions (A) (3) (a) to (c) of this section;	7434
(e) A violation of an existing or former municipal	7435
ordinance or law of this state, any other state, or the United	7436

States that is substantially equivalent to any of the offenses 7437  
listed in divisions (A) (3) (a) to (d) of this section. 7438

(4) On receipt of a request pursuant to section 2151.86 or 7439  
2151.904 of the Revised Code, a completed form prescribed 7440  
pursuant to division (C) (1) of this section, and a set of 7441  
fingerprint impressions obtained in the manner described in 7442  
division (C) (2) of this section, the superintendent of the 7443  
bureau of criminal identification and investigation shall 7444  
conduct a criminal records check in the manner described in 7445  
division (B) of this section to determine whether any 7446  
information exists that indicates that the person who is the 7447  
subject of the request previously has been convicted of or 7448  
pleaded guilty to any of the following: 7449

(a) A violation of section 959.13, 2903.01, 2903.02, 7450  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 7451  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 7452  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 7453  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 7454  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 7455  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 7456  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 7457  
2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 2925.032, 7458  
2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised 7459  
Code, a violation of section 2905.04 of the Revised Code as it 7460  
existed prior to July 1, 1996, a violation of section 2919.23 of 7461  
the Revised Code that would have been a violation of section 7462  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 7463  
had the violation been committed prior to that date, a violation 7464  
of section 2925.11, 2925.111, or 2925.112 of the Revised Code 7465  
that is not a minor drug possession offense, two or more OVI or 7466  
OVUAC violations committed within the three years immediately 7467

preceding the submission of the application or petition that is 7468  
the basis of the request, or felonious sexual penetration in 7469  
violation of former section 2907.12 of the Revised Code; 7470

(b) A violation of an existing or former law of this 7471  
state, any other state, or the United States that is 7472  
substantially equivalent to any of the offenses listed in 7473  
division (A) (4) (a) of this section. 7474

(5) Upon receipt of a request pursuant to section 5104.013 7475  
of the Revised Code, a completed form prescribed pursuant to 7476  
division (C) (1) of this section, and a set of fingerprint 7477  
impressions obtained in the manner described in division (C) (2) 7478  
of this section, the superintendent of the bureau of criminal 7479  
identification and investigation shall conduct a criminal 7480  
records check in the manner described in division (B) of this 7481  
section to determine whether any information exists that 7482  
indicates that the person who is the subject of the request has 7483  
been convicted of or pleaded guilty to any of the following: 7484

(a) A violation of section 2151.421, 2903.01, 2903.02, 7485  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 7486  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 7487  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 7488  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 7489  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 7490  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 7491  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 7492  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 7493  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 7494  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 7495  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 7496  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 7497

2923.161, 2925.02, 2925.03, 2925.031, 2925.032, 2925.04, 7498  
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 7499  
sexual penetration in violation of former section 2907.12 of the 7500  
Revised Code, a violation of section 2905.04 of the Revised Code 7501  
as it existed prior to July 1, 1996, a violation of section 7502  
2919.23 of the Revised Code that would have been a violation of 7503  
section 2905.04 of the Revised Code as it existed prior to July 7504  
1, 1996, had the violation been committed prior to that date, a 7505  
violation of section 2925.11, 2925.111, or 2925.112 of the 7506  
Revised Code that is not a minor drug possession offense, a 7507  
violation of section 2923.02 or 2923.03 of the Revised Code that 7508  
relates to a crime specified in this division, or a second 7509  
violation of section 4511.19 of the Revised Code within five 7510  
years of the date of application for licensure or certification. 7511

(b) A violation of an existing or former law of this 7512  
state, any other state, or the United States that is 7513  
substantially equivalent to any of the offenses or violations 7514  
described in division (A) (5) (a) of this section. 7515

(6) Upon receipt of a request pursuant to section 5153.111 7516  
of the Revised Code, a completed form prescribed pursuant to 7517  
division (C) (1) of this section, and a set of fingerprint 7518  
impressions obtained in the manner described in division (C) (2) 7519  
of this section, the superintendent of the bureau of criminal 7520  
identification and investigation shall conduct a criminal 7521  
records check in the manner described in division (B) of this 7522  
section to determine whether any information exists that 7523  
indicates that the person who is the subject of the request 7524  
previously has been convicted of or pleaded guilty to any of the 7525  
following: 7526

(a) A violation of section 2903.01, 2903.02, 2903.03, 7527

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 7528  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 7529  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 7530  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 7531  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 7532  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 7533  
2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, or 7534  
3716.11 of the Revised Code, felonious sexual penetration in 7535  
violation of former section 2907.12 of the Revised Code, a 7536  
violation of section 2905.04 of the Revised Code as it existed 7537  
prior to July 1, 1996, a violation of section 2919.23 of the 7538  
Revised Code that would have been a violation of section 2905.04 7539  
of the Revised Code as it existed prior to July 1, 1996, had the 7540  
violation been committed prior to that date, or a violation of 7541  
section 2925.11, 2925.111, or 2925.112 of the Revised Code that 7542  
is not a minor drug possession offense; 7543

(b) A violation of an existing or former law of this 7544  
state, any other state, or the United States that is 7545  
substantially equivalent to any of the offenses listed in 7546  
division (A) (6) (a) of this section. 7547

(7) On receipt of a request for a criminal records check 7548  
from an individual pursuant to section 4749.03 or 4749.06 of the 7549  
Revised Code, accompanied by a completed copy of the form 7550  
prescribed in division (C) (1) of this section and a set of 7551  
fingerprint impressions obtained in a manner described in 7552  
division (C) (2) of this section, the superintendent of the 7553  
bureau of criminal identification and investigation shall 7554  
conduct a criminal records check in the manner described in 7555  
division (B) of this section to determine whether any 7556  
information exists indicating that the person who is the subject 7557  
of the request has been convicted of or pleaded guilty to a 7558

felony in this state or in any other state. If the individual 7559  
indicates that a firearm will be carried in the course of 7560  
business, the superintendent shall require information from the 7561  
federal bureau of investigation as described in division (B) (2) 7562  
of this section. Subject to division (F) of this section, the 7563  
superintendent shall report the findings of the criminal records 7564  
check and any information the federal bureau of investigation 7565  
provides to the director of public safety. 7566

(8) On receipt of a request pursuant to section 1321.37, 7567  
1321.53, or 4763.05 of the Revised Code, a completed form 7568  
prescribed pursuant to division (C) (1) of this section, and a 7569  
set of fingerprint impressions obtained in the manner described 7570  
in division (C) (2) of this section, the superintendent of the 7571  
bureau of criminal identification and investigation shall 7572  
conduct a criminal records check with respect to any person who 7573  
has applied for a license, permit, or certification from the 7574  
department of commerce or a division in the department. The 7575  
superintendent shall conduct the criminal records check in the 7576  
manner described in division (B) of this section to determine 7577  
whether any information exists that indicates that the person 7578  
who is the subject of the request previously has been convicted 7579  
of or pleaded guilty to any of the following: a violation of 7580  
section 2913.02, 2913.11, 2913.31, 2913.51, ~~or 2925.03,~~ 7581  
2925.031, or 2925.032 of the Revised Code; any other criminal 7582  
offense involving theft, receiving stolen property, 7583  
embezzlement, forgery, fraud, passing bad checks, money 7584  
laundering, or drug trafficking, or any criminal offense 7585  
involving money or securities, as set forth in Chapters 2909., 7586  
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 7587  
Code; or any existing or former law of this state, any other 7588  
state, or the United States that is substantially equivalent to 7589

those offenses. 7590

(9) On receipt of a request for a criminal records check 7591  
from the treasurer of state under section 113.041 of the Revised 7592  
Code or from an individual under section 928.03, 4701.08, 7593  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 7594  
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 7595  
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 7596  
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 7597  
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 7598  
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 7599  
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 7600  
Code, accompanied by a completed form prescribed under division 7601  
(C) (1) of this section and a set of fingerprint impressions 7602  
obtained in the manner described in division (C) (2) of this 7603  
section, the superintendent of the bureau of criminal 7604  
identification and investigation shall conduct a criminal 7605  
records check in the manner described in division (B) of this 7606  
section to determine whether any information exists that 7607  
indicates that the person who is the subject of the request has 7608  
been convicted of or pleaded guilty to any criminal offense in 7609  
this state or any other state. Subject to division (F) of this 7610  
section, the superintendent shall send the results of a check 7611  
requested under section 113.041 of the Revised Code to the 7612  
treasurer of state and shall send the results of a check 7613  
requested under any of the other listed sections to the 7614  
licensing board specified by the individual in the request. 7615

(10) On receipt of a request pursuant to section 124.74, 7616  
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 7617  
Code, a completed form prescribed pursuant to division (C) (1) of 7618  
this section, and a set of fingerprint impressions obtained in 7619  
the manner described in division (C) (2) of this section, the 7620

superintendent of the bureau of criminal identification and 7621  
investigation shall conduct a criminal records check in the 7622  
manner described in division (B) of this section to determine 7623  
whether any information exists that indicates that the person 7624  
who is the subject of the request previously has been convicted 7625  
of or pleaded guilty to any criminal offense under any existing 7626  
or former law of this state, any other state, or the United 7627  
States. 7628

(11) On receipt of a request for a criminal records check 7629  
from an appointing or licensing authority under section 3772.07 7630  
of the Revised Code, a completed form prescribed under division 7631  
(C) (1) of this section, and a set of fingerprint impressions 7632  
obtained in the manner prescribed in division (C) (2) of this 7633  
section, the superintendent of the bureau of criminal 7634  
identification and investigation shall conduct a criminal 7635  
records check in the manner described in division (B) of this 7636  
section to determine whether any information exists that 7637  
indicates that the person who is the subject of the request 7638  
previously has been convicted of or pleaded guilty or no contest 7639  
to any offense under any existing or former law of this state, 7640  
any other state, or the United States that is a disqualifying 7641  
offense as defined in section 3772.07 of the Revised Code or 7642  
substantially equivalent to such an offense. 7643

(12) On receipt of a request pursuant to section 2151.33 7644  
or 2151.412 of the Revised Code, a completed form prescribed 7645  
pursuant to division (C) (1) of this section, and a set of 7646  
fingerprint impressions obtained in the manner described in 7647  
division (C) (2) of this section, the superintendent of the 7648  
bureau of criminal identification and investigation shall 7649  
conduct a criminal records check with respect to any person for 7650  
whom a criminal records check is required under that section. 7651

The superintendent shall conduct the criminal records check in 7652  
the manner described in division (B) of this section to 7653  
determine whether any information exists that indicates that the 7654  
person who is the subject of the request previously has been 7655  
convicted of or pleaded guilty to any of the following: 7656

(a) A violation of section 2903.01, 2903.02, 2903.03, 7657  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 7658  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 7659  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 7660  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 7661  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 7662  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 7663  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 7664  
2925.032, 2925.11, 2925.111, 2925.112, 2925.13, 2925.22, 7665  
2925.23, or 3716.11 of the Revised Code; 7666

(b) An existing or former law of this state, any other 7667  
state, or the United States that is substantially equivalent to 7668  
any of the offenses listed in division (A)(12)(a) of this 7669  
section. 7670

(13) On receipt of a request pursuant to section 3796.12 7671  
of the Revised Code, a completed form prescribed pursuant to 7672  
division (C)(1) of this section, and a set of fingerprint 7673  
impressions obtained in a manner described in division (C)(2) of 7674  
this section, the superintendent of the bureau of criminal 7675  
identification and investigation shall conduct a criminal 7676  
records check in the manner described in division (B) of this 7677  
section to determine whether any information exists that 7678  
indicates that the person who is the subject of the request 7679  
previously has been convicted of or pleaded guilty to the 7680  
following: 7681

(a) A disqualifying offense as specified in rules adopted 7682  
under division (B) (2) (b) of section 3796.03 of the Revised Code 7683  
if the person who is the subject of the request is an 7684  
administrator or other person responsible for the daily 7685  
operation of, or an owner or prospective owner, officer or 7686  
prospective officer, or board member or prospective board member 7687  
of, an entity seeking a license from the department of commerce 7688  
under Chapter 3796. of the Revised Code; 7689

(b) A disqualifying offense as specified in rules adopted 7690  
under division (B) (2) (b) of section 3796.04 of the Revised Code 7691  
if the person who is the subject of the request is an 7692  
administrator or other person responsible for the daily 7693  
operation of, or an owner or prospective owner, officer or 7694  
prospective officer, or board member or prospective board member 7695  
of, an entity seeking a license from the state board of pharmacy 7696  
under Chapter 3796. of the Revised Code. 7697

(14) On receipt of a request required by section 3796.13 7698  
of the Revised Code, a completed form prescribed pursuant to 7699  
division (C) (1) of this section, and a set of fingerprint 7700  
impressions obtained in a manner described in division (C) (2) of 7701  
this section, the superintendent of the bureau of criminal 7702  
identification and investigation shall conduct a criminal 7703  
records check in the manner described in division (B) of this 7704  
section to determine whether any information exists that 7705  
indicates that the person who is the subject of the request 7706  
previously has been convicted of or pleaded guilty to the 7707  
following: 7708

(a) A disqualifying offense as specified in rules adopted 7709  
under division (B) (8) (a) of section 3796.03 of the Revised Code 7710  
if the person who is the subject of the request is seeking 7711

employment with an entity licensed by the department of commerce 7712  
under Chapter 3796. of the Revised Code; 7713

(b) A disqualifying offense as specified in rules adopted 7714  
under division (B)(14)(a) of section 3796.04 of the Revised Code 7715  
if the person who is the subject of the request is seeking 7716  
employment with an entity licensed by the state board of 7717  
pharmacy under Chapter 3796. of the Revised Code. 7718

(15) On receipt of a request pursuant to section 4768.06 7719  
of the Revised Code, a completed form prescribed under division 7720  
(C)(1) of this section, and a set of fingerprint impressions 7721  
obtained in the manner described in division (C)(2) of this 7722  
section, the superintendent of the bureau of criminal 7723  
identification and investigation shall conduct a criminal 7724  
records check in the manner described in division (B) of this 7725  
section to determine whether any information exists indicating 7726  
that the person who is the subject of the request has been 7727  
convicted of or pleaded guilty to a felony in this state or in 7728  
any other state. 7729

(16) On receipt of a request pursuant to division (B) of 7730  
section 4764.07 or division (A) of section 4735.143 of the 7731  
Revised Code, a completed form prescribed under division (C)(1) 7732  
of this section, and a set of fingerprint impressions obtained 7733  
in the manner described in division (C)(2) of this section, the 7734  
superintendent of the bureau of criminal identification and 7735  
investigation shall conduct a criminal records check in the 7736  
manner described in division (B) of this section to determine 7737  
whether any information exists indicating that the person who is 7738  
the subject of the request has been convicted of or pleaded 7739  
guilty to any crime of moral turpitude, a felony, or an 7740  
equivalent offense in any other state or the United States. 7741

(17) On receipt of a request for a criminal records check 7742  
under section 147.022 of the Revised Code, a completed form 7743  
prescribed under division (C)(1) of this section, and a set of 7744  
fingerprint impressions obtained in the manner prescribed in 7745  
division (C)(2) of this section, the superintendent of the 7746  
bureau of criminal identification and investigation shall 7747  
conduct a criminal records check in the manner described in 7748  
division (B) of this section to determine whether any 7749  
information exists that indicates that the person who is the 7750  
subject of the request previously has been convicted of or 7751  
pleaded guilty or no contest to any disqualifying offense, as 7752  
defined in section 147.011 of the Revised Code, or to any 7753  
offense under any existing or former law of this state, any 7754  
other state, or the United States that is substantially 7755  
equivalent to such a disqualifying offense. 7756

(B) Subject to division (F) of this section, the 7757  
superintendent shall conduct any criminal records check to be 7758  
conducted under this section as follows: 7759

(1) The superintendent shall review or cause to be 7760  
reviewed any relevant information gathered and compiled by the 7761  
bureau under division (A) of section 109.57 of the Revised Code 7762  
that relates to the person who is the subject of the criminal 7763  
records check, including, if the criminal records check was 7764  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 7765  
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 7766  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 7767  
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 7768  
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 7769  
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 7770  
5153.111 of the Revised Code, any relevant information contained 7771  
in records that have been sealed under section 2953.32 of the 7772

Revised Code; 7773

(2) If the request received by the superintendent asks for 7774  
information from the federal bureau of investigation, the 7775  
superintendent shall request from the federal bureau of 7776  
investigation any information it has with respect to the person 7777  
who is the subject of the criminal records check, including 7778  
fingerprint-based checks of national crime information databases 7779  
as described in 42 U.S.C. 671 if the request is made pursuant to 7780  
section 2151.86 or 5104.013 of the Revised Code or if any other 7781  
Revised Code section requires fingerprint-based checks of that 7782  
nature, and shall review or cause to be reviewed any information 7783  
the superintendent receives from that bureau. If a request under 7784  
section 3319.39 of the Revised Code asks only for information 7785  
from the federal bureau of investigation, the superintendent 7786  
shall not conduct the review prescribed by division (B)(1) of 7787  
this section. 7788

(3) The superintendent or the superintendent's designee 7789  
may request criminal history records from other states or the 7790  
federal government pursuant to the national crime prevention and 7791  
privacy compact set forth in section 109.571 of the Revised 7792  
Code. 7793

(4) The superintendent shall include in the results of the 7794  
criminal records check a list or description of the offenses 7795  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 7796  
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 7797  
of this section, whichever division requires the superintendent 7798  
to conduct the criminal records check. The superintendent shall 7799  
exclude from the results any information the dissemination of 7800  
which is prohibited by federal law. 7801

(5) The superintendent shall send the results of the 7802

criminal records check to the person to whom it is to be sent 7803  
not later than the following number of days after the date the 7804  
superintendent receives the request for the criminal records 7805  
check, the completed form prescribed under division (C) (1) of 7806  
this section, and the set of fingerprint impressions obtained in 7807  
the manner described in division (C) (2) of this section: 7808

(a) If the superintendent is required by division (A) of 7809  
this section (other than division (A) (3) of this section) to 7810  
conduct the criminal records check, thirty; 7811

(b) If the superintendent is required by division (A) (3) 7812  
of this section to conduct the criminal records check, sixty. 7813

(C) (1) The superintendent shall prescribe a form to obtain 7814  
the information necessary to conduct a criminal records check 7815  
from any person for whom a criminal records check is to be 7816  
conducted under this section. The form that the superintendent 7817  
prescribes pursuant to this division may be in a tangible 7818  
format, in an electronic format, or in both tangible and 7819  
electronic formats. 7820

(2) The superintendent shall prescribe standard impression 7821  
sheets to obtain the fingerprint impressions of any person for 7822  
whom a criminal records check is to be conducted under this 7823  
section. Any person for whom a records check is to be conducted 7824  
under this section shall obtain the fingerprint impressions at a 7825  
county sheriff's office, municipal police department, or any 7826  
other entity with the ability to make fingerprint impressions on 7827  
the standard impression sheets prescribed by the superintendent. 7828  
The office, department, or entity may charge the person a 7829  
reasonable fee for making the impressions. The standard 7830  
impression sheets the superintendent prescribes pursuant to this 7831  
division may be in a tangible format, in an electronic format, 7832

or in both tangible and electronic formats. 7833

(3) Subject to division (D) of this section, the 7834  
superintendent shall prescribe and charge a reasonable fee for 7835  
providing a criminal records check under this section. The 7836  
person requesting the criminal records check shall pay the fee 7837  
prescribed pursuant to this division. In the case of a request 7838  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 7839  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 7840  
fee shall be paid in the manner specified in that section. 7841

(4) The superintendent of the bureau of criminal 7842  
identification and investigation may prescribe methods of 7843  
forwarding fingerprint impressions and information necessary to 7844  
conduct a criminal records check, which methods shall include, 7845  
but not be limited to, an electronic method. 7846

(D) The results of a criminal records check conducted 7847  
under this section, other than a criminal records check 7848  
specified in division (A)(7) of this section, are valid for the 7849  
person who is the subject of the criminal records check for a 7850  
period of one year from the date upon which the superintendent 7851  
completes the criminal records check. If during that period the 7852  
superintendent receives another request for a criminal records 7853  
check to be conducted under this section for that person, the 7854  
superintendent shall provide the results from the previous 7855  
criminal records check of the person at a lower fee than the fee 7856  
prescribed for the initial criminal records check. 7857

(E) When the superintendent receives a request for 7858  
information from a registered private provider, the 7859  
superintendent shall proceed as if the request was received from 7860  
a school district board of education under section 3319.39 of 7861  
the Revised Code. The superintendent shall apply division (A)(1) 7862

(c) of this section to any such request for an applicant who is a teacher. 7863  
7864

(F) (1) Subject to division (F) (2) of this section, all information regarding the results of a criminal records check conducted under this section that the superintendent reports or sends under division (A) (7) or (9) of this section to the director of public safety, the treasurer of state, or the person, board, or entity that made the request for the criminal records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal offense. 7865  
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(2) Division (F) (1) of this section does not limit, restrict, or preclude the superintendent's release of information that relates to the arrest of a person who is eighteen years of age or older, to an adjudication of a child as a delinquent child, or to a criminal conviction of a person under eighteen years of age in circumstances in which a release of that nature is authorized under division (E) (2), (3), or (4) of section 109.57 of the Revised Code pursuant to a rule adopted under division (E) (1) of that section. 7874  
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(G) As used in this section: 7883

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section. 7884  
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(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 7888  
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(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or 7890  
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former law of this state, any other state, or the United States 7892  
that is substantially equivalent to section 4511.19 of the 7893  
Revised Code. 7894

(4) "Registered private provider" means a nonpublic school 7895  
or entity registered with the superintendent of public 7896  
instruction under section 3310.41 of the Revised Code to 7897  
participate in the autism scholarship program or section 3310.58 7898  
of the Revised Code to participate in the Jon Peterson special 7899  
needs scholarship program. 7900

**Sec. 128.04.** (A) Public safety answering point personnel 7901  
who are certified as emergency service telecommunicators under 7902  
section 4742.03 of the Revised Code shall receive training in 7903  
informing individuals who call about an apparent drug overdose 7904  
about the immunity from prosecution for a minor drug possession 7905  
offense created by ~~section~~ sections 2925.11, 2925.111, and 7906  
2925.112 of the Revised Code. 7907

(B) Public safety answering point personnel who receive a 7908  
call about an apparent drug overdose shall make reasonable 7909  
efforts, upon the caller's inquiry, to inform the caller about 7910  
the immunity from prosecution for a minor drug possession 7911  
offense created by ~~section~~ sections 2925.11, 2925.111, and 7912  
2925.112 of the Revised Code. 7913

**Sec. 177.01.** (A) The organized crime investigations 7914  
commission, consisting of seven members, is hereby established 7915  
in the office of the attorney general. One of the members shall 7916  
be the attorney general. Of the remaining members, each of whom 7917  
shall be appointed by the governor with the advice and consent 7918  
of the senate, two shall be prosecuting attorneys, two shall be 7919  
county sheriffs, and two shall be chief municipal law 7920  
enforcement officers. No more than four members of the 7921

commission shall be members of the same political party. 7922

Of the initial appointments to the commission, one member 7923  
who is a prosecuting attorney and one who is a county sheriff 7924  
each shall be appointed for terms ending September 3, 1987, one 7925  
member who is a prosecuting attorney and one who is a chief 7926  
municipal law enforcement officer each shall be appointed for 7927  
terms ending September 3, 1988, and one member who is a county 7928  
sheriff and one who is a chief municipal law enforcement officer 7929  
each shall be appointed for terms ending September 3, 1989. 7930  
Thereafter, terms of office of persons appointed to the 7931  
commission shall be for three years, with each term ending on 7932  
the same day of the same month of the year as did the term that 7933  
it succeeds. Members may be reappointed. Each appointed member 7934  
shall hold office from the date of the member's appointment 7935  
until the end of the term for which the member was appointed, 7936  
except that an appointed member who ceases to hold the office or 7937  
position of prosecuting attorney, county sheriff, or chief 7938  
municipal law enforcement officer prior to the expiration of the 7939  
member's term of office on the commission shall cease to be a 7940  
member of the commission on the date that the member ceases to 7941  
hold the office or position. Vacancies shall be filled in the 7942  
manner provided for original appointments. Any member appointed 7943  
to fill a vacancy occurring prior to the expiration of the term 7944  
for which the member's predecessor was appointed shall take 7945  
office on the commission when the member is confirmed by the 7946  
senate and shall hold office for the remainder of such term. Any 7947  
member shall continue in office subsequent to the expiration 7948  
date of the member's term until the member's successor takes 7949  
office, or until a period of sixty days has elapsed, whichever 7950  
occurs first. 7951

The attorney general shall become a member of the 7952

commission on September 3, 1986. Successors in office to that 7953  
attorney general shall become members of the commission on the 7954  
day they assume the office of attorney general. An attorney 7955  
general's term of office as a member of the commission shall 7956  
continue for as long as the person in question holds the office 7957  
of attorney general. 7958

Each member of the commission may designate, in writing, 7959  
another person to represent the member on the commission. If a 7960  
member makes such a designation, either the member or the 7961  
designee may perform the member's duties and exercise the 7962  
member's authority on the commission. If a member makes such a 7963  
designation, the member may revoke the designation by sending 7964  
written notice of the revocation to the commission. Upon such a 7965  
revocation, the member may designate a different person to 7966  
represent the member on the commission by sending written notice 7967  
of the designation to the commission at least two weeks prior to 7968  
the date on which the new designation is to take effect. 7969

The attorney general or a person the attorney general 7970  
designates pursuant to this division to represent the attorney 7971  
general on the commission shall serve as chairperson of the 7972  
commission. The commission shall meet within two weeks after all 7973  
appointed members have been appointed, at a time and place 7974  
determined by the governor. The commission shall organize by 7975  
selecting a vice-chairperson and other officers who are 7976  
necessary and shall adopt rules to govern its procedures. 7977  
Thereafter, the commission shall meet at least once every six 7978  
months, or more often upon the call of the chairperson or the 7979  
written request of two or more members. Each member of the 7980  
commission shall have one vote. Four members constitute a 7981  
quorum, and four votes are required to validate an action of the 7982  
commission. 7983

The members of the commission shall serve without 7984  
compensation, but each member shall be reimbursed for actual and 7985  
necessary expenses incurred in the performance of official 7986  
duties. In the absence of the chairperson, the vice-chairperson 7987  
shall perform the duties of the chairperson. 7988

(B) The commission shall coordinate investigations of 7989  
organized criminal activity and perform all of the functions and 7990  
duties relative to the investigations that are set forth in 7991  
section 177.02 of the Revised Code, and it shall cooperate with 7992  
departments and officers of the government of the United States 7993  
in the suppression of organized criminal activity. 7994

(C) The commission shall appoint and fix the compensation 7995  
of a director and such technical and clerical employees who are 7996  
necessary to exercise the powers and carry out the duties of the 7997  
commission, may enter into contracts with one or more 7998  
consultants to assist in exercising those powers and carrying 7999  
out those duties, and may enter into contracts and purchase any 8000  
equipment necessary to the performance of its duties. The 8001  
director and employees of the commission shall be members of the 8002  
unclassified service as defined in section 124.11 of the Revised 8003  
Code. The commission shall require the director and each 8004  
employee, prior to commencing employment with the commission, to 8005  
undergo an investigation for the purpose of obtaining a security 8006  
clearance and, after the initial investigation, may require the 8007  
director and each employee to undergo an investigation for that 8008  
purpose at any time during the director's or employee's 8009  
employment with the commission. The commission may require any 8010  
consultant with whom it contracts to undergo an investigation 8011  
for the purpose of obtaining a security clearance. An 8012  
investigation under this division may include, but is not 8013  
limited to, a polygraph examination and shall be conducted by an 8014

organization designated by the commission. 8015

(D) An appointed commission member may be removed from 8016  
office as a member of the commission by the vote of four members 8017  
of the commission or by the governor for any of the following 8018  
reasons: 8019

(1) Neglect of duty, misconduct, incompetence, or 8020  
malfeasance in office; 8021

(2) Conviction of or a plea of guilty to a felony or an 8022  
offense of moral turpitude; 8023

(3) Being mentally ill or mentally incompetent; 8024

(4) Being the subject of an investigation by a task force 8025  
established by the commission or another law enforcement agency, 8026  
where the proof of criminal activity is evident or the 8027  
presumption great; 8028

(5) Engaging in any activity or associating with any 8029  
persons or organization inappropriate to the member's position 8030  
as a member of the commission. 8031

(E) As used in sections 177.01 to 177.03 of the Revised 8032  
Code: 8033

(1) "Organized criminal activity" means any combination or 8034  
conspiracy to engage in activity that constitutes "engaging in a 8035  
pattern of corrupt activity;" any violation, combination of 8036  
violations, or conspiracy to commit one or more violations of 8037  
section 2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, 8038  
~~or~~ 2925.11, 2925.111, or 2925.112 of the Revised Code other than 8039  
a violation of section 2925.11, 2925.111, or 2925.112 of the 8040  
Revised Code that is a minor drug possession offense; or any 8041  
criminal activity that relates to the corruption of a public 8042

official, as defined in section 2921.01 of the Revised Code, or 8043  
of a public servant of the type described in division (B) (3) of 8044  
that section. 8045

(2) A person is engaging in an activity that constitutes 8046  
"engaging in a pattern of corrupt activity" if any of the 8047  
following apply: 8048

(a) The person is or was employed by, or associated with, 8049  
an enterprise and the person conducts or participates in, 8050  
directly or indirectly, the affairs of the enterprise through a 8051  
pattern of corrupt activity or the collection of an unlawful 8052  
debt. 8053

(b) The person, through a pattern of corrupt activity or 8054  
the collection of an unlawful debt, acquires or maintains, 8055  
directly or indirectly, an interest in, or control of, an 8056  
enterprise or real property. 8057

(c) The person knowingly has received proceeds derived, 8058  
directly or indirectly, from a pattern of corrupt activity or 8059  
the collection of an unlawful debt and the person uses or 8060  
invests, directly or indirectly, a part of those proceeds, or 8061  
proceeds derived from the use or investment of any of those 8062  
proceeds, in the acquisition of title to, or a right, interest, 8063  
or equity in, real property or the establishment or operation of 8064  
an enterprise. A purchase of securities on the open market with 8065  
intent to make an investment, without intent to control or 8066  
participate in the control of the issuer, and without intent to 8067  
assist another to do so is not an activity that constitutes 8068  
"engaging in a pattern of corrupt activity" if the securities of 8069  
the issuer held after the purchase by the purchaser, the members 8070  
of the purchaser's immediate family, and the purchaser's or 8071  
members' accomplices in any pattern of corrupt activity or the 8072

collection of an unlawful debt, do not aggregate one per cent of 8073  
the outstanding securities of any one class of the issuer and do 8074  
not confer, in law or in fact, the power to elect one or more 8075  
directors of the issuer. 8076

(3) "Pattern of corrupt activity" means two or more 8077  
incidents of corrupt activity, whether or not there has been a 8078  
prior conviction, that are related to the affairs of the same 8079  
enterprise, are not isolated, and are not so closely related to 8080  
each other and connected in time and place that they constitute 8081  
a single event. At least one of the incidents forming the 8082  
pattern shall occur on or after September 3, 1986. Unless any 8083  
incident was an aggravated murder or murder, the most recent of 8084  
the incidents forming the pattern shall occur within six years 8085  
after the commission of any prior incident forming the pattern, 8086  
excluding any period of imprisonment served by any person 8087  
engaging in the corrupt activity. 8088

(4) "Corrupt activity," "unlawful debt," "enterprise," 8089  
"person," "real property," and "beneficial interest" have the 8090  
same meanings as in section 2923.31 of the Revised Code. 8091

(5) "Minor drug possession offense" has the same meaning 8092  
as in section 2925.01 of the Revised Code. 8093

**Sec. 2152.021.** (A) (1) Subject to division (A) (2) of this 8094  
section, any person having knowledge of a child who appears to 8095  
be a juvenile traffic offender or to be a delinquent child may 8096  
file a sworn complaint with respect to that child in the 8097  
juvenile court of the county in which the child has a residence 8098  
or legal settlement or in which the traffic offense or 8099  
delinquent act allegedly occurred. The sworn complaint may be 8100  
upon information and belief, and, in addition to the allegation 8101  
that the child is a delinquent child or a juvenile traffic 8102

offender, the complaint shall allege the particular facts upon 8103  
which the allegation that the child is a delinquent child or a 8104  
juvenile traffic offender is based. 8105

If a child appears to be a delinquent child who is 8106  
eligible for a serious youthful offender dispositional sentence 8107  
under section 2152.11 of the Revised Code and if the prosecuting 8108  
attorney desires to seek a serious youthful offender 8109  
dispositional sentence under section 2152.13 of the Revised Code 8110  
in regard to the child, the prosecuting attorney of the county 8111  
in which the alleged delinquency occurs may initiate a case in 8112  
the juvenile court of the county by presenting the case to a 8113  
grand jury for indictment, by charging the child in a bill of 8114  
information as a serious youthful offender pursuant to section 8115  
2152.13 of the Revised Code, by requesting a serious youthful 8116  
offender dispositional sentence in the original complaint 8117  
alleging that the child is a delinquent child, or by filing with 8118  
the juvenile court a written notice of intent to seek a serious 8119  
youthful offender dispositional sentence. This paragraph does 8120  
not apply regarding the imposition of a serious youthful 8121  
offender dispositional sentence pursuant to section 2152.121 of 8122  
the Revised Code. 8123

(2) Any person having knowledge of a child who appears to 8124  
be a delinquent child for violating a court order regarding the 8125  
child's adjudication as an unruly child for being an habitual 8126  
truant, may file a sworn complaint with respect to that child, 8127  
or with respect to that child and the parent, guardian, or other 8128  
person having care of the child, in the juvenile court of the 8129  
county in which the child has a residence or legal settlement or 8130  
in which the child is supposed to attend public school. The 8131  
sworn complaint may be upon information and belief and shall 8132  
allege that the child is a delinquent child for violating a 8133

court order regarding the child's prior adjudication as an 8134  
unruly child for being a habitual truant and, in addition, the 8135  
particular facts upon which that allegation is based. If the 8136  
complaint contains allegations regarding the child's parent, 8137  
guardian, or other person having care of the child, the 8138  
complaint additionally shall allege that the parent, guardian, 8139  
or other person having care of the child has failed to cause the 8140  
child's attendance at school in violation of section 3321.38 of 8141  
the Revised Code and, in addition, the particular facts upon 8142  
which that allegation is based. 8143

(B) Any person with standing under applicable law may file 8144  
a complaint for the determination of any other matter over which 8145  
the juvenile court is given jurisdiction by section 2151.23 of 8146  
the Revised Code. The complaint shall be filed in the county in 8147  
which the child who is the subject of the complaint is found or 8148  
was last known to be found. 8149

(C) Within ten days after the filing of a complaint or the 8150  
issuance of an indictment, the court shall give written notice 8151  
of the filing of the complaint or the issuance of an indictment 8152  
and of the substance of the complaint or indictment to the 8153  
superintendent of a city, local, exempted village, or joint 8154  
vocational school district if the complaint or indictment 8155  
alleges that a child committed an act that would be a criminal 8156  
offense if committed by an adult, that the child was sixteen 8157  
years of age or older at the time of the commission of the 8158  
alleged act, and that the alleged act is any of the following: 8159

(1) A violation of section 2923.122 of the Revised Code 8160  
that relates to property owned or controlled by, or to an 8161  
activity held under the auspices of, the board of education of 8162  
that school district; 8163

(2) A violation of section 2923.12 of the Revised Code, of 8164  
a substantially similar municipal ordinance, or of section 8165  
2925.03, 2925.031, or 2925.032 of the Revised Code that was 8166  
committed on property owned or controlled by, or at an activity 8167  
held under the auspices of, the board of education of that 8168  
school district; 8169

(3) A violation of section 2925.11, 2925.111, or 2925.112 8170  
of the Revised Code that was committed on property owned or 8171  
controlled by, or at an activity held under the auspices of, the 8172  
board of education of that school district, other than a 8173  
violation of that section that would be a minor drug possession 8174  
offense if committed by an adult; 8175

(4) A violation of section 2903.01, 2903.02, 2903.03, 8176  
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 8177  
Code, or a violation of former section 2907.12 of the Revised 8178  
Code, that was committed on property owned or controlled by, or 8179  
at an activity held under the auspices of, the board of 8180  
education of that school district, if the victim at the time of 8181  
the commission of the alleged act was an employee of the board 8182  
of education of that school district; 8183

(5) Complicity in any violation described in division (C) 8184  
(1), (2), (3), or (4) of this section that was alleged to have 8185  
been committed in the manner described in division (C) (1), (2), 8186  
(3), or (4) of this section, regardless of whether the act of 8187  
complicity was committed on property owned or controlled by, or 8188  
at an activity held under the auspices of, the board of 8189  
education of that school district. 8190

(D) A public children services agency, acting pursuant to 8191  
a complaint or an action on a complaint filed under this 8192  
section, is not subject to the requirements of section 3127.23 8193

of the Revised Code. 8194

(E) For purposes of the record to be maintained by the 8195  
clerk under division (B) of section 2152.71 of the Revised Code, 8196  
when a complaint is filed that alleges that a child is a 8197  
delinquent child, the court shall determine if the victim of the 8198  
alleged delinquent act was sixty-five years of age or older or 8199  
permanently and totally disabled at the time of the alleged 8200  
commission of the act. 8201

(F) (1) At any time after the filing of a complaint 8202  
alleging that a child is a delinquent child and before 8203  
adjudication, the court may hold a hearing to determine whether 8204  
to hold the complaint in abeyance pending the child's successful 8205  
completion of actions that constitute a method to divert the 8206  
child from the juvenile court system if the child agrees to the 8207  
hearing and either of the following applies: 8208

(a) The act charged would be a violation of section 8209  
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 8210  
were an adult. 8211

(b) The court has reason to believe that the child is a 8212  
victim of a violation of section 2905.32 of the Revised Code, 8213  
regardless of whether any person has been convicted of a 8214  
violation of that section or of any other section for 8215  
victimizing the child, and the act charged is related to the 8216  
child's victimization. 8217

(2) The prosecuting attorney has the right to participate 8218  
in any hearing held under division (F) (1) of this section, to 8219  
object to holding the complaint that is the subject of the 8220  
hearing in abeyance, and to make recommendations related to 8221  
diversion actions. No statement made by a child at a hearing 8222

held under division (F) (1) of this section is admissible in any 8223  
subsequent proceeding against the child. 8224

(3) If either division (F) (1) (a) or (b) of this section 8225  
applies, the court shall promptly appoint a guardian ad litem 8226  
for the child. The court shall not appoint the child's attorney 8227  
as guardian ad litem. If the court decides to hold the complaint 8228  
in abeyance, the guardian ad litem shall make recommendations 8229  
that are in the best interest of the child to the court. 8230

(4) If after a hearing the court decides to hold the 8231  
complaint in abeyance, the court may make any orders regarding 8232  
placement, services, supervision, diversion actions, and 8233  
conditions of abeyance, including, but not limited to, 8234  
engagement in trauma-based behavioral health services or 8235  
education activities, that the court considers appropriate and 8236  
in the best interest of the child. The court may hold the 8237  
complaint in abeyance for up to ninety days while the child 8238  
engages in diversion actions. If the child violates the 8239  
conditions of abeyance or does not complete the diversion 8240  
actions to the court's satisfaction within ninety days, the 8241  
court may extend the period of abeyance for not more than two 8242  
additional ninety-day periods. 8243

(5) If the court holds the complaint in abeyance and the 8244  
child complies with the conditions of abeyance and completes the 8245  
diversion actions to the court's satisfaction, the court shall 8246  
dismiss the complaint and order that the records pertaining to 8247  
the case be expunged immediately. If the child fails to complete 8248  
the diversion actions to the court's satisfaction, the court 8249  
shall proceed upon the complaint. 8250

**Sec. 2152.18.** (A) When a juvenile court commits a 8251  
delinquent child to the custody of the department of youth 8252

services pursuant to this chapter, the court shall not designate 8253  
the specific institution in which the department is to place the 8254  
child but instead shall specify that the child is to be 8255  
institutionalized in a secure facility. 8256

(B) When a juvenile court commits a delinquent child to 8257  
the custody of the department of youth services pursuant to this 8258  
chapter, the court shall state in the order of commitment the 8259  
total number of days that the child has been confined in 8260  
connection with the delinquent child complaint upon which the 8261  
order of commitment is based. The court shall not include days 8262  
that the child has been under electronic monitoring or house 8263  
arrest or days that the child has been confined in a halfway 8264  
house. The department shall reduce the minimum period of 8265  
institutionalization that was ordered by both the total number 8266  
of days that the child has been so confined as stated by the 8267  
court in the order of commitment and the total number of any 8268  
additional days that the child has been confined subsequent to 8269  
the order of commitment but prior to the transfer of physical 8270  
custody of the child to the department. 8271

(C) (1) When a juvenile court commits a delinquent child to 8272  
the custody of the department of youth services pursuant to this 8273  
chapter, the court shall provide the department with the child's 8274  
medical records, a copy of the report of any mental examination 8275  
of the child ordered by the court, the Revised Code section or 8276  
sections the child violated and the degree of each violation, 8277  
the warrant to convey the child to the department, a copy of the 8278  
court's journal entry ordering the commitment of the child to 8279  
the legal custody of the department, a copy of the arrest record 8280  
pertaining to the act for which the child was adjudicated a 8281  
delinquent child, a copy of any victim impact statement 8282  
pertaining to the act, and any other information concerning the 8283

child that the department reasonably requests. The court also 8284  
shall complete the form for the standard predisposition 8285  
investigation report that the department furnishes pursuant to 8286  
section 5139.04 of the Revised Code and provide the department 8287  
with the completed form. 8288

The department may refuse to accept physical custody of a 8289  
delinquent child who is committed to the legal custody of the 8290  
department until the court provides to the department the 8291  
documents specified in this division. No officer or employee of 8292  
the department who refuses to accept physical custody of a 8293  
delinquent child who is committed to the legal custody of the 8294  
department shall be subject to prosecution or contempt of court 8295  
for the refusal if the court fails to provide the documents 8296  
specified in this division at the time the court transfers the 8297  
physical custody of the child to the department. 8298

(2) Within twenty working days after the department of 8299  
youth services receives physical custody of a delinquent child 8300  
from a juvenile court, the court shall provide the department 8301  
with a certified copy of the child's birth certificate and the 8302  
child's social security number or, if the court made all 8303  
reasonable efforts to obtain the information but was 8304  
unsuccessful, with documentation of the efforts it made to 8305  
obtain the information. 8306

(3) If an officer is preparing pursuant to section 2947.06 8307  
or 2951.03 of the Revised Code or Criminal Rule 32.2 a 8308  
presentence investigation report pertaining to a person, the 8309  
department shall make available to the officer, for use in 8310  
preparing the report, any records or reports it possesses 8311  
regarding that person that it received from a juvenile court 8312  
pursuant to division (C) (1) of this section or that pertain to 8313

the treatment of that person after the person was committed to 8314  
the custody of the department as a delinquent child. 8315

(D) (1) Within ten days after an adjudication that a child 8316  
is a delinquent child, the court shall give written notice of 8317  
the adjudication to the superintendent of a city, local, 8318  
exempted village, or joint vocational school district, and to 8319  
the principal of the school the child attends, if the basis of 8320  
the adjudication was the commission of an act that would be a 8321  
criminal offense if committed by an adult, if the act was 8322  
committed by the delinquent child when the child was fourteen 8323  
years of age or older, and if the act is any of the following: 8324

(a) An act that would be a felony or an offense of 8325  
violence if committed by an adult, an act in the commission of 8326  
which the child used or brandished a firearm, or an act that is 8327  
a violation of section 2907.06, 2907.07, 2907.08, 2907.09, 8328  
2907.24, or 2907.241 of the Revised Code and that would be a 8329  
misdemeanor if committed by an adult; 8330

(b) A violation of section 2923.12 of the Revised Code or 8331  
of a substantially similar municipal ordinance that would be a 8332  
misdemeanor if committed by an adult and that was committed on 8333  
property owned or controlled by, or at an activity held under 8334  
the auspices of, the board of education of that school district; 8335

(c) A violation of division (A) of section 2925.03 ~~or,~~ 8336  
2925.031, 2925.032, 2925.11, 2925.111, or 2925.112 of the 8337  
Revised Code that would be a misdemeanor if committed by an 8338  
adult, that was committed on property owned or controlled by, or 8339  
at an activity held under the auspices of, the board of 8340  
education of that school district, and that is not a minor drug 8341  
possession offense; 8342

(d) An act that would be a criminal offense if committed 8343  
by an adult and that results in serious physical harm to persons 8344  
or serious physical harm to property while the child is at 8345  
school, on any other property owned or controlled by the board, 8346  
or at an interscholastic competition, an extracurricular event, 8347  
or any other school program or activity; 8348

(e) Complicity in any violation described in division (D) 8349  
(1) (a), (b), (c), or (d) of this section that was alleged to 8350  
have been committed in the manner described in division (D) (1) 8351  
(a), (b), (c), or (d) of this section, regardless of whether the 8352  
act of complicity was committed on property owned or controlled 8353  
by, or at an activity held under the auspices of, the board of 8354  
education of that school district. 8355

(2) The notice given pursuant to division (D) (1) of this 8356  
section shall include the name of the child who was adjudicated 8357  
to be a delinquent child, the child's age at the time the child 8358  
committed the act that was the basis of the adjudication, and 8359  
identification of the violation of the law or ordinance that was 8360  
the basis of the adjudication. 8361

(3) Within fourteen days after committing a delinquent 8362  
child to the custody of the department of youth services, the 8363  
court shall give notice to the school attended by the child of 8364  
the child's commitment by sending to that school a copy of the 8365  
court's journal entry ordering the commitment. As soon as 8366  
possible after receipt of the notice described in this division, 8367  
the school shall provide the department with the child's school 8368  
transcript. However, the department shall not refuse to accept a 8369  
child committed to it, and a child committed to it shall not be 8370  
held in a county or district detention facility, because of a 8371  
school's failure to provide the school transcript that it is 8372

required to provide under this division. 8373

(4) Within fourteen days after discharging or releasing a 8374  
child from an institution under its control, the department of 8375  
youth services shall provide the court and the superintendent of 8376  
the school district in which the child is entitled to attend 8377  
school under section 3313.64 or 3313.65 of the Revised Code with 8378  
the following: 8379

(a) An updated copy of the child's school transcript; 8380

(b) A report outlining the child's behavior in school 8381  
while in the custody of the department; 8382

(c) The child's current individualized education program, 8383  
as defined in section 3323.01 of the Revised Code, if such a 8384  
program has been developed for the child; 8385

(d) A summary of the institutional record of the child's 8386  
behavior. 8387

The department also shall provide the court with a copy of 8388  
any portion of the child's institutional record that the court 8389  
specifically requests, within five working days of the request. 8390

(E) At any hearing at which a child is adjudicated a 8391  
delinquent child or as soon as possible after the hearing, the 8392  
court shall notify all victims of the delinquent act who may be 8393  
entitled to a recovery under any of the following sections of 8394  
the right of the victims to recover, pursuant to section 3109.09 8395  
of the Revised Code, compensatory damages from the child's 8396  
parents; of the right of the victims to recover, pursuant to 8397  
section 3109.10 of the Revised Code, compensatory damages from 8398  
the child's parents for willful and malicious assaults committed 8399  
by the child; and of the right of the victims to recover an 8400  
award of reparations pursuant to sections 2743.51 to 2743.72 of 8401

the Revised Code. 8402

**Sec. 2743.60.** (A) The attorney general or the court of 8403  
claims shall not make or order an award of reparations to a 8404  
claimant if the criminally injurious conduct upon which the 8405  
claimant bases a claim never was reported to a law enforcement 8406  
officer or agency. 8407

(B) (1) The attorney general or the court of claims shall 8408  
not make or order an award of reparations to a claimant if any 8409  
of the following apply: 8410

(a) The claimant is the offender or an accomplice of the 8411  
offender who committed the criminally injurious conduct, or the 8412  
award would unjustly benefit the offender or accomplice. 8413

(b) Except as provided in division (B) (2) of this section, 8414  
both of the following apply: 8415

(i) The victim was a passenger in a motor vehicle and knew 8416  
or reasonably should have known that the driver was under the 8417  
influence of alcohol, a drug of abuse, or both. 8418

(ii) The claimant is seeking compensation for injuries 8419  
proximately caused by the driver described in division (B) (1) (b) 8420  
(i) of this section being under the influence of alcohol, a drug 8421  
of abuse, or both. 8422

(c) Both of the following apply: 8423

(i) The victim was under the influence of alcohol, a drug 8424  
of abuse, or both and was a passenger in a motor vehicle and, if 8425  
sober, should have reasonably known that the driver was under 8426  
the influence of alcohol, a drug of abuse, or both. 8427

(ii) The claimant is seeking compensation for injuries 8428  
proximately caused by the driver described in division (B) (1) (b) 8429

(i) of this section being under the influence of alcohol, a drug 8430  
of abuse, or both. 8431

(2) Division (B) (1) (b) of this section does not apply if 8432  
on the date of the occurrence of the criminally injurious 8433  
conduct, the victim was under sixteen years of age or was at 8434  
least sixteen years of age but less than eighteen years of age 8435  
and was riding with a parent, guardian, or care-provider. 8436

(C) The attorney general or the court of claims, upon a 8437  
finding that the claimant or victim has not fully cooperated 8438  
with appropriate law enforcement agencies, may deny a claim or 8439  
reconsider and reduce an award of reparations. 8440

(D) The attorney general or the court of claims shall 8441  
reduce an award of reparations or deny a claim for an award of 8442  
reparations that is otherwise payable to a claimant to the 8443  
extent that the economic loss upon which the claim is based is 8444  
recouped from other persons, including collateral sources. If an 8445  
award is reduced or a claim is denied because of the expected 8446  
recoupment of all or part of the economic loss of the claimant 8447  
from a collateral source, the amount of the award or the denial 8448  
of the claim shall be conditioned upon the claimant's economic 8449  
loss being recouped by the collateral source. If the award or 8450  
denial is conditioned upon the recoupment of the claimant's 8451  
economic loss from a collateral source and it is determined that 8452  
the claimant did not unreasonably fail to present a timely claim 8453  
to the collateral source and will not receive all or part of the 8454  
expected recoupment, the claim may be reopened and an award may 8455  
be made in an amount equal to the amount of expected recoupment 8456  
that it is determined the claimant will not receive from the 8457  
collateral source. 8458

If the claimant recoups all or part of the economic loss 8459

upon which the claim is based from any other person or entity, 8460  
including a collateral source, the attorney general may recover 8461  
pursuant to section 2743.72 of the Revised Code the part of the 8462  
award that represents the economic loss for which the claimant 8463  
received the recoupment from the other person or entity. 8464

(E) (1) Except as otherwise provided in division (E) (2) of 8465  
this section, the attorney general or the court of claims shall 8466  
not make an award to a claimant if any of the following applies: 8467

(a) The victim was convicted of a felony within ten years 8468  
prior to the criminally injurious conduct that gave rise to the 8469  
claim or is convicted of a felony during the pendency of the 8470  
claim. 8471

(b) The claimant was convicted of a felony within ten 8472  
years prior to the criminally injurious conduct that gave rise 8473  
to the claim or is convicted of a felony during the pendency of 8474  
the claim. 8475

(c) It is proved by a preponderance of the evidence that 8476  
the victim or the claimant engaged, within ten years prior to 8477  
the criminally injurious conduct that gave rise to the claim or 8478  
during the pendency of the claim, in an offense of violence, a 8479  
violation of section 2925.03, 2925.031, or 2925.032 of the 8480  
Revised Code, or any substantially similar offense that also 8481  
would constitute a felony under the laws of this state, another 8482  
state, or the United States. 8483

(d) The claimant was convicted of a violation of section 8484  
2919.22 or 2919.25 of the Revised Code, or of any state law or 8485  
municipal ordinance substantially similar to either section, 8486  
within ten years prior to the criminally injurious conduct that 8487  
gave rise to the claim or during the pendency of the claim. 8488

(e) It is proved by a preponderance of the evidence that 8489  
the victim at the time of the criminally injurious conduct that 8490  
gave rise to the claim engaged in conduct that was a felony 8491  
violation of section 2925.11, 2925.111, or 2925.112 of the 8492  
Revised Code or engaged in any substantially similar conduct 8493  
that would constitute a felony under the laws of this state, 8494  
another state, or the United States. 8495

(2) The attorney general or the court of claims may make 8496  
an award to a minor dependent of a deceased victim for 8497  
dependent's economic loss or for counseling pursuant to division 8498  
(F) (2) of section 2743.51 of the Revised Code if the minor 8499  
dependent is not ineligible under division (E) (1) of this 8500  
section due to the minor dependent's criminal history and if the 8501  
victim was not killed while engaging in illegal conduct that 8502  
contributed to the criminally injurious conduct that gave rise 8503  
to the claim. For purposes of this section, the use of illegal 8504  
drugs by the deceased victim shall not be deemed to have 8505  
contributed to the criminally injurious conduct that gave rise 8506  
to the claim. 8507

(F) In determining whether to make an award of reparations 8508  
pursuant to this section, the attorney general or the court of 8509  
claims shall consider whether there was contributory misconduct 8510  
by the victim or the claimant. The attorney general or the court 8511  
of claims shall reduce an award of reparations or deny a claim 8512  
for an award of reparations to the extent it is determined to be 8513  
reasonable because of the contributory misconduct of the 8514  
claimant or the victim. 8515

When the attorney general decides whether a claim should 8516  
be denied because of an allegation of contributory misconduct, 8517  
the burden of proof on the issue of that alleged contributory 8518

misconduct shall be upon the claimant, if either of the 8519  
following apply: 8520

(1) The victim was convicted of a felony more than ten 8521  
years prior to the criminally injurious conduct that is the 8522  
subject of the claim or has a record of felony arrests under the 8523  
laws of this state, another state, or the United States. 8524

(2) There is good cause to believe that the victim engaged 8525  
in an ongoing course of criminal conduct within five years or 8526  
less of the criminally injurious conduct that is the subject of 8527  
the claim. 8528

(G) The attorney general or the court of claims shall not 8529  
make an award of reparations to a claimant if the criminally 8530  
injurious conduct that caused the injury or death that is the 8531  
subject of the claim occurred to a victim who was an adult and 8532  
while the victim, after being convicted of or pleading guilty to 8533  
an offense, was serving a sentence of imprisonment in any 8534  
detention facility, as defined in section 2921.01 of the Revised 8535  
Code. 8536

(H) If a claimant unreasonably fails to present a claim 8537  
timely to a source of benefits or advantages that would have 8538  
been a collateral source and that would have reimbursed the 8539  
claimant for all or a portion of a particular expense, the 8540  
attorney general or the court of claims may reduce an award of 8541  
reparations or deny a claim for an award of reparations to the 8542  
extent that it is reasonable to do so. 8543

(I) Reparations payable to a victim and to all other 8544  
claimants sustaining economic loss because of injury to or the 8545  
death of that victim shall not exceed fifty thousand dollars in 8546  
the aggregate. If the attorney general or the court of claims 8547

reduces an award under division (F) of this section, the maximum 8548  
aggregate amount of reparations payable under this division 8549  
shall be reduced proportionately to the reduction under division 8550  
(F) of this section. 8551

(J) Nothing in this section shall be construed to prohibit 8552  
an award to a claimant whose claim is based on the claimant's 8553  
being a victim of a violation of section 2905.32 of the Revised 8554  
Code if the claimant was less than eighteen years of age when 8555  
the criminally injurious conduct occurred. 8556

**Sec. 2923.01.** (A) No person, with purpose to commit or to 8557  
promote or facilitate the commission of aggravated murder, 8558  
murder, kidnapping, abduction, compelling prostitution, 8559  
promoting prostitution, trafficking in persons, aggravated 8560  
arson, arson, aggravated robbery, robbery, aggravated burglary, 8561  
burglary, trespassing in a habitation when a person is present 8562  
or likely to be present, engaging in a pattern of corrupt 8563  
activity, corrupting another with drugs, a felony drug 8564  
trafficking, manufacturing, processing, or possession offense, 8565  
theft of drugs, or illegal processing of drug documents, the 8566  
commission of a felony offense of unauthorized use of a vehicle, 8567  
illegally transmitting multiple commercial electronic mail 8568  
messages or unauthorized access of a computer in violation of 8569  
section 2923.421 of the Revised Code, or the commission of a 8570  
violation of any provision of Chapter 3734. of the Revised Code, 8571  
other than section 3734.18 of the Revised Code, that relates to 8572  
hazardous wastes, shall do either of the following: 8573

(1) With another person or persons, plan or aid in 8574  
planning the commission of any of the specified offenses; 8575

(2) Agree with another person or persons that one or more 8576  
of them will engage in conduct that facilitates the commission 8577

of any of the specified offenses. 8578

(B) No person shall be convicted of conspiracy unless a 8579  
substantial overt act in furtherance of the conspiracy is 8580  
alleged and proved to have been done by the accused or a person 8581  
with whom the accused conspired, subsequent to the accused's 8582  
entrance into the conspiracy. For purposes of this section, an 8583  
overt act is substantial when it is of a character that 8584  
manifests a purpose on the part of the actor that the object of 8585  
the conspiracy should be completed. 8586

(C) When the offender knows or has reasonable cause to 8587  
believe that a person with whom the offender conspires also has 8588  
conspired or is conspiring with another to commit the same 8589  
offense, the offender is guilty of conspiring with that other 8590  
person, even though the other person's identity may be unknown 8591  
to the offender. 8592

(D) It is no defense to a charge under this section that, 8593  
in retrospect, commission of the offense that was the object of 8594  
the conspiracy was impossible under the circumstances. 8595

(E) A conspiracy terminates when the offense or offenses 8596  
that are its objects are committed or when it is abandoned by 8597  
all conspirators. In the absence of abandonment, it is no 8598  
defense to a charge under this section that no offense that was 8599  
the object of the conspiracy was committed. 8600

(F) A person who conspires to commit more than one offense 8601  
is guilty of only one conspiracy, when the offenses are the 8602  
object of the same agreement or continuous conspiratorial 8603  
relationship. 8604

(G) When a person is convicted of committing or attempting 8605  
to commit a specific offense or of complicity in the commission 8606

of or attempt to commit the specific offense, the person shall 8607  
not be convicted of conspiracy involving the same offense. 8608

(H) (1) No person shall be convicted of conspiracy upon the 8609  
testimony of a person with whom the defendant conspired, 8610  
unsupported by other evidence. 8611

(2) If a person with whom the defendant allegedly has 8612  
conspired testifies against the defendant in a case in which the 8613  
defendant is charged with conspiracy and if the testimony is 8614  
supported by other evidence, the court, when it charges the 8615  
jury, shall state substantially the following: 8616

"The testimony of an accomplice that is supported by other 8617  
evidence does not become inadmissible because of the 8618  
accomplice's complicity, moral turpitude, or self-interest, but 8619  
the admitted or claimed complicity of a witness may affect the 8620  
witness' credibility and make the witness' testimony subject to 8621  
grave suspicion, and require that it be weighed with great 8622  
caution. 8623

It is for you, as jurors, in the light of all the facts 8624  
presented to you from the witness stand, to evaluate such 8625  
testimony and to determine its quality and worth or its lack of 8626  
quality and worth." 8627

(3) "Conspiracy," as used in division (H) (1) of this 8628  
section, does not include any conspiracy that results in an 8629  
attempt to commit an offense or in the commission of an offense. 8630

(I) The following are affirmative defenses to a charge of 8631  
conspiracy: 8632

(1) After conspiring to commit an offense, the actor 8633  
thwarted the success of the conspiracy under circumstances 8634  
manifesting a complete and voluntary renunciation of the actor's 8635

criminal purpose. 8636

(2) After conspiring to commit an offense, the actor 8637  
abandoned the conspiracy prior to the commission of or attempt 8638  
to commit any offense that was the object of the conspiracy, 8639  
either by advising all other conspirators of the actor's 8640  
abandonment, or by informing any law enforcement authority of 8641  
the existence of the conspiracy and of the actor's participation 8642  
in the conspiracy. 8643

(J) Whoever violates this section is guilty of conspiracy, 8644  
which is one of the following: 8645

(1) A felony of the first degree, when one of the objects 8646  
of the conspiracy is aggravated murder, murder, or an offense 8647  
for which the maximum penalty is imprisonment for life; 8648

(2) A felony of the next lesser degree than the most 8649  
serious offense that is the object of the conspiracy, when the 8650  
most serious offense that is the object of the conspiracy is a 8651  
felony of the first, second, third, or fourth degree; 8652

(3) A felony punishable by a fine of not more than twenty- 8653  
five thousand dollars or imprisonment for not more than eighteen 8654  
months, or both, when the offense that is the object of the 8655  
conspiracy is a violation of any provision of Chapter 3734. of 8656  
the Revised Code, other than section 3734.18 of the Revised 8657  
Code, that relates to hazardous wastes; 8658

(4) A misdemeanor of the first degree, when the most 8659  
serious offense that is the object of the conspiracy is a felony 8660  
of the fifth degree. 8661

(K) This section does not define a separate conspiracy 8662  
offense or penalty where conspiracy is defined as an offense by 8663  
one or more sections of the Revised Code, other than this 8664

section. In such a case, however: 8665

(1) With respect to the offense specified as the object of 8666  
the conspiracy in the other section or sections, division (A) of 8667  
this section defines the voluntary act or acts and culpable 8668  
mental state necessary to constitute the conspiracy; 8669

(2) Divisions (B) to (I) of this section are incorporated 8670  
by reference in the conspiracy offense defined by the other 8671  
section or sections of the Revised Code. 8672

(L) (1) In addition to the penalties that otherwise are 8673  
imposed for conspiracy, a person who is found guilty of 8674  
conspiracy to engage in a pattern of corrupt activity is subject 8675  
to divisions (B) (2) and (3) of section 2923.32, division (A) of 8676  
section 2981.04, and division (D) of section 2981.06 of the 8677  
Revised Code. 8678

(2) If a person is convicted of or pleads guilty to 8679  
conspiracy and if the most serious offense that is the object of 8680  
the conspiracy is a felony drug trafficking, manufacturing, 8681  
processing, or possession offense, in addition to the penalties 8682  
or sanctions that may be imposed for the conspiracy under 8683  
division (J) (2) or (4) of this section and Chapter 2929. of the 8684  
Revised Code, both of the following apply: 8685

(a) The provisions of divisions ~~(D)~~, ~~(F)~~, (L), (N), and 8686  
~~(G)~~ ~~(O)~~ of section 2925.03 and the related provisions of 8687  
sections 2925.031 and 2925.032, division (D) of section 2925.04, 8688  
division (D) of section 2925.05, division (D) of section 8689  
2925.06, and division (E) of section 2925.11 and the related 8690  
provisions of sections 2925.111 and 2925.112 of the Revised Code 8691  
that pertain to mandatory and additional fines, driver's or 8692  
commercial driver's license or permit suspensions, and 8693

professionally licensed persons and that would apply under the 8694  
appropriate provisions of those divisions to a person who is 8695  
convicted of or pleads guilty to the felony drug trafficking, 8696  
manufacturing, processing, or possession offense that is the 8697  
most serious offense that is the basis of the conspiracy shall 8698  
apply to the person who is convicted of or pleads guilty to the 8699  
conspiracy as if the person had been convicted of or pleaded 8700  
guilty to the felony drug trafficking, manufacturing, 8701  
processing, or possession offense that is the most serious 8702  
offense that is the basis of the conspiracy. 8703

(b) The court that imposes sentence upon the person who is 8704  
convicted of or pleads guilty to the conspiracy shall comply 8705  
with the provisions identified as being applicable under 8706  
division (L) (2) of this section, in addition to any other 8707  
penalty or sanction that it imposes for the conspiracy under 8708  
division (J) (2) or (4) of this section and Chapter 2929. of the 8709  
Revised Code. 8710

(M) As used in this section: 8711

(1) "Felony drug trafficking, manufacturing, processing, 8712  
or possession offense" means any of the following that is a 8713  
felony: 8714

(a) A violation of section 2925.03, 2925.031, 2925.032, 8715  
2925.04, 2925.05, or 2925.06 of the Revised Code; 8716

(b) A violation of section 2925.11, 2925.111, or 2925.112 8717  
of the Revised Code that is not a minor drug possession offense. 8718

(2) "Minor drug possession offense" has the same meaning 8719  
as in section 2925.01 of the Revised Code. 8720

**Sec. 2923.241.** (A) As used in this section: 8721

- (1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 8722  
8723
- (2) "Hidden compartment" means a container, space, or enclosure that conceals, hides, or otherwise prevents the discovery of the contents of the container, space, or enclosure. 8724  
8725  
"Hidden compartment" includes, but is not limited to, any of the following. 8726  
8727  
8728
- (a) False, altered, or modified fuel tanks; 8729
- (b) Any original factory equipment on a vehicle that has been modified to conceal, hide, or prevent the discovery of the modified equipment's contents; 8730  
8731  
8732
- (c) Any compartment, space, box, or other closed container that is added or attached to existing compartments, spaces, boxes, or closed containers integrated or attached to a vehicle. 8733  
8734  
8735
- (3) "Vehicle" has the same meaning as in section 4511.01 of the Revised Code and includes, but is not limited to, a motor vehicle, commercial tractor, trailer, noncommercial trailer, semitrailer, mobile home, recreational vehicle, or motor home. 8736  
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8739
- (4) "Motor vehicle," "commercial trailer," "trailer," "noncommercial trailer," "semitrailer," "mobile home," "manufacturer," "recreational vehicle," and "motor home" have the same meanings as in section 4501.01 of the Revised Code. 8740  
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- (5) "Motor vehicle dealer" has the same meaning as in section 4517.01 of the Revised Code. 8744  
8745
- (B) No person shall knowingly design, build, construct, or fabricate a vehicle with a hidden compartment, or modify or alter any portion of a vehicle in order to create or add a hidden compartment, with the intent to facilitate the unlawful 8746  
8747  
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concealment or transportation of a controlled substance. 8750

(C) No person shall knowingly operate, possess, or use a 8751  
vehicle with a hidden compartment with knowledge that the hidden 8752  
compartment is used or intended to be used to facilitate the 8753  
unlawful concealment or transportation of a controlled 8754  
substance. 8755

(D) No person who has been convicted of or pleaded guilty 8756  
to a violation of aggravated trafficking in drugs under section 8757  
2925.03 of the Revised Code as it existed prior to the effective 8758  
date of this amendment that is a felony of the first or second 8759  
degree, or a violation of section 2925.03, 2925.031, or 2925.032 8760  
of the Revised Code as those sections exist on and after the 8761  
effective date of this amendment and that involve a schedule I 8762  
or schedule II controlled substance and are a felony of the 8763  
first or second degree, shall operate, possess, or use a vehicle 8764  
with a hidden compartment. 8765

(E) Whoever violates division (B) of this section is 8766  
guilty of designing a vehicle with a hidden compartment used to 8767  
transport a controlled substance. Except as otherwise provided 8768  
in this division, designing a vehicle with a hidden compartment 8769  
used to transport a controlled substance is a felony of the 8770  
fourth degree. If the offender previously has been convicted of 8771  
or pleaded guilty to a violation of division (B) of this 8772  
section, designing a vehicle with a hidden compartment used to 8773  
transport a controlled substance is a felony of the third 8774  
degree. 8775

(F) Whoever violates division (C) or (D) of this section 8776  
is guilty of operating a vehicle with a hidden compartment used 8777  
to transport a controlled substance. Except as otherwise 8778  
provided in this division, operating a vehicle with a hidden 8779

compartment used to transport a controlled substance is a felony 8780  
of the fourth degree. Except as otherwise provided in this 8781  
division, if the offender previously has been convicted of or 8782  
pleaded guilty to a violation of division (C) or (D) of this 8783  
section, operating a vehicle with a hidden compartment used to 8784  
transport a controlled substance is a felony of the third 8785  
degree. If the hidden compartment contains a controlled 8786  
substance at the time of the offense, operating a vehicle with a 8787  
hidden compartment used to transport a controlled substance is a 8788  
felony of the second degree. 8789

(G) This section does not apply to any law enforcement 8790  
officer acting in the performance of the law enforcement 8791  
officer's duties. 8792

(H) (1) This section does not apply to any licensed motor 8793  
vehicle dealer or motor vehicle manufacturer that in the 8794  
ordinary course of business repairs, purchases, receives in 8795  
trade, leases, or sells a motor vehicle. 8796

(2) This section does not impose a duty on a licensed 8797  
motor vehicle dealer to know, discover, report, repair, or 8798  
disclose the existence of a hidden compartment to any person. 8799

(I) This section does not apply to a box, safe, container, 8800  
or other item added to a vehicle for the purpose of securing 8801  
valuables, electronics, or firearms provided that at the time of 8802  
discovery the box, safe, container, or other item added to the 8803  
vehicle does not contain a controlled substance or visible 8804  
residue of a controlled substance. 8805

**Sec. 2923.31.** As used in sections 2923.31 to 2923.36 of 8806  
the Revised Code: 8807

(A) "Beneficial interest" means any of the following: 8808

(1) The interest of a person as a beneficiary under a trust in which the trustee holds title to personal or real property; 8809  
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(2) The interest of a person as a beneficiary under any other trust arrangement under which any other person holds title to personal or real property for the benefit of such person; 8812  
8813  
8814

(3) The interest of a person under any other form of express fiduciary arrangement under which any other person holds title to personal or real property for the benefit of such person. 8815  
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"Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in either a general or limited partnership. 8819  
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8821

(B) "Costs of investigation and prosecution" and "costs of investigation and litigation" mean all of the costs incurred by the state or a county or municipal corporation under sections 2923.31 to 2923.36 of the Revised Code in the prosecution and investigation of any criminal action or in the litigation and investigation of any civil action, and includes, but is not limited to, the costs of resources and personnel. 8822  
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(C) "Enterprise" includes any individual, sole proprietorship, partnership, limited partnership, corporation, trust, union, government agency, or other legal entity, or any organization, association, or group of persons associated in fact although not a legal entity. "Enterprise" includes illicit as well as licit enterprises. 8829  
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(D) "Innocent person" includes any bona fide purchaser of property that is allegedly involved in a violation of section 2923.32 of the Revised Code, including any person who 8835  
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establishes a valid claim to or interest in the property in 8838  
accordance with division (E) of section 2981.04 of the Revised 8839  
Code, and any victim of an alleged violation of that section or 8840  
of any underlying offense involved in an alleged violation of 8841  
that section. 8842

(E) "Pattern of corrupt activity" means two or more 8843  
incidents of corrupt activity, whether or not there has been a 8844  
prior conviction, that are related to the affairs of the same 8845  
enterprise, are not isolated, and are not so closely related to 8846  
each other and connected in time and place that they constitute 8847  
a single event. 8848

At least one of the incidents forming the pattern shall 8849  
occur on or after January 1, 1986. Unless any incident was an 8850  
aggravated murder or murder, the last of the incidents forming 8851  
the pattern shall occur within six years after the commission of 8852  
any prior incident forming the pattern, excluding any period of 8853  
imprisonment served by any person engaging in the corrupt 8854  
activity. 8855

For the purposes of the criminal penalties that may be 8856  
imposed pursuant to section 2923.32 of the Revised Code, at 8857  
least one of the incidents forming the pattern shall constitute 8858  
a felony under the laws of this state in existence at the time 8859  
it was committed or, if committed in violation of the laws of 8860  
the United States or of any other state, shall constitute a 8861  
felony under the law of the United States or the other state and 8862  
would be a criminal offense under the law of this state if 8863  
committed in this state. 8864

(F) "Pecuniary value" means money, a negotiable 8865  
instrument, a commercial interest, or anything of value, as 8866  
defined in section 1.03 of the Revised Code, or any other 8867

property or service that has a value in excess of one hundred 8868  
dollars. 8869

(G) "Person" means any person, as defined in section 1.59 8870  
of the Revised Code, and any governmental officer, employee, or 8871  
entity. 8872

(H) "Personal property" means any personal property, any 8873  
interest in personal property, or any right, including, but not 8874  
limited to, bank accounts, debts, corporate stocks, patents, or 8875  
copyrights. Personal property and any beneficial interest in 8876  
personal property are deemed to be located where the trustee of 8877  
the property, the personal property, or the instrument 8878  
evidencing the right is located. 8879

(I) "Corrupt activity" means engaging in, attempting to 8880  
engage in, conspiring to engage in, or soliciting, coercing, or 8881  
intimidating another person to engage in any of the following: 8882

(1) Conduct defined as "racketeering activity" under the 8883  
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 8884  
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 8885

(2) Conduct constituting any of the following: 8886

(a) A violation of section 1315.55, 1322.07, 2903.01, 8887  
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 8888  
2905.11, 2905.22, 2905.32 as specified in division (I)(2)(g) of 8889  
this section, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 8890  
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 8891  
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 8892  
2913.06, 2913.30, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 8893  
2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; 8894  
division (F)(1)(a), (b), or (c) of section 1315.53; division (A) 8895  
(1) or (2) of section 1707.042; division (B), (C)(4), (D), (E), 8896

or (F) of section 1707.44; division (A) (1) or (2) of section 8897  
2923.20; division (E) or (G) of section 3772.99; division (J) (1) 8898  
of section 4712.02; section 4719.02, 4719.05, or 4719.06; 8899  
division (C), (D), or (E) of section 4719.07; section 4719.08; 8900  
or division (A) of section 4719.09 of the Revised Code. 8901

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 8902  
3769.19 of the Revised Code as it existed prior to July 1, 1996, 8903  
any violation of section 2915.02 of the Revised Code that occurs 8904  
on or after July 1, 1996, and that, had it occurred prior to 8905  
that date, would have been a violation of section 3769.11 of the 8906  
Revised Code as it existed prior to that date, or any violation 8907  
of section 2915.05 of the Revised Code that occurs on or after 8908  
July 1, 1996, and that, had it occurred prior to that date, 8909  
would have been a violation of section 3769.15, 3769.16, or 8910  
3769.19 of the Revised Code as it existed prior to that date. 8911

(c) Any violation of section 2907.21, 2907.22, 2907.31, 8912  
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 8913  
2913.47, 2913.51, 2915.03, 2925.03, 2925.031, 2925.032, 2925.04, 8914  
2925.05, or 2925.37 of the Revised Code, any violation of 8915  
section 2925.11, 2925.111, or 2925.112 of the Revised Code that 8916  
is a felony of the first, second, third, or fourth degree and 8917  
that occurs on or after July 1, 1996, any violation of section 8918  
2915.02 of the Revised Code that occurred prior to July 1, 1996, 8919  
any violation of section 2915.02 of the Revised Code that occurs 8920  
on or after July 1, 1996, and that, had it occurred prior to 8921  
that date, would not have been a violation of section 3769.11 of 8922  
the Revised Code as it existed prior to that date, any violation 8923  
of section 2915.06 of the Revised Code as it existed prior to 8924  
July 1, 1996, or any violation of division (B) of section 8925  
2915.05 of the Revised Code as it exists on and after July 1, 8926  
1996, when the proceeds of the violation, the payments made in 8927

the violation, the amount of a claim for payment or for any 8928  
other benefit that is false or deceptive and that is involved in 8929  
the violation, or the value of the contraband or other property 8930  
illegally possessed, sold, or purchased in the violation exceeds 8931  
one thousand dollars, or any combination of violations described 8932  
in division (I) (2) (c) of this section when the total proceeds of 8933  
the combination of violations, payments made in the combination 8934  
of violations, amount of the claims for payment or for other 8935  
benefits that is false or deceptive and that is involved in the 8936  
combination of violations, or value of the contraband or other 8937  
property illegally possessed, sold, or purchased in the 8938  
combination of violations exceeds one thousand dollars; 8939

(d) Any violation of section 5743.112 of the Revised Code 8940  
when the amount of unpaid tax exceeds one hundred dollars; 8941

(e) Any violation or combination of violations of section 8942  
2907.32 of the Revised Code involving any material or 8943  
performance containing a display of bestiality or of sexual 8944  
conduct, as defined in section 2907.01 of the Revised Code, that 8945  
is explicit and depicted with clearly visible penetration of the 8946  
genitals or clearly visible penetration by the penis of any 8947  
orifice when the total proceeds of the violation or combination 8948  
of violations, the payments made in the violation or combination 8949  
of violations, or the value of the contraband or other property 8950  
illegally possessed, sold, or purchased in the violation or 8951  
combination of violations exceeds one thousand dollars; 8952

(f) Any combination of violations described in division 8953  
(I) (2) (c) of this section and violations of section 2907.32 of 8954  
the Revised Code involving any material or performance 8955  
containing a display of bestiality or of sexual conduct, as 8956  
defined in section 2907.01 of the Revised Code, that is explicit 8957

and depicted with clearly visible penetration of the genitals or 8958  
clearly visible penetration by the penis of any orifice when the 8959  
total proceeds of the combination of violations, payments made 8960  
in the combination of violations, amount of the claims for 8961  
payment or for other benefits that is false or deceptive and 8962  
that is involved in the combination of violations, or value of 8963  
the contraband or other property illegally possessed, sold, or 8964  
purchased in the combination of violations exceeds one thousand 8965  
dollars; 8966

(g) Any violation of section 2905.32 of the Revised Code 8967  
to the extent the violation is not based solely on the same 8968  
conduct that constitutes corrupt activity pursuant to division 8969  
(I) (2) (c) of this section due to the conduct being in violation 8970  
of section 2907.21 of the Revised Code. 8971

(3) Conduct constituting a violation of any law of any 8972  
state other than this state that is substantially similar to the 8973  
conduct described in division (I) (2) of this section, provided 8974  
the defendant was convicted of the conduct in a criminal 8975  
proceeding in the other state; 8976

(4) Animal or ecological terrorism; 8977

(5) (a) Conduct constituting any of the following: 8978

(i) Organized retail theft; 8979

(ii) Conduct that constitutes one or more violations of 8980  
any law of any state other than this state, that is 8981  
substantially similar to organized retail theft, and that if 8982  
committed in this state would be organized retail theft, if the 8983  
defendant was convicted of or pleaded guilty to the conduct in a 8984  
criminal proceeding in the other state. 8985

(b) By enacting division (I) (5) (a) of this section, it is 8986

the intent of the general assembly to add organized retail theft 8987  
and the conduct described in division (I) (5) (a) (ii) of this 8988  
section as conduct constituting corrupt activity. The enactment 8989  
of division (I) (5) (a) of this section and the addition by 8990  
division (I) (5) (a) of this section of organized retail theft and 8991  
the conduct described in division (I) (5) (a) (ii) of this section 8992  
as conduct constituting corrupt activity does not limit or 8993  
preclude, and shall not be construed as limiting or precluding, 8994  
any prosecution for a violation of section 2923.32 of the 8995  
Revised Code that is based on one or more violations of section 8996  
2913.02 or 2913.51 of the Revised Code, one or more similar 8997  
offenses under the laws of this state or any other state, or any 8998  
combination of any of those violations or similar offenses, even 8999  
though the conduct constituting the basis for those violations 9000  
or offenses could be construed as also constituting organized 9001  
retail theft or conduct of the type described in division (I) (5) 9002  
(a) (ii) of this section. 9003

(J) "Real property" means any real property or any 9004  
interest in real property, including, but not limited to, any 9005  
lease of, or mortgage upon, real property. Real property and any 9006  
beneficial interest in it is deemed to be located where the real 9007  
property is located. 9008

(K) "Trustee" means any of the following: 9009

(1) Any person acting as trustee under a trust in which 9010  
the trustee holds title to personal or real property; 9011

(2) Any person who holds title to personal or real 9012  
property for which any other person has a beneficial interest; 9013

(3) Any successor trustee. 9014

"Trustee" does not include an assignee or trustee for an 9015

insolvent debtor or an executor, administrator, administrator 9016  
with the will annexed, testamentary trustee, guardian, or 9017  
committee, appointed by, under the control of, or accountable to 9018  
a court. 9019

(L) "Unlawful debt" means any money or other thing of 9020  
value constituting principal or interest of a debt that is 9021  
legally unenforceable in this state in whole or in part because 9022  
the debt was incurred or contracted in violation of any federal 9023  
or state law relating to the business of gambling activity or 9024  
relating to the business of lending money at an usurious rate 9025  
unless the creditor proves, by a preponderance of the evidence, 9026  
that the usurious rate was not intentionally set and that it 9027  
resulted from a good faith error by the creditor, 9028  
notwithstanding the maintenance of procedures that were adopted 9029  
by the creditor to avoid an error of that nature. 9030

(M) "Animal activity" means any activity that involves the 9031  
use of animals or animal parts, including, but not limited to, 9032  
hunting, fishing, trapping, traveling, camping, the production, 9033  
preparation, or processing of food or food products, clothing or 9034  
garment manufacturing, medical research, other research, 9035  
entertainment, recreation, agriculture, biotechnology, or 9036  
service activity that involves the use of animals or animal 9037  
parts. 9038

(N) "Animal facility" means a vehicle, building, 9039  
structure, nature preserve, or other premises in which an animal 9040  
is lawfully kept, handled, housed, exhibited, bred, or offered 9041  
for sale, including, but not limited to, a zoo, rodeo, circus, 9042  
amusement park, hunting preserve, or premises in which a horse 9043  
or dog event is held. 9044

(O) "Animal or ecological terrorism" means the commission 9045

of any felony that involves causing or creating a substantial 9046  
risk of physical harm to any property of another, the use of a 9047  
deadly weapon or dangerous ordnance, or purposely, knowingly, or 9048  
recklessly causing serious physical harm to property and that 9049  
involves an intent to obstruct, impede, or deter any person from 9050  
participating in a lawful animal activity, from mining, 9051  
forestry, harvesting, gathering, or processing natural 9052  
resources, or from being lawfully present in or on an animal 9053  
facility or research facility. 9054

(P) "Research facility" means a place, laboratory, 9055  
institution, medical care facility, government facility, or 9056  
public or private educational institution in which a scientific 9057  
test, experiment, or investigation involving the use of animals 9058  
or other living organisms is lawfully carried out, conducted, or 9059  
attempted. 9060

(Q) "Organized retail theft" means the theft of retail 9061  
property with a retail value of one thousand dollars or more 9062  
from one or more retail establishments with the intent to sell, 9063  
deliver, or transfer that property to a retail property fence. 9064

(R) "Retail property" means any tangible personal property 9065  
displayed, held, stored, or offered for sale in or by a retail 9066  
establishment. 9067

(S) "Retail property fence" means a person who possesses, 9068  
procures, receives, or conceals retail property that was 9069  
represented to the person as being stolen or that the person 9070  
knows or believes to be stolen. 9071

(T) "Retail value" means the full retail value of the 9072  
retail property. In determining whether the retail value of 9073  
retail property equals or exceeds one thousand dollars, the 9074

value of all retail property stolen from the retail 9075  
establishment or retail establishments by the same person or 9076  
persons within any one-hundred-eighty-day period shall be 9077  
aggregated. 9078

**Sec. 2923.41.** As used in sections 2923.41 to 2923.44 of 9079  
the Revised Code: 9080

(A) "Criminal gang" means an ongoing formal or informal 9081  
organization, association, or group of three or more persons to 9082  
which all of the following apply: 9083

(1) It has as one of its primary activities the commission 9084  
of one or more of the offenses listed in division (B) of this 9085  
section. 9086

(2) It has a common name or one or more common, 9087  
identifying signs, symbols, or colors. 9088

(3) The persons in the organization, association, or group 9089  
individually or collectively engage in or have engaged in a 9090  
pattern of criminal gang activity. 9091

(B) (1) "Pattern of criminal gang activity" means, subject 9092  
to division (B) (2) of this section, that persons in the criminal 9093  
gang have committed, attempted to commit, conspired to commit, 9094  
been complicitors in the commission of, or solicited, coerced, 9095  
or intimidated another to commit, attempt to commit, conspire to 9096  
commit, or be in complicity in the commission of two or more of 9097  
any of the following offenses: 9098

(a) A felony or an act committed by a juvenile that would 9099  
be a felony if committed by an adult; 9100

(b) An offense of violence or an act committed by a 9101  
juvenile that would be an offense of violence if committed by an 9102

adult; 9103

(c) A violation of section 2907.04, 2909.06, 2911.211, 9104  
2917.04, 2919.23, or 2919.24 of the Revised Code, section 9105  
2921.04 or 2923.16 of the Revised Code, section 2925.03, 9106  
2925.031, or 2925.032 of the Revised Code if the offense is 9107  
aggravated trafficking in marihuana, major trafficking in 9108  
marihuana, or trafficking in marihuana or section 2927.12 of the 9109  
Revised Code. 9110

(2) There is a "pattern of criminal gang activity" if all 9111  
of the following apply with respect to the offenses that are 9112  
listed in division (B)(1)(a), (b), or (c) of this section and 9113  
that persons in the criminal gang committed, attempted to 9114  
commit, conspired to commit, were in complicity in committing, 9115  
or solicited, coerced, or intimidated another to commit, attempt 9116  
to commit, conspire to commit, or be in complicity in 9117  
committing: 9118

(a) At least one of the two or more offenses is a felony. 9119

(b) At least one of those two or more offenses occurs on 9120  
or after January 1, 1999. 9121

(c) The last of those two or more offenses occurs within 9122  
five years after at least one of those offenses. 9123

(d) The two or more offenses are committed on separate 9124  
occasions or by two or more persons. 9125

(C) "Criminal conduct" means the commission of, an attempt 9126  
to commit, a conspiracy to commit, complicity in the commission 9127  
of, or solicitation, coercion, or intimidation of another to 9128  
commit, attempt to commit, conspire to commit, or be in 9129  
complicity in the commission of an offense listed in division 9130  
(B)(1)(a), (b), or (c) of this section or an act that is 9131

committed by a juvenile and that would be an offense, an attempt 9132  
to commit an offense, a conspiracy to commit an offense, 9133  
complicity in the commission of, or solicitation, coercion, or 9134  
intimidation of another to commit, attempt to commit, conspire 9135  
to commit, or be in complicity in the commission of an offense 9136  
listed in division (B)(1)(a), (b), or (c) of this section if 9137  
committed by an adult. 9138

(D) "Juvenile" means a person who is under eighteen years 9139  
of age. 9140

(E) "Law enforcement agency" includes, but is not limited 9141  
to, the state board of pharmacy and the office of a prosecutor. 9142

(F) "Prosecutor" has the same meaning as in section 9143  
2935.01 of the Revised Code. 9144

**Sec. 2925.02.** (A) No person shall knowingly do any of the 9145  
following: 9146

(1) By force, threat, or deception, administer to another 9147  
or induce or cause another to use a controlled substance; 9148

(2) By any means, administer or furnish to another or 9149  
induce or cause another to use a controlled substance with 9150  
purpose to cause serious physical harm to the other person, or 9151  
with purpose to cause the other person to become drug dependent; 9152

(3) By any means, administer or furnish to another or 9153  
induce or cause another to use a controlled substance, and 9154  
thereby cause serious physical harm to the other person, or 9155  
cause the other person to become drug dependent; 9156

(4) By any means, do any of the following: 9157

(a) Furnish or administer a controlled substance to a 9158  
juvenile who is at least two years the offender's junior, when 9159

the offender knows the age of the juvenile or is reckless in 9160  
that regard; 9161

(b) Induce or cause a juvenile who is at least two years 9162  
the offender's junior to use a controlled substance, when the 9163  
offender knows the age of the juvenile or is reckless in that 9164  
regard; 9165

(c) Induce or cause a juvenile who is at least two years 9166  
the offender's junior to commit a felony drug abuse offense, 9167  
when the offender knows the age of the juvenile or is reckless 9168  
in that regard; 9169

(d) Use a juvenile, whether or not the offender knows the 9170  
age of the juvenile, to perform any surveillance activity that 9171  
is intended to prevent the detection of the offender or any 9172  
other person in the commission of a felony drug abuse offense or 9173  
to prevent the arrest of the offender or any other person for 9174  
the commission of a felony drug abuse offense. 9175

(5) By any means, furnish or administer a controlled 9176  
substance to a pregnant woman or induce or cause a pregnant 9177  
woman to use a controlled substance, when the offender knows 9178  
that the woman is pregnant or is reckless in that regard. 9179

(B) Division (A) (1), (3), (4), or (5) of this section does 9180  
not apply to manufacturers, wholesalers, licensed health 9181  
professionals authorized to prescribe drugs, pharmacists, owners 9182  
of pharmacies, and other persons whose conduct is in accordance 9183  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 9184  
4741. of the Revised Code. 9185

(C) Whoever violates this section is guilty of corrupting 9186  
another with drugs. The penalty for the offense shall be 9187  
determined as follows: 9188

(1) If the offense is a violation of division (A) (1), (2), 9189  
(3), or (4) of this section and the drug involved is any 9190  
compound, mixture, preparation, or substance included in 9191  
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 9192  
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 9193  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 9194  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 9195  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 9196  
offender shall be punished as follows: 9197

(a) Except as otherwise provided in division (C) (1) (b) of 9198  
this section, corrupting another with drugs committed in those 9199  
circumstances is a felony of the second degree and, subject to 9200  
division (E) of this section, the court shall impose as a 9201  
mandatory prison term a second degree felony mandatory prison 9202  
term. 9203

(b) If the offense was committed in the vicinity of a 9204  
school, corrupting another with drugs committed in those 9205  
circumstances is a felony of the first degree, and, subject to 9206  
division (E) of this section, the court shall impose as a 9207  
mandatory prison term a first degree felony mandatory prison 9208  
term. 9209

(2) If the offense is a violation of division (A) (1), (2), 9210  
(3), or (4) of this section and the drug involved is any 9211  
compound, mixture, preparation, or substance included in 9212  
schedule III, IV, or V, the offender shall be punished as 9213  
follows: 9214

(a) Except as otherwise provided in division (C) (2) (b) of 9215  
this section, corrupting another with drugs committed in those 9216  
circumstances is a felony of the second degree and there is a 9217  
presumption for a prison term for the offense. 9218

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances is a felony of the second degree and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(3) If the offense is a violation of division (A) (1), (2), (3), or (4) of this section and the drug involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the offender shall be punished as follows:

(a) Except as otherwise provided in division (C) (3) (b) of this section, corrupting another with drugs committed in those circumstances is a felony of the fourth degree and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances is a felony of the third degree and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(4) If the offense is a violation of division (A) (5) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a

felony of the first degree and, subject to division (E) of this section, the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(5) If the offense is a violation of division (A) (5) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule III, IV, or V, corrupting another with drugs is a felony of the second degree and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(6) If the offense is a violation of division (A) (5) of this section and the drug involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a felony of the third degree and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(D) In addition to any prison term authorized or required by division (C) or (E) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same

set of circumstances as the violation, the court shall suspend 9279  
the offender's driver's or commercial driver's license or permit 9280  
for not more than five years. The court also shall do all of the 9281  
following that are applicable regarding the offender: 9282

(1) (a) If the violation is a felony of the first, second, 9283  
or third degree, the court shall impose upon the offender the 9284  
mandatory fine specified for the offense under division (B) (1) 9285  
of section 2929.18 of the Revised Code unless, as specified in 9286  
that division, the court determines that the offender is 9287  
indigent. 9288

(b) Notwithstanding any contrary provision of section 9289  
3719.21 of the Revised Code, any mandatory fine imposed pursuant 9290  
to division (D) (1) (a) of this section and any fine imposed for a 9291  
violation of this section pursuant to division (A) of section 9292  
2929.18 of the Revised Code shall be paid by the clerk of the 9293  
court in accordance with and subject to the requirements of, and 9294  
shall be used as specified in, division ~~(F)~~ (N) of section 9295  
2925.03 of the Revised Code. 9296

(c) If a person is charged with any violation of this 9297  
section that is a felony of the first, second, or third degree, 9298  
posts bail, and forfeits the bail, the forfeited bail shall be 9299  
paid by the clerk of the court pursuant to division (D) (1) (b) of 9300  
this section as if it were a fine imposed for a violation of 9301  
this section. 9302

(2) If the offender is a professionally licensed person, 9303  
in addition to any other sanction imposed for a violation of 9304  
this section, the court immediately shall comply with section 9305  
2925.38 of the Revised Code. 9306

(E) Notwithstanding the prison term otherwise authorized 9307

or required for the offense under division (C) of this section 9308  
and sections 2929.13 and 2929.14 of the Revised Code, if the 9309  
violation of division (A) of this section involves the sale, 9310  
offer to sell, or possession of a schedule I or II controlled 9311  
substance, with the exception of marihuana, 1-Pentyl-3-(1- 9312  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 9313  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 9314  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 9315  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 9316  
if the court imposing sentence upon the offender finds that the 9317  
offender as a result of the violation is a major drug offender 9318  
and is guilty of a specification of the type described in 9319  
division (A) of section 2941.1410 of the Revised Code, the 9320  
court, in lieu of the prison term that otherwise is authorized 9321  
or required, shall impose upon the offender the mandatory prison 9322  
term specified in division (B) (3) (a) of section 2929.14 of the 9323  
Revised Code. 9324

(F) (1) If the sentencing court suspends the offender's 9325  
driver's or commercial driver's license or permit under division 9326  
(D) of this section, the offender, at any time after the 9327  
expiration of two years from the day on which the offender's 9328  
sentence was imposed or from the day on which the offender 9329  
finally was released from a prison term under the sentence, 9330  
whichever is later, may file a motion with the sentencing court 9331  
requesting termination of the suspension. Upon the filing of the 9332  
motion and the court's finding of good cause for the 9333  
determination, the court may terminate the suspension. 9334

(2) Any offender who received a mandatory suspension of 9335  
the offender's driver's or commercial driver's license or permit 9336  
under this section prior to September 13, 2016, may file a 9337  
motion with the sentencing court requesting the termination of 9338

the suspension. However, an offender who pleaded guilty to or 9339  
was convicted of a violation of section 4511.19 of the Revised 9340  
Code or a substantially similar municipal ordinance or law of 9341  
another state or the United States that arose out of the same 9342  
set of circumstances as the violation for which the offender's 9343  
license or permit was suspended under this section shall not 9344  
file such a motion. 9345

Upon the filing of a motion under division (F) (2) of this 9346  
section, the sentencing court, in its discretion, may terminate 9347  
the suspension. 9348

**Sec. 2925.04.** (A) No person shall knowingly cultivate 9349  
marihuana or knowingly manufacture or otherwise engage in any 9350  
part of the production of a controlled substance. 9351

(B) This section does not apply to any person listed in 9352  
division (B) (1), (2), or (3) of section 2925.03 of the Revised 9353  
Code to the extent and under the circumstances described in 9354  
those divisions. 9355

(C) (1) Whoever commits a violation of division (A) of this 9356  
section that involves any drug other than marihuana is guilty of 9357  
illegal manufacture of drugs, and whoever commits a violation of 9358  
division (A) of this section that involves marihuana is guilty 9359  
of illegal cultivation of marihuana. 9360

(2) Except as otherwise provided in this division, if the 9361  
drug involved in the violation of division (A) of this section 9362  
is any compound, mixture, preparation, or substance included in 9363  
schedule I or II, with the exception of methamphetamine or 9364  
marihuana, illegal manufacture of drugs is a felony of the 9365  
second degree, and, subject to division (E) of this section, the 9366  
court shall impose as a mandatory prison term a second degree 9367

felony mandatory prison term. 9368

If the drug involved in the violation is any compound, 9369  
mixture, preparation, or substance included in schedule I or II, 9370  
with the exception of methamphetamine or marihuana, and if the 9371  
offense was committed in the vicinity of a juvenile or in the 9372  
vicinity of a school, illegal manufacture of drugs is a felony 9373  
of the first degree, and, subject to division (E) of this 9374  
section, the court shall impose as a mandatory prison term a 9375  
first degree felony mandatory prison term. 9376

(3) If the drug involved in the violation of division (A) 9377  
of this section is methamphetamine, the penalty for the 9378  
violation shall be determined as follows: 9379

(a) Except as otherwise provided in division (C) (3) (b) of 9380  
this section, if the drug involved in the violation is 9381  
methamphetamine, illegal manufacture of drugs is a felony of the 9382  
second degree, and, subject to division (E) of this section, the 9383  
court shall impose a mandatory prison term on the offender 9384  
determined in accordance with this division. Except as otherwise 9385  
provided in this division, the court shall impose as a mandatory 9386  
prison term a second degree felony mandatory prison term that is 9387  
not less than three years. If the offender previously has been 9388  
convicted of or pleaded guilty to a violation of division (A) of 9389  
this section, a violation of division (B) (6) of section 2919.22 9390  
of the Revised Code, or a violation of division (A) of section 9391  
2925.041 of the Revised Code, the court shall impose as a 9392  
mandatory prison term a second degree felony mandatory prison 9393  
term that is not less than five years. 9394

(b) If the drug involved in the violation is 9395  
methamphetamine and if the offense was committed in the vicinity 9396  
of a juvenile, in the vicinity of a school, or on public 9397

premises, illegal manufacture of drugs is a felony of the first 9398  
degree, and, subject to division (E) of this section, the court 9399  
shall impose a mandatory prison term on the offender determined 9400  
in accordance with this division. Except as otherwise provided 9401  
in this division, the court shall impose as a mandatory prison 9402  
term a first degree felony mandatory prison term that is not 9403  
less than four years. If the offender previously has been 9404  
convicted of or pleaded guilty to a violation of division (A) of 9405  
this section, a violation of division (B) (6) of section 2919.22 9406  
of the Revised Code, or a violation of division (A) of section 9407  
2925.041 of the Revised Code, the court shall impose as a 9408  
mandatory prison term a first degree felony mandatory prison 9409  
term that is not less than five years. 9410

(4) If the drug involved in the violation of division (A) 9411  
of this section is any compound, mixture, preparation, or 9412  
substance included in schedule III, IV, or V, illegal 9413  
manufacture of drugs is a felony of the third degree or, if the 9414  
offense was committed in the vicinity of a school or in the 9415  
vicinity of a juvenile, a felony of the second degree, and there 9416  
is a presumption for a prison term for the offense. 9417

(5) If the drug involved in the violation is marihuana, 9418  
the penalty for the offense shall be determined as follows: 9419

(a) Except as otherwise provided in division (C) (5) (b), 9420  
(c), (d), (e), or (f) of this section, illegal cultivation of 9421  
marihuana is a minor misdemeanor or, if the offense was 9422  
committed in the vicinity of a school or in the vicinity of a 9423  
juvenile, a misdemeanor of the fourth degree. 9424

(b) If the amount of marihuana involved equals or exceeds 9425  
one hundred grams but is less than two hundred grams, illegal 9426  
cultivation of marihuana is a misdemeanor of the fourth degree 9427

or, if the offense was committed in the vicinity of a school or 9428  
in the vicinity of a juvenile, a misdemeanor of the third 9429  
degree. 9430

(c) If the amount of marihuana involved equals or exceeds 9431  
two hundred grams but is less than one thousand grams, illegal 9432  
cultivation of marihuana is a felony of the fifth degree or, if 9433  
the offense was committed in the vicinity of a school or in the 9434  
vicinity of a juvenile, a felony of the fourth degree, and 9435  
division (B) of section 2929.13 of the Revised Code applies in 9436  
determining whether to impose a prison term on the offender. 9437

(d) If the amount of marihuana involved equals or exceeds 9438  
one thousand grams but is less than five thousand grams, illegal 9439  
cultivation of marihuana is a felony of the third degree or, if 9440  
the offense was committed in the vicinity of a school or in the 9441  
vicinity of a juvenile, a felony of the second degree, and 9442  
division (C) of section 2929.13 of the Revised Code applies in 9443  
determining whether to impose a prison term on the offender. 9444

(e) If the amount of marihuana involved equals or exceeds 9445  
five thousand grams but is less than twenty thousand grams, 9446  
illegal cultivation of marihuana is a felony of the third degree 9447  
or, if the offense was committed in the vicinity of a school or 9448  
in the vicinity of a juvenile, a felony of the second degree, 9449  
and there is a presumption for a prison term for the offense. 9450

(f) Except as otherwise provided in this division, if the 9451  
amount of marihuana involved equals or exceeds twenty thousand 9452  
grams, illegal cultivation of marihuana is a felony of the 9453  
second degree, and the court shall impose as a mandatory prison 9454  
term a maximum second degree felony mandatory prison term. If 9455  
the amount of the drug involved equals or exceeds twenty 9456  
thousand grams and if the offense was committed in the vicinity 9457

of a school or in the vicinity of a juvenile, illegal 9458  
cultivation of marihuana is a felony of the first degree, and 9459  
the court shall impose as a mandatory prison term a maximum 9460  
first degree felony mandatory prison term. 9461

(D) In addition to any prison term authorized or required 9462  
by division (C) or (E) of this section and sections 2929.13 and 9463  
2929.14 of the Revised Code and in addition to any other 9464  
sanction imposed for the offense under this section or sections 9465  
2929.11 to 2929.18 of the Revised Code, the court that sentences 9466  
an offender who is convicted of or pleads guilty to a violation 9467  
of division (A) of this section may suspend the offender's 9468  
driver's or commercial driver's license or permit in accordance 9469  
with division ~~(G)~~(O) of section 2925.03 of the Revised Code. 9470  
However, if the offender pleaded guilty to or was convicted of a 9471  
violation of section 4511.19 of the Revised Code or a 9472  
substantially similar municipal ordinance or the law of another 9473  
state or the United States arising out of the same set of 9474  
circumstances as the violation, the court shall suspend the 9475  
offender's driver's or commercial driver's license or permit in 9476  
accordance with division ~~(G)~~(O) of section 2925.03 of the 9477  
Revised Code. If applicable, the court also shall do the 9478  
following: 9479

(1) If the violation of division (A) of this section is a 9480  
felony of the first, second, or third degree, the court shall 9481  
impose upon the offender the mandatory fine specified for the 9482  
offense under division (B)(1) of section 2929.18 of the Revised 9483  
Code unless, as specified in that division, the court determines 9484  
that the offender is indigent. The clerk of the court shall pay 9485  
a mandatory fine or other fine imposed for a violation of this 9486  
section pursuant to division (A) of section 2929.18 of the 9487  
Revised Code in accordance with and subject to the requirements 9488

of division ~~(F)~~(N) of section 2925.03 of the Revised Code. The 9489  
agency that receives the fine shall use the fine as specified in 9490  
division ~~(F)~~(N) of section 2925.03 of the Revised Code. If a 9491  
person is charged with a violation of this section that is a 9492  
felony of the first, second, or third degree, posts bail, and 9493  
forfeits the bail, the clerk shall pay the forfeited bail as if 9494  
the forfeited bail were a fine imposed for a violation of this 9495  
section. 9496

(2) If the offender is a professionally licensed person, 9497  
the court immediately shall comply with section 2925.38 of the 9498  
Revised Code. 9499

(E) Notwithstanding the prison term otherwise authorized 9500  
or required for the offense under division (C) of this section 9501  
and sections 2929.13 and 2929.14 of the Revised Code, if the 9502  
violation of division (A) of this section involves the sale, 9503  
offer to sell, or possession of a schedule I or II controlled 9504  
substance, with the exception of marihuana, and if the court 9505  
imposing sentence upon the offender finds that the offender as a 9506  
result of the violation is a major drug offender and is guilty 9507  
of a specification of the type described in division (A) of 9508  
section 2941.1410 of the Revised Code, the court, in lieu of the 9509  
prison term otherwise authorized or required, shall impose upon 9510  
the offender the mandatory prison term specified in division (B) 9511  
(3) of section 2929.14 of the Revised Code. 9512

(F) It is an affirmative defense, as provided in section 9513  
2901.05 of the Revised Code, to a charge under this section for 9514  
a fifth degree felony violation of illegal cultivation of 9515  
marihuana that the marihuana that gave rise to the charge is in 9516  
an amount, is in a form, is prepared, compounded, or mixed with 9517  
substances that are not controlled substances in a manner, or is 9518

possessed or cultivated under any other circumstances that 9519  
indicate that the marihuana was solely for personal use. 9520

Notwithstanding any contrary provision of division (F) of 9521  
this section, if, in accordance with section 2901.05 of the 9522  
Revised Code, a person who is charged with a violation of 9523  
illegal cultivation of marihuana that is a felony of the fifth 9524  
degree sustains the burden of going forward with evidence of and 9525  
establishes by a preponderance of the evidence the affirmative 9526  
defense described in this division, the person may be prosecuted 9527  
for and may be convicted of or plead guilty to a misdemeanor 9528  
violation of illegal cultivation of marihuana. 9529

(G) Arrest or conviction for a minor misdemeanor violation 9530  
of this section does not constitute a criminal record and need 9531  
not be reported by the person so arrested or convicted in 9532  
response to any inquiries about the person's criminal record, 9533  
including any inquiries contained in an application for 9534  
employment, a license, or any other right or privilege or made 9535  
in connection with the person's appearance as a witness. 9536

(H) (1) If the sentencing court suspends the offender's 9537  
driver's or commercial driver's license or permit under this 9538  
section in accordance with division ~~(G)~~(O) of section 2925.03 of 9539  
the Revised Code, the offender may request termination of, and 9540  
the court may terminate, the suspension of the offender in 9541  
accordance with that division. 9542

(2) Any offender who received a mandatory suspension of 9543  
the offender's driver's or commercial driver's license or permit 9544  
under this section prior to September 13, 2016, may file a 9545  
motion with the sentencing court requesting the termination of 9546  
the suspension. However, an offender who pleaded guilty to or 9547  
was convicted of a violation of section 4511.19 of the Revised 9548

Code or a substantially similar municipal ordinance or law of 9549  
another state or the United States that arose out of the same 9550  
set of circumstances as the violation for which the offender's 9551  
license or permit was suspended under this section shall not 9552  
file such a motion. 9553

Upon the filing of a motion under division (H) (2) of this 9554  
section, the sentencing court, in its discretion, may terminate 9555  
the suspension. 9556

**Sec. 2925.041.** (A) No person shall knowingly assemble or 9557  
possess one or more chemicals that may be used to manufacture a 9558  
controlled substance in schedule I or II with the intent to 9559  
manufacture a controlled substance in schedule I or II in 9560  
violation of section 2925.04 of the Revised Code. 9561

(B) In a prosecution under this section, it is not 9562  
necessary to allege or prove that the offender assembled or 9563  
possessed all chemicals necessary to manufacture a controlled 9564  
substance in schedule I or II. The assembly or possession of a 9565  
single chemical that may be used in the manufacture of a 9566  
controlled substance in schedule I or II, with the intent to 9567  
manufacture a controlled substance in either schedule, is 9568  
sufficient to violate this section. 9569

(C) Whoever violates this section is guilty of illegal 9570  
assembly or possession of chemicals for the manufacture of 9571  
drugs. Except as otherwise provided in this division, illegal 9572  
assembly or possession of chemicals for the manufacture of drugs 9573  
is a felony of the third degree, and, except as otherwise 9574  
provided in division (C) (1) or (2) of this section, division (C) 9575  
of section 2929.13 of the Revised Code applies in determining 9576  
whether to impose a prison term on the offender. If the offense 9577  
was committed in the vicinity of a juvenile or in the vicinity 9578

of a school, illegal assembly or possession of chemicals for the 9579  
manufacture of drugs is a felony of the second degree, and, 9580  
except as otherwise provided in division (C) (1) or (2) of this 9581  
section, division (C) of section 2929.13 of the Revised Code 9582  
applies in determining whether to impose a prison term on the 9583  
offender. If the violation of division (A) of this section is a 9584  
felony of the third degree under this division and if the 9585  
chemical or chemicals assembled or possessed in violation of 9586  
division (A) of this section may be used to manufacture 9587  
methamphetamine, there either is a presumption for a prison term 9588  
for the offense or the court shall impose a mandatory prison 9589  
term on the offender, determined as follows: 9590

(1) Except as otherwise provided in this division, there 9591  
is a presumption for a prison term for the offense. If the 9592  
offender two or more times previously has been convicted of or 9593  
pleaded guilty to a felony drug abuse offense, except as 9594  
otherwise provided in this division, the court shall impose as a 9595  
mandatory prison term one of the prison terms prescribed for a 9596  
felony of the third degree that is not less than two years. If 9597  
the offender two or more times previously has been convicted of 9598  
or pleaded guilty to a felony drug abuse offense and if at least 9599  
one of those previous convictions or guilty pleas was to a 9600  
violation of division (A) of this section, a violation of 9601  
division (B) (6) of section 2919.22 of the Revised Code, or a 9602  
violation of division (A) of section 2925.04 of the Revised 9603  
Code, the court shall impose as a mandatory prison term one of 9604  
the prison terms prescribed for a felony of the third degree 9605  
that is not less than five years. 9606

(2) If the violation of division (A) of this section is a 9607  
felony of the second degree under division (C) of this section 9608  
and the chemical or chemicals assembled or possessed in 9609

committing the violation may be used to manufacture 9610  
methamphetamine, the court shall impose as a mandatory prison 9611  
term a second degree felony mandatory prison term that is not 9612  
less than three years. If the violation of division (A) of this 9613  
section is a felony of the second degree under division (C) of 9614  
this section, if the chemical or chemicals assembled or 9615  
possessed in committing the violation may be used to manufacture 9616  
methamphetamine, and if the offender previously has been 9617  
convicted of or pleaded guilty to a violation of division (A) of 9618  
this section, a violation of division (B) (6) of section 2919.22 9619  
of the Revised Code, or a violation of division (A) of section 9620  
2925.04 of the Revised Code, the court shall impose as a 9621  
mandatory prison term a second degree felony mandatory prison 9622  
term that is not less than five years. 9623

(D) In addition to any prison term authorized by division 9624  
(C) of this section and sections 2929.13 and 2929.14 of the 9625  
Revised Code and in addition to any other sanction imposed for 9626  
the offense under this section or sections 2929.11 to 2929.18 of 9627  
the Revised Code, the court that sentences an offender who is 9628  
convicted of or pleads guilty to a violation of this section may 9629  
suspend the offender's driver's or commercial driver's license 9630  
or permit in accordance with division ~~(G)~~(O) of section 2925.03 9631  
of the Revised Code. However, if the offender pleaded guilty to 9632  
or was convicted of a violation of section 4511.19 of the 9633  
Revised Code or a substantially similar municipal ordinance or 9634  
the law of another state or the United States arising out of the 9635  
same set of circumstances as the violation, the court shall 9636  
suspend the offender's driver's or commercial driver's license 9637  
or permit in accordance with division ~~(G)~~(O) of section 2925.03 9638  
of the Revised Code. If applicable, the court also shall do the 9639  
following: 9640

(1) The court shall impose upon the offender the mandatory fine specified for the offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. The clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section under division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division ~~(F)~~(N) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division ~~(F)~~(N) of section 2925.03 of the Revised Code. If a person charged with a violation of this section posts bail and forfeits the bail, the clerk shall pay the forfeited bail as if the forfeited bail were a fine imposed for a violation of this section.

(2) If the offender is a professionally licensed person or a person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules, the court shall comply with section 2925.38 of the Revised Code.

(E) (1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under this section in accordance with division ~~(G)~~(O) of section 2925.03 of the Revised Code, the offender may request termination of, and the court may terminate, the suspension of the offender in accordance with that division.

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or

was convicted of a violation of section 4511.19 of the Revised 9671  
Code or a substantially similar municipal ordinance or law of 9672  
another state or the United States that arose out of the same 9673  
set of circumstances as the violation for which the offender's 9674  
license or permit was suspended under this section shall not 9675  
file such a motion. 9676

Upon the filing of a motion under division (E)(2) of this 9677  
section, the sentencing court, in its discretion, may terminate 9678  
the suspension. 9679

**Sec. 2925.05.** (A) No person shall knowingly provide money 9680  
or other items of value to another person with the purpose that 9681  
the recipient of the money or items of value use them to obtain 9682  
any controlled substance for the purpose of violating section 9683  
2925.04 of the Revised Code or for the purpose of selling or 9684  
offering to sell the controlled substance in the following 9685  
amount: 9686

(1) If the drug to be sold or offered for sale is any 9687  
compound, mixture, preparation, or substance included in 9688  
schedule I or II, with the exception of marihuana, cocaine, 9689  
L.S.D., heroin, any fentanyl-related compound, and hashish, or 9690  
schedule III, IV, or V, an amount of the drug that equals or 9691  
exceeds the bulk amount of the drug; 9692

(2) If the drug to be sold or offered for sale is 9693  
marihuana or a compound, mixture, preparation, or substance 9694  
other than hashish containing marihuana, an amount of the 9695  
marihuana that equals or exceeds two hundred grams; 9696

(3) If the drug to be sold or offered for sale is cocaine 9697  
or a compound, mixture, preparation, or substance containing 9698  
cocaine, an amount of the cocaine that equals or exceeds five 9699

grams; 9700

(4) If the drug to be sold or offered for sale is L.S.D. 9701  
or a compound, mixture, preparation, or substance containing 9702  
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 9703  
doses if the L.S.D. is in a solid form or equals or exceeds one 9704  
gram if the L.S.D. is in a liquid concentrate, liquid extract, 9705  
or liquid distillate form; 9706

(5) If the drug to be sold or offered for sale is heroin 9707  
or a fentanyl-related compound, or a compound, mixture, 9708  
preparation, or substance containing heroin or a fentanyl- 9709  
related compound, an amount that equals or exceeds ten unit 9710  
doses or equals or exceeds one gram; 9711

(6) If the drug to be sold or offered for sale is hashish 9712  
or a compound, mixture, preparation, or substance containing 9713  
hashish, an amount of the hashish that equals or exceeds ten 9714  
grams if the hashish is in a solid form or equals or exceeds two 9715  
grams if the hashish is in a liquid concentrate, liquid extract, 9716  
or liquid distillate form. 9717

(B) This section does not apply to any person listed in 9718  
division (B) (1), (2), or (3) of section 2925.03 of the Revised 9719  
Code to the extent and under the circumstances described in 9720  
those divisions. 9721

(C) (1) If the drug involved in the violation is any 9722  
compound, mixture, preparation, or substance included in 9723  
schedule I or II, with the exception of marihuana, whoever 9724  
violates division (A) of this section is guilty of aggravated 9725  
funding of drug trafficking, a felony of the first degree, and, 9726  
subject to division (E) of this section, the court shall impose 9727  
as a mandatory prison term a first degree felony mandatory 9728

prison term. 9729

(2) If the drug involved in the violation is any compound, 9730  
mixture, preparation, or substance included in schedule III, IV, 9731  
or V, whoever violates division (A) of this section is guilty of 9732  
funding of drug trafficking, a felony of the second degree, and 9733  
the court shall impose as a mandatory prison term a second 9734  
degree felony mandatory prison term. 9735

(3) If the drug involved in the violation is marihuana, 9736  
whoever violates division (A) of this section is guilty of 9737  
funding of marihuana trafficking, a felony of the third degree, 9738  
and, except as otherwise provided in this division, there is a 9739  
presumption for a prison term for the offense. If funding of 9740  
marihuana trafficking is a felony of the third degree under this 9741  
division and if the offender two or more times previously has 9742  
been convicted of or pleaded guilty to a felony drug abuse 9743  
offense, the court shall impose as a mandatory prison term one 9744  
of the prison terms prescribed for a felony of the third degree. 9745

(D) In addition to any prison term authorized or required 9746  
by division (C) or (E) of this section and sections 2929.13 and 9747  
2929.14 of the Revised Code and in addition to any other 9748  
sanction imposed for the offense under this section or sections 9749  
2929.11 to 2929.18 of the Revised Code, the court that sentences 9750  
an offender who is convicted of or pleads guilty to a violation 9751  
of division (A) of this section may suspend the offender's 9752  
driver's or commercial driver's license or permit in accordance 9753  
with division ~~(G)~~(O) of section 2925.03 of the Revised Code. 9754  
However, if the offender pleaded guilty to or was convicted of a 9755  
violation of section 4511.19 of the Revised Code or a 9756  
substantially similar municipal ordinance or the law of another 9757  
state or the United States arising out of the same set of 9758

circumstances as the violation, the court shall suspend the 9759  
offender's driver's or commercial driver's license or permit in 9760  
accordance with division ~~(G)~~(O) of section 2925.03 of the 9761  
Revised Code. If applicable, the court also shall do the 9762  
following: 9763

(1) The court shall impose the mandatory fine specified 9764  
for the offense under division (B)(1) of section 2929.18 of the 9765  
Revised Code unless, as specified in that division, the court 9766  
determines that the offender is indigent. The clerk of the court 9767  
shall pay a mandatory fine or other fine imposed for a violation 9768  
of this section pursuant to division (A) of section 2929.18 of 9769  
the Revised Code in accordance with and subject to the 9770  
requirements of division ~~(F)~~(N) of section 2925.03 of the 9771  
Revised Code. The agency that receives the fine shall use the 9772  
fine in accordance with division ~~(F)~~(N) of section 2925.03 of 9773  
the Revised Code. If a person is charged with a violation of 9774  
this section, posts bail, and forfeits the bail, the forfeited 9775  
bail shall be paid as if the forfeited bail were a fine imposed 9776  
for a violation of this section. 9777

(2) If the offender is a professionally licensed person, 9778  
the court immediately shall comply with section 2925.38 of the 9779  
Revised Code. 9780

(E) Notwithstanding the prison term otherwise authorized 9781  
or required for the offense under division (C) of this section 9782  
and sections 2929.13 and 2929.14 of the Revised Code, if the 9783  
violation of division (A) of this section involves the sale, 9784  
offer to sell, or possession of a schedule I or II controlled 9785  
substance, with the exception of marihuana, one of the following 9786  
applies: 9787

(1) If the drug involved in the violation is a fentanyl- 9788

related compound, the offense is a felony of the first degree, 9789  
the offender is a major drug offender, and the court shall 9790  
impose as a mandatory prison term the maximum prison term 9791  
prescribed for a felony of the first degree. 9792

(2) If division (E)(1) of this section does not apply and 9793  
the court imposing sentence upon the offender finds that the 9794  
offender as a result of the violation is a major drug offender 9795  
and is guilty of a specification of the type described in 9796  
division (A) of section 2941.1410 of the Revised Code, the 9797  
court, in lieu of the prison term otherwise authorized or 9798  
required, shall impose upon the offender the mandatory prison 9799  
term specified in division (B)(3) of section 2929.14 of the 9800  
Revised Code. 9801

(F)(1) If the sentencing court suspends the offender's 9802  
driver's or commercial driver's license or permit under this 9803  
section in accordance with division ~~(G)~~(O) of section 2925.03 of 9804  
the Revised Code, the offender may request termination of, and 9805  
the court may terminate, the suspension in accordance with that 9806  
division. 9807

(2) Any offender who received a mandatory suspension of 9808  
the offender's driver's or commercial driver's license or permit 9809  
under this section prior to September 13, 2016, may file a 9810  
motion with the sentencing court requesting the termination of 9811  
the suspension. However, an offender who pleaded guilty to or 9812  
was convicted of a violation of section 4511.19 of the Revised 9813  
Code or a substantially similar municipal ordinance or law of 9814  
another state or the United States that arose out of the same 9815  
set of circumstances as the violation for which the offender's 9816  
license or permit was suspended under this section shall not 9817  
file such a motion. 9818

Upon the filing of a motion under division (F) (2) of this section, the sentencing court, in its discretion, may terminate the suspension.

**Sec. 2925.06.** (A) No person shall knowingly administer to a human being, or prescribe or dispense for administration to a human being, any anabolic steroid not approved by the United States food and drug administration for administration to human beings.

(B) This section does not apply to any person listed in division (B) (1), (2), or (3) of section 2925.03 of the Revised Code to the extent and under the circumstances described in those divisions.

(C) Whoever violates division (A) of this section is guilty of illegal administration or distribution of anabolic steroids, a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(D) (1) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend the offender's driver's or commercial driver's license or permit in accordance with division ~~(C)~~(O) of section 2925.03 of the Revised Code. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of

circumstances as the violation, the court shall suspend the 9849  
offender's driver's or commercial driver's license or permit in 9850  
accordance with division ~~(G)~~(O) of section 2925.03 of the 9851  
Revised Code. If an offender's driver's or commercial driver's 9852  
license or permit is suspended in accordance with that division, 9853  
the offender may request termination of, and the court may 9854  
terminate, the suspension in accordance with that division. 9855

If the offender is a professionally licensed person, the 9856  
court immediately shall comply with section 2925.38 of the 9857  
Revised Code. 9858

(2) Any offender who received a mandatory suspension of 9859  
the offender's driver's or commercial driver's license or permit 9860  
under this section prior to ~~the effective date of this amendment~~ 9861  
September 13, 2016, may file a motion with the sentencing court 9862  
requesting the termination of the suspension. However, an 9863  
offender who pleaded guilty to or was convicted of a violation 9864  
of section 4511.19 of the Revised Code or a substantially 9865  
similar municipal ordinance or law of another state or the 9866  
United States that arose out of the same set of circumstances as 9867  
the violation for which the offender's license or permit was 9868  
suspended under this section shall not file such a motion. 9869

Upon the filing of a motion under division (D) (2) of this 9870  
section, the sentencing court, in its discretion, may terminate 9871  
the suspension. 9872

(E) If a person commits any act that constitutes a 9873  
violation of division (A) of this section and that also 9874  
constitutes a violation of any other provision of the Revised 9875  
Code, the prosecutor, as defined in section 2935.01 of the 9876  
Revised Code, using customary prosecutorial discretion, may 9877  
prosecute the person for a violation of the appropriate 9878

provision of the Revised Code. 9879

**Sec. 2925.13.** (A) No person who is the owner, operator, or 9880  
person in charge of a locomotive, watercraft, aircraft, or other 9881  
vehicle, as defined in division (A) of section 4501.01 of the 9882  
Revised Code, shall knowingly permit the vehicle to be used for 9883  
the commission of a felony drug abuse offense. 9884

(B) No person who is the owner, lessee, or occupant, or 9885  
who has custody, control, or supervision, of premises or real 9886  
estate, including vacant land, shall knowingly permit the 9887  
premises or real estate, including vacant land, to be used for 9888  
the commission of a felony drug abuse offense by another person. 9889

(C) (1) Whoever violates this section is guilty of 9890  
permitting drug abuse. 9891

(2) Except as provided in division (C) (3) of this section, 9892  
permitting drug abuse is a misdemeanor of the first degree. 9893

(3) Permitting drug abuse is a felony of the fifth degree, 9894  
and division (C) of section 2929.13 of the Revised Code applies 9895  
in determining whether to impose a prison term on the offender, 9896  
if either of the following applies: 9897

(a) The felony drug abuse offense in question is a 9898  
violation of section 2925.02, 2925.03, 2925.031, 2925.032, or 9899  
2925.04 of the Revised Code. 9900

(b) The felony drug abuse offense in question is a 9901  
violation of section 2925.041 of the Revised Code and the 9902  
offender had actual knowledge, at the time the offender 9903  
permitted the vehicle, premises, or real estate to be used as 9904  
described in division (A) or (B) of this section, that the 9905  
person who assembled or possessed the chemicals in question in 9906  
violation of section 2925.041 of the Revised Code had assembled 9907

or possessed them with the intent to manufacture a controlled 9908  
substance in schedule I or II in violation of section 2925.04 of 9909  
the Revised Code. 9910

(D) (1) In addition to any prison term authorized or 9911  
required by division (C) of this section and sections 2929.13 9912  
and 2929.14 of the Revised Code and in addition to any other 9913  
sanction imposed for the offense under this section or sections 9914  
2929.11 to 2929.18 of the Revised Code, the court that sentences 9915  
a person who is convicted of or pleads guilty to a violation of 9916  
division (A) of this section may suspend for not more than five 9917  
years the offender's driver's or commercial driver's license or 9918  
permit. However, if the offender pleaded guilty to or was 9919  
convicted of a violation of section 4511.19 of the Revised Code 9920  
or a substantially similar municipal ordinance or the law of 9921  
another state or the United States arising out of the same set 9922  
of circumstances as the violation, the court shall suspend the 9923  
offender's driver's or commercial driver's license or permit for 9924  
not more than five years. 9925

If the offender is a professionally licensed person, in 9926  
addition to any other sanction imposed for a violation of this 9927  
section, the court immediately shall comply with section 2925.38 9928  
of the Revised Code. 9929

(2) Any offender who received a mandatory suspension of 9930  
the offender's driver's or commercial driver's license or permit 9931  
under this section prior to September 13, 2016, may file a 9932  
motion with the sentencing court requesting the termination of 9933  
the suspension. However, an offender who pleaded guilty to or 9934  
was convicted of a violation of section 4511.19 of the Revised 9935  
Code or a substantially similar municipal ordinance or law of 9936  
another state or the United States that arose out of the same 9937

set of circumstances as the violation for which the offender's 9938  
license or permit was suspended under this section shall not 9939  
file such a motion. 9940

Upon the filing of a motion under division (D)(2) of this 9941  
section, the sentencing court, in its discretion, may terminate 9942  
the suspension. 9943

(E) Notwithstanding any contrary provision of section 9944  
3719.21 of the Revised Code, the clerk of the court shall pay a 9945  
fine imposed for a violation of this section pursuant to 9946  
division (A) of section 2929.18 of the Revised Code in 9947  
accordance with and subject to the requirements of division ~~(F)~~ 9948  
(N) of section 2925.03 of the Revised Code. The agency that 9949  
receives the fine shall use the fine as specified in division 9950  
~~(F)~~(N) of section 2925.03 of the Revised Code. 9951

(F) Any premises or real estate that is permitted to be 9952  
used in violation of division (B) of this section constitutes a 9953  
nuisance subject to abatement pursuant to Chapter 3767. of the 9954  
Revised Code. 9955

**Sec. 2925.22.** (A) No person, by deception, shall procure 9956  
the administration of, a prescription for, or the dispensing of, 9957  
a dangerous drug or shall possess an uncompleted preprinted 9958  
prescription blank used for writing a prescription for a 9959  
dangerous drug. 9960

(B) Whoever violates this section is guilty of deception 9961  
to obtain a dangerous drug. The penalty for the offense shall be 9962  
determined as follows: 9963

(1) If the person possesses an uncompleted preprinted 9964  
prescription blank used for writing a prescription for a 9965  
dangerous drug or if the drug involved is a dangerous drug, 9966

except as otherwise provided in division (B) (2) or (3) of this 9967  
section, deception to obtain a dangerous drug is a felony of the 9968  
fifth degree or, if the offender previously has been convicted 9969  
of or pleaded guilty to a drug abuse offense, a felony of the 9970  
fourth degree. Division (C) of section 2929.13 of the Revised 9971  
Code applies in determining whether to impose a prison term on 9972  
the offender pursuant to this division. 9973

(2) If the drug involved is a compound, mixture, 9974  
preparation, or substance included in schedule I or II, with the 9975  
exception of marihuana, the penalty for deception to obtain 9976  
drugs is one of the following: 9977

(a) Except as otherwise provided in division (B) (2) (b), 9978  
(c), or (d) of this section, it is a felony of the fourth 9979  
degree, and division (C) of section 2929.13 of the Revised Code 9980  
applies in determining whether to impose a prison term on the 9981  
offender. 9982

(b) If the amount of the drug involved equals or exceeds 9983  
the bulk amount but is less than five times the bulk amount, or 9984  
if the amount of the drug involved that could be obtained 9985  
pursuant to the prescription would equal or exceed the bulk 9986  
amount but would be less than five times the bulk amount, it is 9987  
a felony of the third degree, and there is a presumption for a 9988  
prison term for the offense. 9989

(c) If the amount of the drug involved equals or exceeds 9990  
five times the bulk amount but is less than fifty times the bulk 9991  
amount, or if the amount of the drug involved that could be 9992  
obtained pursuant to the prescription would equal or exceed five 9993  
times the bulk amount but would be less than fifty times the 9994  
bulk amount, it is a felony of the second degree, and there is a 9995  
presumption for a prison term for the offense. 9996

(d) If the amount of the drug involved equals or exceeds 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 felony of the first degree, and there is a presumption for a prison term for the offense.

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(3) If the drug involved is a compound, mixture, preparation, or substance included in schedule III, IV, or V or is marihuana, the penalty for deception to obtain a dangerous drug is one of the following:

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(a) Except as otherwise provided in division (B) (3) (b), (c), or (d) of this section, it 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.

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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, 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 fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

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(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 third degree, and there is a presumption for a prison term for the offense.

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(d) If the amount of the drug involved equals or exceeds 10026  
fifty times the bulk amount, or if the amount of the drug 10027  
involved that could be obtained pursuant to the prescription 10028  
would equal or exceed fifty times the bulk amount, it is a 10029  
felony of the second degree, and there is a presumption for a 10030  
prison term for the offense. 10031

(C) (1) In addition to any prison term authorized or 10032  
required by division (B) of this section and sections 2929.13 10033  
and 2929.14 of the Revised Code and in addition to any other 10034  
sanction imposed for the offense under this section or sections 10035  
2929.11 to 2929.18 of the Revised Code, the court that sentences 10036  
an offender who is convicted of or pleads guilty to a violation 10037  
of division (A) of this section may suspend for not more than 10038  
five years the offender's driver's or commercial driver's 10039  
license or permit. However, if the offender pleaded guilty to or 10040  
was convicted of a violation of section 4511.19 of the Revised 10041  
Code or a substantially similar municipal ordinance or the law 10042  
of another state or the United States arising out of the same 10043  
set of circumstances as the violation, the court shall suspend 10044  
the offender's driver's or commercial driver's license or permit 10045  
for not more than five years. 10046

If the offender is a professionally licensed person, in 10047  
addition to any other sanction imposed for a violation of this 10048  
section, the court immediately shall comply with section 2925.38 10049  
of the Revised Code. 10050

(2) Any offender who received a mandatory suspension of 10051  
the offender's driver's or commercial driver's license or permit 10052  
under this section prior to ~~the effective date of this amendment~~ 10053  
September 13, 2016, may file a motion with the sentencing court 10054  
requesting the termination of the suspension. However, an 10055

offender who pleaded guilty to or was convicted of a violation 10056  
of section 4511.19 of the Revised Code or a substantially 10057  
similar municipal ordinance or law of another state or the 10058  
United States that arose out of the same set of circumstances as 10059  
the violation for which the offender's license or permit was 10060  
suspended under this section shall not file such a motion. 10061

Upon the filing of a motion under division (C) (2) of this 10062  
section, the sentencing court, in its discretion, may terminate 10063  
the suspension. 10064

(D) Notwithstanding any contrary provision of section 10065  
3719.21 of the Revised Code, the clerk of the court shall pay a 10066  
fine imposed for a violation of this section pursuant to 10067  
division (A) of section 2929.18 of the Revised Code in 10068  
accordance with and subject to the requirements of division ~~(F)~~ 10069  
(N) of section 2925.03 of the Revised Code. The agency that 10070  
receives the fine shall use the fine as specified in division 10071  
~~(F)~~(N) of section 2925.03 of the Revised Code. 10072

**Sec. 2925.23.** (A) No person shall knowingly make a false 10073  
statement in any prescription, order, report, or record required 10074  
by Chapter 3719. or 4729. of the Revised Code. 10075

(B) No person shall intentionally make, utter, or sell, or 10076  
knowingly possess any of the following that is a false or 10077  
forged: 10078

- (1) Prescription; 10079
- (2) Uncompleted preprinted prescription blank used for 10080  
writing a prescription; 10081
- (3) Official written order; 10082
- (4) License for a terminal distributor of dangerous drugs, 10083

as defined in section 4729.01 of the Revised Code;	10084
(5) License for a manufacturer of dangerous drugs,	10085
outsourcing facility, third-party logistics provider, repackager	10086
of dangerous drugs, or wholesale distributor of dangerous drugs,	10087
as defined in section 4729.01 of the Revised Code.	10088
(C) No person, by theft as defined in section 2913.02 of	10089
the Revised Code, shall acquire any of the following:	10090
(1) A prescription;	10091
(2) An uncompleted preprinted prescription blank used for	10092
writing a prescription;	10093
(3) An official written order;	10094
(4) A blank official written order;	10095
(5) A license or blank license for a terminal distributor	10096
of dangerous drugs, as defined in section 4729.01 of the Revised	10097
Code;	10098
(6) A license or blank license for a manufacturer of	10099
dangerous drugs, outsourcing facility, third-party logistics	10100
provider, repackager of dangerous drugs, or wholesale	10101
distributor of dangerous drugs, as defined in section 4729.01 of	10102
the Revised Code.	10103
(D) No person shall knowingly make or affix any false or	10104
forged label to a package or receptacle containing any dangerous	10105
drugs.	10106
(E) Divisions (A) and (D) of this section do not apply to	10107
licensed health professionals authorized to prescribe drugs,	10108
pharmacists, owners of pharmacies, and other persons whose	10109
conduct is in accordance with Chapters 3719., 4715., 4723.,	10110

4725., 4729., 4730., 4731., and 4741. of the Revised Code. 10111

(F) Whoever violates this section is guilty of illegal 10112  
processing of drug documents. If the offender violates division 10113  
(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 10114  
section, illegal processing of drug documents is a felony of the 10115  
fifth degree. If the offender violates division (A), division 10116  
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 10117  
section, the penalty for illegal processing of drug documents 10118  
shall be determined as follows: 10119

(1) If the drug involved is a compound, mixture, 10120  
preparation, or substance included in schedule I or II, with the 10121  
exception of marihuana, illegal processing of drug documents is 10122  
a felony of the fourth degree, and division (C) of section 10123  
2929.13 of the Revised Code applies in determining whether to 10124  
impose a prison term on the offender. 10125

(2) If the drug involved is a dangerous drug or a 10126  
compound, mixture, preparation, or substance included in 10127  
schedule III, IV, or V or is marihuana, illegal processing of 10128  
drug documents is a felony of the fifth degree, and division (C) 10129  
of section 2929.13 of the Revised Code applies in determining 10130  
whether to impose a prison term on the offender. 10131

(G) (1) In addition to any prison term authorized or 10132  
required by division (F) of this section and sections 2929.13 10133  
and 2929.14 of the Revised Code and in addition to any other 10134  
sanction imposed for the offense under this section or sections 10135  
2929.11 to 2929.18 of the Revised Code, the court that sentences 10136  
an offender who is convicted of or pleads guilty to any 10137  
violation of divisions (A) to (D) of this section may suspend 10138  
for not more than five years the offender's driver's or 10139  
commercial driver's license or permit. However, if the offender 10140

pleaded guilty to or was convicted of a violation of section 10141  
4511.19 of the Revised Code or a substantially similar municipal 10142  
ordinance or the law of another state or the United States 10143  
arising out of the same set of circumstances as the violation, 10144  
the court shall suspend the offender's driver's or commercial 10145  
driver's license or permit for not more than five years. 10146

If the offender is a professionally licensed person, in 10147  
addition to any other sanction imposed for a violation of this 10148  
section, the court immediately shall comply with section 2925.38 10149  
of the Revised Code. 10150

(2) Any offender who received a mandatory suspension of 10151  
the offender's driver's or commercial driver's license or permit 10152  
under this section prior to September 13, 2016, may file a 10153  
motion with the sentencing court requesting the termination of 10154  
the suspension. However, an offender who pleaded guilty to or 10155  
was convicted of a violation of section 4511.19 of the Revised 10156  
Code or a substantially similar municipal ordinance or law of 10157  
another state or the United States that arose out of the same 10158  
set of circumstances as the violation for which the offender's 10159  
license or permit was suspended under this section shall not 10160  
file such a motion. 10161

Upon the filing of a motion under division (G)(2) of this 10162  
section, the sentencing court, in its discretion, may terminate 10163  
the suspension. 10164

(H) Notwithstanding any contrary provision of section 10165  
3719.21 of the Revised Code, the clerk of court shall pay a fine 10166  
imposed for a violation of this section pursuant to division (A) 10167  
of section 2929.18 of the Revised Code in accordance with and 10168  
subject to the requirements of division ~~(F)~~(N) of section 10169  
2925.03 of the Revised Code. The agency that receives the fine 10170

shall use the fine as specified in division ~~(F)~~(N) of section 10171  
2925.03 of the Revised Code. 10172

**Sec. 2925.36.** (A) No person shall knowingly furnish 10173  
another a sample drug. 10174

(B) Division (A) of this section does not apply to 10175  
manufacturers, wholesalers, pharmacists, owners of pharmacies, 10176  
licensed health professionals authorized to prescribe drugs, and 10177  
other persons whose conduct is in accordance with Chapters 10178  
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 10179  
the Revised Code. 10180

(C) (1) Whoever violates this section is guilty of illegal 10181  
dispensing of drug samples. 10182

(2) If the drug involved in the offense is a compound, 10183  
mixture, preparation, or substance included in schedule I or II, 10184  
with the exception of marihuana, the penalty for the offense 10185  
shall be determined as follows: 10186

(a) Except as otherwise provided in division (C) (2) (b) of 10187  
this section, illegal dispensing of drug samples is a felony of 10188  
the fifth degree, and, subject to division (E) of this section, 10189  
division (C) of section 2929.13 of the Revised Code applies in 10190  
determining whether to impose a prison term on the offender. 10191

(b) If the offense was committed in the vicinity of a 10192  
school or in the vicinity of a juvenile, illegal dispensing of 10193  
drug samples is a felony of the fourth degree, and, subject to 10194  
division (E) of this section, division (C) of section 2929.13 of 10195  
the Revised Code applies in determining whether to impose a 10196  
prison term on the offender. 10197

(3) If the drug involved in the offense is a dangerous 10198  
drug or a compound, mixture, preparation, or substance included 10199

in schedule III, IV, or V, or is marihuana, the penalty for the 10200  
offense shall be determined as follows: 10201

(a) Except as otherwise provided in division (C) (3) (b) of 10202  
this section, illegal dispensing of drug samples is a 10203  
misdemeanor of the second degree. 10204

(b) If the offense was committed in the vicinity of a 10205  
school or in the vicinity of a juvenile, illegal dispensing of 10206  
drug samples is a misdemeanor of the first degree. 10207

(D) (1) In addition to any prison term authorized or 10208  
required by division (C) or (E) of this section and sections 10209  
2929.13 and 2929.14 of the Revised Code and in addition to any 10210  
other sanction imposed for the offense under this section or 10211  
sections 2929.11 to 2929.18 of the Revised Code, the court that 10212  
sentences an offender who is convicted of or pleads guilty to a 10213  
violation of division (A) of this section may suspend for not 10214  
more than five years the offender's driver's or commercial 10215  
driver's license or permit. However, if the offender pleaded 10216  
guilty to or was convicted of a violation of section 4511.19 of 10217  
the Revised Code or a substantially similar municipal ordinance 10218  
or the law of another state or the United States arising out of 10219  
the same set of circumstances as the violation, the court shall 10220  
suspend the offender's driver's or commercial driver's license 10221  
or permit for not more than five years. 10222

If the offender is a professionally licensed person, in 10223  
addition to any other sanction imposed for a violation of this 10224  
section, the court immediately shall comply with section 2925.38 10225  
of the Revised Code. 10226

(2) Any offender who received a mandatory suspension of 10227  
the offender's driver's or commercial driver's license or permit 10228

under this section prior to September 13, 2016, may file a 10229  
motion with the sentencing court requesting the termination of 10230  
the suspension. However, an offender who pleaded guilty to or 10231  
was convicted of a violation of section 4511.19 of the Revised 10232  
Code or a substantially similar municipal ordinance or law of 10233  
another state or the United States that arose out of the same 10234  
set of circumstances as the violation for which the offender's 10235  
license or permit was suspended under this section shall not 10236  
file such a motion. 10237

Upon the filing of a motion under division (D) (2) of this 10238  
section, the sentencing court, in its discretion, may terminate 10239  
the suspension. 10240

(E) Notwithstanding the prison term authorized or required 10241  
by division (C) of this section and sections 2929.13 and 2929.14 10242  
of the Revised Code, if the violation of division (A) of this 10243  
section involves the sale, offer to sell, or possession of a 10244  
schedule I or II controlled substance, with the exception of 10245  
marihuana, and if the court imposing sentence upon the offender 10246  
finds that the offender as a result of the violation is a major 10247  
drug offender and is guilty of a specification of the type 10248  
described in division (A) of section 2941.1410 of the Revised 10249  
Code, the court, in lieu of the prison term otherwise authorized 10250  
or required, shall impose upon the offender the mandatory prison 10251  
term specified in division (B) (3) (a) of section 2929.14 of the 10252  
Revised Code. 10253

(F) Notwithstanding any contrary provision of section 10254  
3719.21 of the Revised Code, the clerk of the court shall pay a 10255  
fine imposed for a violation of this section pursuant to 10256  
division (A) of section 2929.18 of the Revised Code in 10257  
accordance with and subject to the requirements of division ~~(F)~~ 10258

(N) of section 2925.03 of the Revised Code. The agency that 10259  
receives the fine shall use the fine as specified in division 10260  
~~(F)~~ (N) of section 2925.03 of the Revised Code. 10261

**Sec. 2925.37.** (A) No person shall knowingly possess any 10262  
counterfeit controlled substance. 10263

(B) No person shall knowingly make, sell, offer to sell, 10264  
or deliver any substance that the person knows is a counterfeit 10265  
controlled substance. 10266

(C) No person shall make, possess, sell, offer to sell, or 10267  
deliver any punch, die, plate, stone, or other device knowing or 10268  
having reason to know that it will be used to print or reproduce 10269  
a trademark, trade name, or other identifying mark upon a 10270  
counterfeit controlled substance. 10271

(D) No person shall sell, offer to sell, give, or deliver 10272  
any counterfeit controlled substance to a juvenile. 10273

(E) No person shall directly or indirectly represent a 10274  
counterfeit controlled substance as a controlled substance by 10275  
describing its effects as the physical or psychological effects 10276  
associated with use of a controlled substance. 10277

(F) No person shall directly or indirectly falsely 10278  
represent or advertise a counterfeit controlled substance as a 10279  
controlled substance. As used in this division, "advertise" 10280  
means engaging in "advertisement," as defined in section 3715.01 10281  
of the Revised Code. 10282

(G) Whoever violates division (A) of this section is 10283  
guilty of possession of counterfeit controlled substances, a 10284  
misdemeanor of the first degree. 10285

(H) Whoever violates division (B) or (C) of this section 10286

is guilty of trafficking in counterfeit controlled substances. 10287  
Except as otherwise provided in this division, trafficking in 10288  
counterfeit controlled substances is a felony of the fifth 10289  
degree, and division (C) of section 2929.13 of the Revised Code 10290  
applies in determining whether to impose a prison term on the 10291  
offender. If the offense was committed in the vicinity of a 10292  
school or in the vicinity of a juvenile, trafficking in 10293  
counterfeit controlled substances is a felony of the fourth 10294  
degree, and division (C) of section 2929.13 of the Revised Code 10295  
applies in determining whether to impose a prison term on the 10296  
offender. 10297

(I) Whoever violates division (D) of this section is 10298  
guilty of aggravated trafficking in counterfeit controlled 10299  
substances. Except as otherwise provided in this division, 10300  
aggravated trafficking in counterfeit controlled substances is a 10301  
felony of the fourth degree, and division (C) of section 2929.13 10302  
of the Revised Code applies in determining whether to impose a 10303  
prison term on the offender. 10304

(J) Whoever violates division (E) of this section is 10305  
guilty of promoting and encouraging drug abuse. Except as 10306  
otherwise provided in this division, promoting and encouraging 10307  
drug abuse is a felony of the fifth degree, and division (C) of 10308  
section 2929.13 of the Revised Code applies in determining 10309  
whether to impose a prison term on the offender. If the offense 10310  
was committed in the vicinity of a school or in the vicinity of 10311  
a juvenile, promoting and encouraging drug abuse is a felony of 10312  
the fourth degree, and division (C) of section 2929.13 of the 10313  
Revised Code applies in determining whether to impose a prison 10314  
term on the offender. 10315

(K) Whoever violates division (F) of this section is 10316

guilty of fraudulent drug advertising. Except as otherwise 10317  
provided in this division, fraudulent drug advertising is a 10318  
felony of the fifth degree, and division (C) of section 2929.13 10319  
of the Revised Code applies in determining whether to impose a 10320  
prison term on the offender. If the offense was committed in the 10321  
vicinity of a school or in the vicinity of a juvenile, 10322  
fraudulent drug advertising is a felony of the fourth degree, 10323  
and division (C) of section 2929.13 of the Revised Code applies 10324  
in determining whether to impose a prison term on the offender. 10325

(L) (1) In addition to any prison term authorized or 10326  
required by divisions (H) to (K) of this section and sections 10327  
2929.13 and 2929.14 of the Revised Code and in addition to any 10328  
other sanction imposed for the offense under this section or 10329  
sections 2929.11 to 2929.18 of the Revised Code, the court that 10330  
sentences an offender who is convicted of or pleads guilty to a 10331  
violation of division (B), (C), (D), (E), or (F) of this section 10332  
may suspend for not more than five years the offender's driver's 10333  
or commercial driver's license or permit. However, if the 10334  
offender pleaded guilty to or was convicted of a violation of 10335  
section 4511.19 of the Revised Code or a substantially similar 10336  
municipal ordinance or the law of another state or the United 10337  
States arising out of the same set of circumstances as the 10338  
violation, the court shall suspend the offender's driver's or 10339  
commercial driver's license or permit for not more than five 10340  
years. 10341

If the offender is a professionally licensed person, in 10342  
addition to any other sanction imposed for a violation of this 10343  
section, the court immediately shall comply with section 2925.38 10344  
of the Revised Code. 10345

(2) Any offender who received a mandatory suspension of 10346

the offender's driver's or commercial driver's license or permit 10347  
under this section prior to ~~the effective date of this amendment~~ 10348  
September 13, 2016 may file a motion with the sentencing court 10349  
requesting the termination of the suspension. However, an 10350  
offender who pleaded guilty to or was convicted of a violation 10351  
of section 4511.19 of the Revised Code or a substantially 10352  
similar municipal ordinance or law of another state or the 10353  
United States that arose out of the same set of circumstances as 10354  
the violation for which the offender's license or permit was 10355  
suspended under this section shall not file such a motion. 10356

Upon the filing of a motion under division (L) (2) of this 10357  
section, the sentencing court, in its discretion, may terminate 10358  
the suspension. 10359

(M) Notwithstanding any contrary provision of section 10360  
3719.21 of the Revised Code, the clerk of the court shall pay a 10361  
fine imposed for a violation of this section pursuant to 10362  
division (A) of section 2929.18 of the Revised Code in 10363  
accordance with and subject to the requirements of division ~~(F)~~ 10364  
(N) of section 2925.03 of the Revised Code. The agency that 10365  
receives the fine shall use the fine as specified in division 10366  
~~(F)~~(N) of section 2925.03 of the Revised Code. 10367

**Sec. 2925.38.** If a person who is convicted of or pleads 10368  
guilty to a violation of section 2925.02, 2925.03, 2925.031, 10369  
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 10370  
2925.111, 2925.112, 2925.12, 2925.13, 2925.14, 2925.141, 10371  
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 10372  
Revised Code is a professionally licensed person, in addition to 10373  
any other sanctions imposed for the violation, the court, except 10374  
as otherwise provided in this section, immediately shall 10375  
transmit a certified copy of the judgment entry of conviction to 10376

the regulatory or licensing board or agency that has the 10377  
administrative authority to suspend or revoke the offender's 10378  
professional license. If the professionally licensed person who 10379  
is convicted of or pleads guilty to a violation of any section 10380  
listed in this section is a person who has been admitted to the 10381  
bar by order of the supreme court in compliance with its 10382  
prescribed and published rules, in addition to any other 10383  
sanctions imposed for the violation, the court immediately shall 10384  
transmit a certified copy of the judgment entry of conviction to 10385  
the secretary of the board of commissioners on grievances and 10386  
discipline of the supreme court and to either the disciplinary 10387  
counsel or the president, secretary, and chairperson of each 10388  
certified grievance committee. 10389

**Sec. 2925.42.** (A) If a person is convicted of or pleads 10390  
guilty to a felony drug abuse offense, or a juvenile is found by 10391  
a juvenile court to be a delinquent child for an act that, if 10392  
committed by an adult, would be a felony drug abuse offense, and 10393  
derives profits or other proceeds from the offense or act, the 10394  
court that imposes sentence or an order of disposition upon the 10395  
offender or delinquent child, in lieu of any fine that the court 10396  
is otherwise authorized or required to impose, may impose upon 10397  
the offender or delinquent child a fine of not more than twice 10398  
the gross profits or other proceeds so derived. 10399

(B) Notwithstanding any contrary provision of section 10400  
3719.21 of the Revised Code, all fines imposed pursuant to this 10401  
section shall be paid by the clerk of the court to the county, 10402  
municipal corporation, township, park district, as created 10403  
pursuant to section 511.18 or 1545.01 of the Revised Code, or 10404  
state law enforcement agencies in this state that were primarily 10405  
responsible for or involved in making the arrest of, and in 10406  
prosecuting, the offender. However, no fine so imposed shall be 10407

paid to a law enforcement agency unless the agency has adopted a 10408  
written internal control policy under division ~~(F)~~(N)(2) of 10409  
section 2925.03 of the Revised Code that addresses the use of 10410  
the fine moneys that it receives under this division and 10411  
division ~~(F)~~(N)(1) of section 2925.03 of the Revised Code. The 10412  
fines imposed and paid pursuant to this division shall be used 10413  
by the law enforcement agencies to subsidize their efforts 10414  
pertaining to drug offenses, in accordance with the written 10415  
internal control policy adopted by the recipient agency under 10416  
division ~~(F)~~(N)(2) of section 2925.03 of the Revised Code. 10417

(C) As used in this section: 10418

(1) "Law enforcement agencies" includes, but is not 10419  
limited to, the state board of pharmacy and the office of a 10420  
prosecutor. 10421

(2) "Prosecutor" has the same meaning as in section 10422  
2935.01 of the Revised Code. 10423

**Sec. 2925.51.** (A) In any criminal prosecution for a 10424  
violation of this chapter or Chapter 3719. of the Revised Code, 10425  
a laboratory report from the bureau of criminal identification 10426  
and investigation, a laboratory operated by another law 10427  
enforcement agency, or a laboratory established by or under the 10428  
authority of an institution of higher education that has its 10429  
main campus in this state and that is accredited by the 10430  
association of American universities or the north central 10431  
association of colleges and secondary schools, primarily for the 10432  
purpose of providing scientific services to law enforcement 10433  
agencies and signed by the person performing the analysis, 10434  
stating that the substance that is the basis of the alleged 10435  
offense has been weighed and analyzed and stating the findings 10436  
as to the content, weight, and identity of the substance and 10437

that it contains any amount of a controlled substance and the 10438  
number and description of unit dosages, is prima-facie evidence 10439  
of the content, identity, and weight or the existence and number 10440  
of unit dosages of the substance. In any criminal prosecution 10441  
for a violation of section 2925.041 of the Revised Code or a 10442  
violation of this chapter or Chapter 3719. of the Revised Code 10443  
that is based on the possession of chemicals sufficient to 10444  
produce a compound, mixture, preparation, or substance included 10445  
in schedule I, II, III, IV, or V, a laboratory report from the 10446  
bureau or from any laboratory that is operated or established as 10447  
described in this division that is signed by the person 10448  
performing the analysis, stating that the substances that are 10449  
the basis of the alleged offense have been weighed and analyzed 10450  
and stating the findings as to the content, weight, and identity 10451  
of each of the substances, is prima-facie evidence of the 10452  
content, identity, and weight of the substances. 10453

Attached to that report shall be a copy of a notarized 10454  
statement by the signer of the report giving the name of the 10455  
signer and stating that the signer is an employee of the 10456  
laboratory issuing the report and that performing the analysis 10457  
is a part of the signer's regular duties, and giving an outline 10458  
of the signer's education, training, and experience for 10459  
performing an analysis of materials included under this section. 10460  
The signer shall attest that scientifically accepted tests were 10461  
performed with due caution, and that the evidence was handled in 10462  
accordance with established and accepted procedures while in the 10463  
custody of the laboratory. 10464

(B) The prosecuting attorney shall serve a copy of the 10465  
report on the attorney of record for the accused, or on the 10466  
accused if the accused has no attorney, prior to any proceeding 10467  
in which the report is to be used against the accused other than 10468

at a preliminary hearing or grand jury proceeding where the 10469  
report may be used without having been previously served upon 10470  
the accused. 10471

(C) The report shall not be prima-facie evidence of the 10472  
contents, identity, and weight or the existence and number of 10473  
unit dosages of the substance if the accused or the accused's 10474  
attorney demands the testimony of the person signing the report, 10475  
by serving the demand upon the prosecuting attorney within seven 10476  
days from the accused or the accused's attorney's receipt of the 10477  
report. The time may be extended by a trial judge in the 10478  
interests of justice. 10479

(D) Any report issued for use under this section shall 10480  
contain notice of the right of the accused to demand, and the 10481  
manner in which the accused shall demand, the testimony of the 10482  
person signing the report. 10483

(E) Any person who is accused of a violation of this 10484  
chapter or of Chapter 3719. of the Revised Code is entitled, 10485  
upon written request made to the prosecuting attorney, to have a 10486  
portion of the substance that is, or of each of the substances 10487  
that are, the basis of the alleged violation preserved for the 10488  
benefit of independent analysis performed by a laboratory 10489  
analyst employed by the accused person, or, if the accused is 10490  
indigent, by a qualified laboratory analyst appointed by the 10491  
court. Such portion shall be a representative sample of the 10492  
entire substance that is, or of each of the substances that are, 10493  
the basis of the alleged violation and shall be of sufficient 10494  
size, in the opinion of the court, to permit the accused's 10495  
analyst to make a thorough scientific analysis concerning the 10496  
identity of the substance or substances. The prosecuting 10497  
attorney shall provide the accused's analyst with the sample 10498

portion at least fourteen days prior to trial, unless the trial 10499  
is to be held in a court not of record or unless the accused 10500  
person is charged with a minor misdemeanor, in which case the 10501  
prosecuting attorney shall provide the accused's analyst with 10502  
the sample portion at least three days prior to trial. If the 10503  
prosecuting attorney determines that such a sample portion 10504  
cannot be preserved and given to the accused's analyst, the 10505  
prosecuting attorney shall so inform the accused person or his 10506  
attorney. In such a circumstance, the accused person is 10507  
entitled, upon written request made to the prosecuting attorney, 10508  
to have the accused's privately employed or court appointed 10509  
analyst present at an analysis of the substance that is, or the 10510  
substances that are, the basis of the alleged violation, and, 10511  
upon further written request, to receive copies of all recorded 10512  
scientific data that result from the analysis and that can be 10513  
used by an analyst in arriving at conclusions, findings, or 10514  
opinions concerning the identity of the substance or substances 10515  
subject to the analysis. 10516

(F) In addition to the rights provided under division (E) 10517  
of this section, any person who is accused of a violation of 10518  
this chapter or of Chapter 3719. of the Revised Code that 10519  
involves a bulk amount of a controlled substance, or any 10520  
multiple thereof, or who is accused of a violation of former 10521  
section 2925.11 or section 2925.111 or 2925.112 of the Revised 10522  
Code, other than a minor misdemeanor violation, that involves 10523  
marihuana, is entitled, upon written request made to the 10524  
prosecuting attorney, to have a laboratory analyst of the 10525  
accused's choice, or, if the accused is indigent, a qualified 10526  
laboratory analyst appointed by the court present at a 10527  
measurement or weighing of the substance that is the basis of 10528  
the alleged violation. Also, the accused person is entitled, 10529

upon further written request, to receive copies of all recorded 10530  
scientific data that result from the measurement or weighing and 10531  
that can be used by an analyst in arriving at conclusions, 10532  
findings, or opinions concerning the weight, volume, or number 10533  
of unit doses of the substance subject to the measurement or 10534  
weighing. 10535

**Sec. 2927.21.** (A) As used in this section: 10536

(1) "Offense subject to forfeiture proceedings" means any 10537  
of the following: 10538

(a) A violation of section 2903.01, 2903.02, 2903.03, 10539  
2903.04, 2903.041, 2903.05, 2903.06, 2903.08, 2903.09, 2903.11, 10540  
2903.12, 2903.13, 2903.14, 2903.15, 2903.16, 2903.21, or 10541  
2903.211 of the Revised Code; 10542

(b) A violation of section 2905.01, 2905.02, 2905.03, 10543  
2905.05, 2905.11, 2905.32, or 2905.33 of the Revised Code; 10544

(c) A violation of section 2907.02, 2907.03, 2907.04, 10545  
2907.05, 2907.06, 2907.07, 2907.19, 2907.21, 2907.22, 2907.321, 10546  
2907.322, or 2907.323 of the Revised Code; 10547

(d) A violation of section 2909.02, 2909.03, 2909.22, 10548  
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, or 2909.29 of the 10549  
Revised Code; 10550

(e) A violation of section 2911.01, 2911.02, 2911.11, 10551  
2911.12, or 2911.13 of the Revised Code; 10552

(f) A violation of section 2915.02, 2915.03, 2915.04, or 10553  
2915.05 of the Revised Code; 10554

(g) A violation of section 2921.02, 2921.03, 2921.04, 10555  
2921.05, 2921.11, 2921.12, or 2921.41 of the Revised Code; 10556

(h) A violation of section 2925.02, 2925.03, 2925.031, 10557  
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, ~~or~~ 10558  
2925.11, 2925.111, or 2925.112 of the Revised Code; 10559

(i) A conspiracy or attempt to commit, or complicity in 10560  
committing, any offense under division (A) (1) (a), (b), (c), (d), 10561  
(e), (f), (g), or (h) of this section. 10562

(2) "Proceeds" has the same meaning as in section 2981.01 10563  
of the Revised Code. 10564

(3) "Vehicle" has the same meaning as in section 4501.01 10565  
of the Revised Code. 10566

(B) No person shall receive, retain, possess, or dispose 10567  
of proceeds knowing or having reasonable cause to believe that 10568  
the proceeds were derived from the commission of an offense 10569  
subject to forfeiture proceedings. 10570

(C) It is not a defense to a charge of receiving proceeds 10571  
of an offense subject to forfeiture proceedings in violation of 10572  
this section that the proceeds were derived by means other than 10573  
the commission of an offense subject to forfeiture proceedings 10574  
if the property was explicitly represented to the accused person 10575  
as having been derived from the commission of an offense subject 10576  
to forfeiture proceedings. 10577

(D) A person shall be considered to have received, 10578  
retained, possessed, or disposed of proceeds if the proceeds are 10579  
found anywhere in a vehicle and the person was the last person 10580  
who operated the vehicle immediately prior to the search of the 10581  
vehicle by the law enforcement officer who found the proceeds. 10582

(E) Whoever violates this section is guilty of receiving 10583  
proceeds of an offense subject to forfeiture proceedings. If the 10584  
value of the proceeds involved is less than one thousand 10585

dollars, receiving proceeds of an offense subject to forfeiture 10586  
proceedings is a misdemeanor of the first degree. If the value 10587  
of the proceeds involved is one thousand dollars or more and is 10588  
less than twenty-five thousand dollars, receiving proceeds of an 10589  
offense subject to forfeiture proceedings is a felony of the 10590  
fifth degree. If the value of the proceeds involved is twenty- 10591  
five thousand dollars or more and is less than one hundred fifty 10592  
thousand dollars, receiving proceeds of an offense subject to 10593  
forfeiture proceedings is a felony of the fourth degree. If the 10594  
value of the proceeds involved is one hundred fifty thousand 10595  
dollars or more, receiving proceeds of an offense subject to 10596  
forfeiture proceedings is a felony of the third degree. 10597

**Sec. 2929.141.** (A) Upon the conviction of or plea of 10598  
guilty to a felony by a person on post-release control at the 10599  
time of the commission of the felony, the court may terminate 10600  
the term of post-release control, and the court may do either of 10601  
the following regardless of whether the sentencing court or 10602  
another court of this state imposed the original prison term for 10603  
which the person is on post-release control: 10604

(1) In addition to any prison term for the new felony, 10605  
impose a prison term for the post-release control violation. The 10606  
maximum prison term for the violation shall be the greater of 10607  
twelve months or the period of post-release control for the 10608  
earlier felony minus any time the person has spent under post- 10609  
release control for the earlier felony. In all cases, any prison 10610  
term imposed for the violation shall be reduced by any prison 10611  
term that is administratively imposed by the parole board as a 10612  
post-release control sanction. A prison term imposed for the 10613  
violation shall be served consecutively to any prison term 10614  
imposed for the new felony. The imposition of a prison term for 10615  
the post-release control violation shall terminate the period of 10616

post-release control for the earlier felony. 10617

(2) Impose a sanction under sections 2929.15 to 2929.18 of 10618  
the Revised Code for the violation that shall be served 10619  
concurrently or consecutively, as specified by the court, with 10620  
any community control sanctions for the new felony. 10621

(B) If a person on post-release control was acting 10622  
pursuant to division (B) (2) (b) of section 2925.11 or a related 10623  
provision under section 2925.111 or 2925.112 of the Revised Code 10624  
and in so doing violated the conditions of a post-release 10625  
control sanction based on a minor drug possession offense, as 10626  
defined in section ~~2925.11~~ 2925.01 of the Revised Code, the 10627  
court may consider the person's conduct in seeking or obtaining 10628  
medical assistance for another in good faith or for self or may 10629  
consider the person being the subject of another person seeking 10630  
or obtaining medical assistance in accordance with that division 10631  
as a mitigating factor before imposing any of the penalties 10632  
described in division (A) of this section. 10633

(C) Upon the conviction of or plea of guilty to a felony 10634  
by a person on transitional control under section 2967.26 of the 10635  
Revised Code at the time of the commission of the felony, the 10636  
court may, in addition to any prison term for the new felony, 10637  
impose a prison term not exceeding twelve months for having 10638  
committed the felony while on transitional control. An 10639  
additional prison term imposed pursuant to this section shall be 10640  
served consecutively to any prison term imposed for the new 10641  
felony. The sentencing court may impose the additional prison 10642  
term authorized by this section regardless of whether the 10643  
sentencing court or another court of this state imposed the 10644  
original prison term for which the person is on transitional 10645  
control. 10646

**Sec. 2929.18.** (A) Except as otherwise provided in this 10647  
division and in addition to imposing court costs pursuant to 10648  
section 2947.23 of the Revised Code, the court imposing a 10649  
sentence upon an offender for a felony may sentence the offender 10650  
to any financial sanction or combination of financial sanctions 10651  
authorized under this section or, in the circumstances specified 10652  
in section 2929.32 of the Revised Code, may impose upon the 10653  
offender a fine in accordance with that section. Financial 10654  
sanctions that may be imposed pursuant to this section include, 10655  
but are not limited to, the following: 10656

(1) Restitution by the offender to the victim of the 10657  
offender's crime or any survivor of the victim, in an amount 10658  
based on the victim's economic loss. If the court imposes 10659  
restitution, the court shall order that the restitution be made 10660  
to the victim in open court, to the adult probation department 10661  
that serves the county on behalf of the victim, to the clerk of 10662  
courts, or to another agency designated by the court. If the 10663  
court imposes restitution, at sentencing, the court shall 10664  
determine the amount of restitution to be made by the offender. 10665  
If the court imposes restitution, the court may base the amount 10666  
of restitution it orders on an amount recommended by the victim, 10667  
the offender, a presentence investigation report, estimates or 10668  
receipts indicating the cost of repairing or replacing property, 10669  
and other information, provided that the amount the court orders 10670  
as restitution shall not exceed the amount of the economic loss 10671  
suffered by the victim as a direct and proximate result of the 10672  
commission of the offense. If the court decides to impose 10673  
restitution, the court shall hold a hearing on restitution if 10674  
the offender, victim, or survivor disputes the amount. All 10675  
restitution payments shall be credited against any recovery of 10676  
economic loss in a civil action brought by the victim or any 10677

survivor of the victim against the offender. 10678

If the court imposes restitution, the court may order that 10679  
the offender pay a surcharge of not more than five per cent of 10680  
the amount of the restitution otherwise ordered to the entity 10681  
responsible for collecting and processing restitution payments. 10682

The victim or survivor may request that the prosecutor in 10683  
the case file a motion, or the offender may file a motion, for 10684  
modification of the payment terms of any restitution ordered. If 10685  
the court grants the motion, it may modify the payment terms as 10686  
it determines appropriate. 10687

(2) Except as provided in division (B) (1), (3), or (4) of 10688  
this section, a fine payable by the offender to the state, to a 10689  
political subdivision, or as described in division (B) (2) of 10690  
this section to one or more law enforcement agencies, with the 10691  
amount of the fine based on a standard percentage of the 10692  
offender's daily income over a period of time determined by the 10693  
court and based upon the seriousness of the offense. A fine 10694  
ordered under this division shall not exceed the maximum 10695  
conventional fine amount authorized for the level of the offense 10696  
under division (A) (3) of this section. 10697

(3) Except as provided in division (B) (1), (3), or (4) of 10698  
this section, a fine payable by the offender to the state, to a 10699  
political subdivision when appropriate for a felony, or as 10700  
described in division (B) (2) of this section to one or more law 10701  
enforcement agencies, in the following amount: 10702

(a) For a felony of the first degree, not more than twenty 10703  
thousand dollars; 10704

(b) For a felony of the second degree, not more than 10705  
fifteen thousand dollars; 10706

(c) For a felony of the third degree, not more than ten thousand dollars;	10707 10708
(d) For a felony of the fourth degree, not more than five thousand dollars;	10709 10710
(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.	10711 10712
(4) A state fine or costs as defined in section 2949.111 of the Revised Code.	10713 10714
(5) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:	10715 10716 10717
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;	10718 10719 10720
(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement;	10721 10722 10723 10724 10725 10726 10727
(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.	10728 10729 10730 10731 10732
(b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the	10733 10734

Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, if, pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, the board, legislative authority, or other local governmental entity requires prisoners to reimburse the county, municipal corporation, or other entity for its expenses incurred by reason of the prisoner's confinement, and if the court does not impose a financial sanction under division (A) (5) (a) (ii) of this section, confinement costs may be assessed pursuant to section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section.

(c) Reimbursement by the offender for costs pursuant to section 2929.71 of the Revised Code.

(B) (1) For a first, second, or third degree felony violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code, the sentencing court shall impose upon the offender a mandatory fine of at least one-half of, but not more than, the maximum statutory fine amount authorized for the level of the offense pursuant to division (A) (3) of this section. If an offender alleges in an affidavit filed with the court prior to sentencing that the offender is indigent and unable to pay the mandatory fine and if the court determines the offender is an indigent person and is unable to pay the mandatory fine described in this division, the court shall not impose the mandatory fine upon the offender.

(2) Any mandatory fine imposed upon an offender under

division (B) (1) of this section and any fine imposed upon an 10765  
offender under division (A) (2) or (3) of this section for any 10766  
fourth or fifth degree felony violation of any provision of 10767  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 10768  
to law enforcement agencies pursuant to division ~~(F)~~(N) of 10769  
section 2925.03 of the Revised Code. 10770

(3) For a fourth degree felony OVI offense and for a third 10771  
degree felony OVI offense, the sentencing court shall impose 10772  
upon the offender a mandatory fine in the amount specified in 10773  
division (G) (1) (d) or (e) of section 4511.19 of the Revised 10774  
Code, whichever is applicable. The mandatory fine so imposed 10775  
shall be disbursed as provided in the division pursuant to which 10776  
it is imposed. 10777

(4) Notwithstanding any fine otherwise authorized or 10778  
required to be imposed under division (A) (2) or (3) or (B) (1) of 10779  
this section or section 2929.31 of the Revised Code for a 10780  
violation of section 2925.03, 2925.031, or 2925.032 of the 10781  
Revised Code, in addition to any penalty or sanction imposed for 10782  
that offense under section 2925.03, 2925.031, or 2925.032 or 10783  
sections 2929.11 to 2929.18 of the Revised Code and in addition 10784  
to the forfeiture of property in connection with the offense as 10785  
prescribed in Chapter 2981. of the Revised Code, the court that 10786  
sentences an offender for a violation of section 2925.03 of the 10787  
Revised Code may impose upon the offender a fine in addition to 10788  
any fine imposed under division (A) (2) or (3) of this section 10789  
and in addition to any mandatory fine imposed under division (B) 10790  
(1) of this section. The fine imposed under division (B) (4) of 10791  
this section shall be used as provided in division (H) of 10792  
section 2925.03 of the Revised Code. A fine imposed under 10793  
division (B) (4) of this section shall not exceed whichever of 10794  
the following is applicable: 10795

(a) The total value of any personal or real property in 10796  
which the offender has an interest and that was used in the 10797  
course of, intended for use in the course of, derived from, or 10798  
realized through conduct in violation of section 2925.03, 10799  
2925.031, or 2925.032 of the Revised Code, including any 10800  
property that constitutes proceeds derived from that offense; 10801

(b) If the offender has no interest in any property of the 10802  
type described in division (B) (4) (a) of this section or if it is 10803  
not possible to ascertain whether the offender has an interest 10804  
in any property of that type in which the offender may have an 10805  
interest, the amount of the mandatory fine for the offense 10806  
imposed under division (B) (1) of this section or, if no 10807  
mandatory fine is imposed under division (B) (1) of this section, 10808  
the amount of the fine authorized for the level of the offense 10809  
imposed under division (A) (3) of this section. 10810

(5) Prior to imposing a fine under division (B) (4) of this 10811  
section, the court shall determine whether the offender has an 10812  
interest in any property of the type described in division (B) 10813  
(4) (a) of this section. Except as provided in division (B) (6) or 10814  
(7) of this section, a fine that is authorized and imposed under 10815  
division (B) (4) of this section does not limit or affect the 10816  
imposition of the penalties and sanctions for a violation of 10817  
section 2925.03, 2925.031, or 2925.032 of the Revised Code 10818  
prescribed under those sections or sections 2929.11 to 2929.18 10819  
of the Revised Code and does not limit or affect a forfeiture of 10820  
property in connection with the offense as prescribed in Chapter 10821  
2981. of the Revised Code. 10822

(6) If the sum total of a mandatory fine amount imposed 10823  
for a first, second, or third degree felony violation of section 10824  
2925.03 of the Revised Code under division (B) (1) of this 10825

section plus the amount of any fine imposed under division (B) 10826  
(4) of this section does not exceed the maximum statutory fine 10827  
amount authorized for the level of the offense under division 10828  
(A) (3) of this section or section 2929.31 of the Revised Code, 10829  
the court may impose a fine for the offense in addition to the 10830  
mandatory fine and the fine imposed under division (B) (4) of 10831  
this section. The sum total of the amounts of the mandatory 10832  
fine, the fine imposed under division (B) (4) of this section, 10833  
and the additional fine imposed under division (B) (6) of this 10834  
section shall not exceed the maximum statutory fine amount 10835  
authorized for the level of the offense under division (A) (3) of 10836  
this section or section 2929.31 of the Revised Code. The clerk 10837  
of the court shall pay any fine that is imposed under division 10838  
(B) (6) of this section to the county, township, municipal 10839  
corporation, park district as created pursuant to section 511.18 10840  
or 1545.04 of the Revised Code, or state law enforcement 10841  
agencies in this state that primarily were responsible for or 10842  
involved in making the arrest of, and in prosecuting, the 10843  
offender pursuant to division ~~(F)~~ (N) of section 2925.03 of the 10844  
Revised Code. 10845

(7) If the sum total of the amount of a mandatory fine 10846  
imposed for a first, second, or third degree felony violation of 10847  
section 2925.03, 2925.031, or 2925.032 of the Revised Code plus 10848  
the amount of any fine imposed under division (B) (4) of this 10849  
section exceeds the maximum statutory fine amount authorized for 10850  
the level of the offense under division (A) (3) of this section 10851  
or section 2929.31 of the Revised Code, the court shall not 10852  
impose a fine under division (B) (6) of this section. 10853

(8) (a) If an offender who is convicted of or pleads guilty 10854  
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 10855  
2923.32, division (A) (1) or (2) of section 2907.323 involving a 10856

minor, or division (B) (1), (2), (3), (4), or (5) of section 10857  
2919.22 of the Revised Code also is convicted of or pleads 10858  
guilty to a specification of the type described in section 10859  
2941.1422 of the Revised Code that charges that the offender 10860  
knowingly committed the offense in furtherance of human 10861  
trafficking, the sentencing court shall sentence the offender to 10862  
a financial sanction of restitution by the offender to the 10863  
victim or any survivor of the victim, with the restitution 10864  
including the costs of housing, counseling, and medical and 10865  
legal assistance incurred by the victim as a direct result of 10866  
the offense and the greater of the following: 10867

(i) The gross income or value to the offender of the 10868  
victim's labor or services; 10869

(ii) The value of the victim's labor as guaranteed under 10870  
the minimum wage and overtime provisions of the "Federal Fair 10871  
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 10872  
state labor laws. 10873

(b) If a court imposing sentence upon an offender for a 10874  
felony is required to impose upon the offender a financial 10875  
sanction of restitution under division (B) (8) (a) of this 10876  
section, in addition to that financial sanction of restitution, 10877  
the court may sentence the offender to any other financial 10878  
sanction or combination of financial sanctions authorized under 10879  
this section, including a restitution sanction under division 10880  
(A) (1) of this section. 10881

(9) In addition to any other fine that is or may be 10882  
imposed under this section, the court imposing sentence upon an 10883  
offender for a felony that is a sexually oriented offense or a 10884  
child-victim oriented offense, as those terms are defined in 10885  
section 2950.01 of the Revised Code, may impose a fine of not 10886

less than fifty nor more than five hundred dollars. 10887

(10) For a felony violation of division (A) of section 10888  
2921.321 of the Revised Code that results in the death of the 10889  
police dog or horse that is the subject of the violation, the 10890  
sentencing court shall impose upon the offender a mandatory fine 10891  
from the range of fines provided under division (A) (3) of this 10892  
section for a felony of the third degree. A mandatory fine 10893  
imposed upon an offender under division (B) (10) of this section 10894  
shall be paid to the law enforcement agency that was served by 10895  
the police dog or horse that was killed in the felony violation 10896  
of division (A) of section 2921.321 of the Revised Code to be 10897  
used as provided in division (E) (1) (b) of that section. 10898

(11) In addition to any other fine that is or may be 10899  
imposed under this section, the court imposing sentence upon an 10900  
offender for any of the following offenses that is a felony may 10901  
impose a fine of not less than seventy nor more than five 10902  
hundred dollars, which shall be transmitted to the treasurer of 10903  
state to be credited to the address confidentiality program fund 10904  
created by section 111.48 of the Revised Code: 10905

(a) Domestic violence; 10906

(b) Menacing by stalking; 10907

(c) Rape; 10908

(d) Sexual battery; 10909

(e) Trafficking in persons; 10910

(f) A violation of section 2905.01, 2905.02, 2907.21, 10911  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 10912  
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 10913  
section 2919.22 of the Revised Code, if the offender also is 10914

convicted of a specification of the type described in section 10915  
2941.1422 of the Revised Code that charges that the offender 10916  
knowingly committed the offense in furtherance of human 10917  
trafficking. 10918

(C) (1) Except as provided in section 2951.021 of the 10919  
Revised Code, the offender shall pay reimbursements imposed upon 10920  
the offender pursuant to division (A) (5) (a) of this section to 10921  
pay the costs incurred by a county pursuant to any sanction 10922  
imposed under this section or section 2929.16 or 2929.17 of the 10923  
Revised Code or in operating a facility used to confine 10924  
offenders pursuant to a sanction imposed under section 2929.16 10925  
of the Revised Code to the county treasurer. The county 10926  
treasurer shall deposit the reimbursements in the sanction cost 10927  
reimbursement fund that each board of county commissioners shall 10928  
create in its county treasury. The county shall use the amounts 10929  
deposited in the fund to pay the costs incurred by the county 10930  
pursuant to any sanction imposed under this section or section 10931  
2929.16 or 2929.17 of the Revised Code or in operating a 10932  
facility used to confine offenders pursuant to a sanction 10933  
imposed under section 2929.16 of the Revised Code. 10934

(2) Except as provided in section 2951.021 of the Revised 10935  
Code, the offender shall pay reimbursements imposed upon the 10936  
offender pursuant to division (A) (5) (a) of this section to pay 10937  
the costs incurred by a municipal corporation pursuant to any 10938  
sanction imposed under this section or section 2929.16 or 10939  
2929.17 of the Revised Code or in operating a facility used to 10940  
confine offenders pursuant to a sanction imposed under section 10941  
2929.16 of the Revised Code to the treasurer of the municipal 10942  
corporation. The treasurer shall deposit the reimbursements in a 10943  
special fund that shall be established in the treasury of each 10944  
municipal corporation. The municipal corporation shall use the 10945

amounts deposited in the fund to pay the costs incurred by the 10946  
municipal corporation pursuant to any sanction imposed under 10947  
this section or section 2929.16 or 2929.17 of the Revised Code 10948  
or in operating a facility used to confine offenders pursuant to 10949  
a sanction imposed under section 2929.16 of the Revised Code. 10950

(3) Except as provided in section 2951.021 of the Revised 10951  
Code, the offender shall pay reimbursements imposed pursuant to 10952  
division (A) (5) (a) of this section for the costs incurred by a 10953  
private provider pursuant to a sanction imposed under this 10954  
section or section 2929.16 or 2929.17 of the Revised Code to the 10955  
provider. 10956

(D) Except as otherwise provided in this division, a 10957  
financial sanction imposed pursuant to division (A) or (B) of 10958  
this section is a judgment in favor of the state or a political 10959  
subdivision in which the court that imposed the financial 10960  
sanction is located, and the offender subject to the financial 10961  
sanction is the judgment debtor. A financial sanction of 10962  
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 10963  
section upon an offender who is incarcerated in a state facility 10964  
or a municipal jail is a judgment in favor of the state or the 10965  
municipal corporation, and the offender subject to the financial 10966  
sanction is the judgment debtor. A financial sanction of 10967  
reimbursement imposed upon an offender pursuant to this section 10968  
for costs incurred by a private provider of sanctions is a 10969  
judgment in favor of the private provider, and the offender 10970  
subject to the financial sanction is the judgment debtor. A 10971  
financial sanction of a mandatory fine imposed under division 10972  
(B) (10) of this section that is required under that division to 10973  
be paid to a law enforcement agency is a judgment in favor of 10974  
the specified law enforcement agency, and the offender subject 10975  
to the financial sanction is the judgment debtor. A financial 10976

sanction of restitution imposed pursuant to division (A) (1) or 10977  
(B) (8) of this section is an order in favor of the victim of the 10978  
offender's criminal act that can be collected through a 10979  
certificate of judgment as described in division (D) (1) of this 10980  
section, through execution as described in division (D) (2) of 10981  
this section, or through an order as described in division (D) 10982  
(3) of this section, and the offender shall be considered for 10983  
purposes of the collection as the judgment debtor. Imposition of 10984  
a financial sanction and execution on the judgment does not 10985  
preclude any other power of the court to impose or enforce 10986  
sanctions on the offender. Once the financial sanction is 10987  
imposed as a judgment or order under this division, the victim, 10988  
private provider, state, or political subdivision may do any of 10989  
the following: 10990

(1) Obtain from the clerk of the court in which the 10991  
judgment was entered a certificate of judgment that shall be in 10992  
the same manner and form as a certificate of judgment issued in 10993  
a civil action; 10994

(2) Obtain execution of the judgment or order through any 10995  
available procedure, including: 10996

(a) An execution against the property of the judgment 10997  
debtor under Chapter 2329. of the Revised Code; 10998

(b) An execution against the person of the judgment debtor 10999  
under Chapter 2331. of the Revised Code; 11000

(c) A proceeding in aid of execution under Chapter 2333. 11001  
of the Revised Code, including: 11002

(i) A proceeding for the examination of the judgment 11003  
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 11004  
2333.27 of the Revised Code; 11005

(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	11006 11007
(iii) A creditor's suit under section 2333.01 of the Revised Code.	11008 11009
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	11010 11011
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	11012 11013
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	11014 11015
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	11016 11017 11018 11019
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code, a court shall comply with sections 307.86 to 307.92 of the Revised Code.	11020 11021 11022 11023 11024 11025 11026 11027 11028 11029 11030 11031 11032
(G) If a court that imposes a financial sanction under division (A) or (B) of this section finds that an offender	11033 11034

satisfactorily has completed all other sanctions imposed upon 11035  
the offender and that all restitution that has been ordered has 11036  
been paid as ordered, the court may suspend any financial 11037  
sanctions imposed pursuant to this section or section 2929.32 of 11038  
the Revised Code that have not been paid. 11039

(H) No financial sanction imposed under this section or 11040  
section 2929.32 of the Revised Code shall preclude a victim from 11041  
bringing a civil action against the offender. 11042

**Sec. 2929.25.** (A) (1) Except as provided in sections 11043  
2929.22 and 2929.23 of the Revised Code or when a jail term is 11044  
required by law, in sentencing an offender for a misdemeanor, 11045  
other than a minor misdemeanor, the sentencing court may do 11046  
either of the following: 11047

(a) Directly impose a sentence that consists of one or 11048  
more community control sanctions authorized by section 2929.26, 11049  
2929.27, or 2929.28 of the Revised Code. The court may impose 11050  
any other conditions of release under a community control 11051  
sanction that the court considers appropriate. If the court 11052  
imposes a jail term upon the offender, the court may impose any 11053  
community control sanction or combination of community control 11054  
sanctions in addition to the jail term. 11055

(b) Impose a jail term under section 2929.24 of the 11056  
Revised Code from the range of jail terms authorized under that 11057  
section for the offense, suspend all or a portion of the jail 11058  
term imposed, and place the offender under a community control 11059  
sanction or combination of community control sanctions 11060  
authorized under section 2929.26, 2929.27, or 2929.28 of the 11061  
Revised Code. 11062

(2) The duration of all community control sanctions 11063

imposed upon an offender and in effect for an offender at any 11064  
time shall not exceed five years. 11065

(3) At sentencing, if a court directly imposes a community 11066  
control sanction or combination of community control sanctions 11067  
pursuant to division (A)(1)(a) or (B) of this section, the court 11068  
shall state the duration of the community control sanctions 11069  
imposed and shall notify the offender that if any of the 11070  
conditions of the community control sanctions are violated the 11071  
court may do any of the following: 11072

(a) Impose a longer time under the same community control 11073  
sanction if the total time under all of the offender's community 11074  
control sanctions does not exceed the five-year limit specified 11075  
in division (A)(2) of this section; 11076

(b) Impose a more restrictive community control sanction 11077  
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 11078  
but the court is not required to impose any particular sanction 11079  
or sanctions; 11080

(c) Impose a definite jail term from the range of jail 11081  
terms authorized for the offense under section 2929.24 of the 11082  
Revised Code. 11083

(B) If a court sentences an offender to any community 11084  
control sanction or combination of community control sanctions 11085  
pursuant to division (A)(1)(a) of this section, the sentencing 11086  
court retains jurisdiction over the offender and the period of 11087  
community control for the duration of the period of community 11088  
control. Upon the motion of either party or on the court's own 11089  
motion, the court, in the court's sole discretion and as the 11090  
circumstances warrant, may modify the community control 11091  
sanctions or conditions of release previously imposed, 11092

substitute a community control sanction or condition of release 11093  
for another community control sanction or condition of release 11094  
previously imposed, or impose an additional community control 11095  
sanction or condition of release. 11096

(C) (1) If a court sentences an offender to any community 11097  
control sanction or combination of community control sanctions 11098  
authorized under section 2929.26, 2929.27, or 2929.28 of the 11099  
Revised Code, the court shall place the offender under the 11100  
general control and supervision of the court or of a department 11101  
of probation in the jurisdiction that serves the court for 11102  
purposes of reporting to the court a violation of any of the 11103  
conditions of the sanctions imposed. If the offender resides in 11104  
another jurisdiction and a department of probation has been 11105  
established to serve the municipal court or county court in that 11106  
jurisdiction, the sentencing court may request the municipal 11107  
court or the county court to receive the offender into the 11108  
general control and supervision of that department of probation 11109  
for purposes of reporting to the sentencing court a violation of 11110  
any of the conditions of the sanctions imposed. The sentencing 11111  
court retains jurisdiction over any offender whom it sentences 11112  
for the duration of the sanction or sanctions imposed. 11113

(2) The sentencing court shall require as a condition of 11114  
any community control sanction that the offender abide by the 11115  
law and not leave the state without the permission of the court 11116  
or the offender's probation officer. In the interests of doing 11117  
justice, rehabilitating the offender, and ensuring the 11118  
offender's good behavior, the court may impose additional 11119  
requirements on the offender. The offender's compliance with the 11120  
additional requirements also shall be a condition of the 11121  
community control sanction imposed upon the offender. 11122

(D) (1) If the court imposing sentence upon an offender 11123  
sentences the offender to any community control sanction or 11124  
combination of community control sanctions authorized under 11125  
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 11126  
the offender violates any of the conditions of the sanctions, 11127  
the public or private person or entity that supervises or 11128  
administers the program or activity that comprises the sanction 11129  
shall report the violation directly to the sentencing court or 11130  
to the department of probation or probation officer with general 11131  
control and supervision over the offender. If the public or 11132  
private person or entity reports the violation to the department 11133  
of probation or probation officer, the department or officer 11134  
shall report the violation to the sentencing court. 11135

(2) If an offender violates any condition of a community 11136  
control sanction, the sentencing court may impose upon the 11137  
violator one or more of the following penalties: 11138

(a) A longer time under the same community control 11139  
sanction if the total time under all of the community control 11140  
sanctions imposed on the violator does not exceed the five-year 11141  
limit specified in division (A) (2) of this section; 11142

(b) A more restrictive community control sanction; 11143

(c) A combination of community control sanctions, 11144  
including a jail term. 11145

(3) If an offender was acting pursuant to division (B) (2) 11146  
(b) of section 2925.11 or a related provision under section 11147  
2925.111 or 2925.112 of the Revised Code and in so doing 11148  
violated the conditions of a community control sanction based on 11149  
a minor drug possession offense, as defined in section ~~2925.11~~ 11150  
2925.01 of the Revised Code, the sentencing court may consider 11151

the offender's conduct in seeking or obtaining medical 11152  
assistance for another in good faith or for self or may consider 11153  
the offender being the subject of another person seeking or 11154  
obtaining medical assistance in accordance with that division as 11155  
a mitigating factor before imposing any of the penalties 11156  
described in division (D) (2) of this section. 11157

(4) If the court imposes a jail term upon a violator 11158  
pursuant to division (D) (2) of this section, the total time 11159  
spent in jail for the misdemeanor offense and the violation of a 11160  
condition of the community control sanction shall not exceed the 11161  
maximum jail term available for the offense for which the 11162  
sanction that was violated was imposed. The court may reduce the 11163  
longer period of time that the violator is required to spend 11164  
under the longer sanction or the more restrictive sanction 11165  
imposed under division (D) (2) of this section by all or part of 11166  
the time the violator successfully spent under the sanction that 11167  
was initially imposed. 11168

(E) Except as otherwise provided in this division, if an 11169  
offender, for a significant period of time, fulfills the 11170  
conditions of a community control sanction imposed pursuant to 11171  
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 11172  
exemplary manner, the court may reduce the period of time under 11173  
the community control sanction or impose a less restrictive 11174  
community control sanction. Fulfilling the conditions of a 11175  
community control sanction does not relieve the offender of a 11176  
duty to make restitution under section 2929.28 of the Revised 11177  
Code. 11178

**Sec. 2929.34.** (A) A person who is convicted of or pleads 11179  
guilty to aggravated murder, murder, or an offense punishable by 11180  
life imprisonment and who is sentenced to a term of life 11181

imprisonment or a prison term pursuant to that conviction shall 11182  
serve that term in an institution under the control of the 11183  
department of rehabilitation and correction. 11184

(B) (1) A person who is convicted of or pleads guilty to a 11185  
felony other than aggravated murder, murder, or an offense 11186  
punishable by life imprisonment and who is sentenced to a term 11187  
of imprisonment or a prison term pursuant to that conviction 11188  
shall serve that term as follows: 11189

(a) Subject to divisions (B) (1) (b), (B) (2), and (B) (3) of 11190  
this section, in an institution under the control of the 11191  
department of rehabilitation and correction if the term is a 11192  
prison term or as otherwise determined by the sentencing court 11193  
pursuant to section 2929.16 of the Revised Code if the term is 11194  
not a prison term; 11195

(b) In a facility of a type described in division (G) (1) 11196  
of section 2929.13 of the Revised Code, if the offender is 11197  
sentenced pursuant to that division. 11198

(2) If the term is a prison term, the person may be 11199  
imprisoned in a jail that is not a minimum security jail 11200  
pursuant to agreement under section 5120.161 of the Revised Code 11201  
between the department of rehabilitation and correction and the 11202  
local authority that operates the jail. 11203

(3) (a) As used in divisions (B) (3) (a) to (d) of this 11204  
section: 11205

(i) "Target county" means Franklin county, Cuyahoga 11206  
county, Hamilton county, Summit county, Montgomery county, Lucas 11207  
county, Butler county, Stark county, Lorain county, and Mahoning 11208  
county. 11209

(ii) "Voluntary county" means any county in which the 11210

board of county commissioners of the county and the 11211  
administrative judge of the general division of the court of 11212  
common pleas of the county enter into an agreement of the type 11213  
described in division (B) (3) (b) of this section and in which the 11214  
agreement has not been terminated as described in that division. 11215

(b) In any county other than a target county, the board of 11216  
county commissioners of the county and the administrative judge 11217  
of the general division of the court of common pleas of the 11218  
county may agree to having the county participate in the 11219  
procedures regarding local and state confinement established 11220  
under division (B) (3) (c) of this section. A board of county 11221  
commissioners and an administrative judge of a court of common 11222  
pleas that enter into an agreement of the type described in this 11223  
division may terminate the agreement, but a termination under 11224  
this division shall take effect only at the end of the state 11225  
fiscal biennium in which the termination decision is made. 11226

(c) Except as provided in division (B) (3) (d) of this 11227  
section, on and after July 1, 2018, no person sentenced by the 11228  
court of common pleas of a target county or of a voluntary 11229  
county to a prison term that is twelve months or less for a 11230  
felony of the fifth degree shall serve the term in an 11231  
institution under the control of the department of 11232  
rehabilitation and correction. The person shall instead serve 11233  
the sentence as a term of confinement in a facility of a type 11234  
described in division (C) or (D) of this section. Nothing in 11235  
this division relieves the state of its obligation to pay for 11236  
the cost of confinement of the person in a community-based 11237  
correctional facility under division (D) of this section. 11238

(d) Division (B) (3) (c) of this section does not apply to 11239  
any person to whom any of the following apply: 11240

(i) The felony of the fifth degree was an offense of 11241  
violence, as defined in section 2901.01 of the Revised Code, a 11242  
sex offense under Chapter 2907. of the Revised Code, a violation 11243  
of section 2925.03, 2925.031, or 2925.032 of the Revised Code, 11244  
or any offense for which a mandatory prison term is required. 11245

(ii) The person previously has been convicted of or 11246  
pleaded guilty to any felony offense of violence, as defined in 11247  
section 2901.01 of the Revised Code, unless the felony of the 11248  
fifth degree for which the person is being sentenced is a 11249  
violation of division (I) (1) of section 2903.43 of the Revised 11250  
Code. 11251

(iii) The person previously has been convicted of or 11252  
pleaded guilty to any felony sex offense under Chapter 2907. of 11253  
the Revised Code. 11254

(iv) The person's sentence is required to be served 11255  
concurrently to any other sentence imposed upon the person for a 11256  
felony that is required to be served in an institution under the 11257  
control of the department of rehabilitation and correction. 11258

(C) A person who is convicted of or pleads guilty to one 11259  
or more misdemeanors and who is sentenced to a jail term or term 11260  
of imprisonment pursuant to the conviction or convictions shall 11261  
serve that term in a county, multicounty, municipal, municipal- 11262  
county, or multicounty-municipal jail or workhouse; in a 11263  
community alternative sentencing center or district community 11264  
alternative sentencing center when authorized by section 307.932 11265  
of the Revised Code; or, if the misdemeanor or misdemeanors are 11266  
not offenses of violence, in a minimum security jail. 11267

(D) Nothing in this section prohibits the commitment, 11268  
referral, or sentencing of a person who is convicted of or 11269

pleads guilty to a felony to a community-based correctional 11270  
facility. 11271

**Sec. 2933.51.** As used in sections 2933.51 to 2933.66 of 11272  
the Revised Code: 11273

(A) "Wire communication" means an aural transfer that is 11274  
made in whole or in part through the use of facilities for the 11275  
transmission of communications by the aid of wires or similar 11276  
methods of connecting the point of origin of the communication 11277  
and the point of reception of the communication, including the 11278  
use of a method of connecting the point of origin and the point 11279  
of reception of the communication in a switching station, if the 11280  
facilities are furnished or operated by a person engaged in 11281  
providing or operating the facilities for the transmission of 11282  
communications. "Wire communication" includes an electronic 11283  
storage of a wire communication. 11284

(B) "Oral communication" means an oral communication 11285  
uttered by a person exhibiting an expectation that the 11286  
communication is not subject to interception under circumstances 11287  
justifying that expectation. "Oral communication" does not 11288  
include an electronic communication. 11289

(C) "Intercept" means the aural or other acquisition of 11290  
the contents of any wire, oral, or electronic communication 11291  
through the use of an interception device. 11292

(D) "Interception device" means an electronic, mechanical, 11293  
or other device or apparatus that can be used to intercept a 11294  
wire, oral, or electronic communication. "Interception device" 11295  
does not mean any of the following: 11296

(1) A telephone or telegraph instrument, equipment, or 11297  
facility, or any of its components, if the instrument, 11298

equipment, facility, or component is any of the following:	11299
(a) Furnished to the subscriber or user by a provider of wire or electronic communication service in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business;	11300 11301 11302 11303
(b) Furnished by a subscriber or user for connection to the facilities of a provider of wire or electronic communication service and used in the ordinary course of that subscriber's or user's business;	11304 11305 11306 11307
(c) Being used by a provider of wire or electronic communication service in the ordinary course of its business or by an investigative or law enforcement officer in the ordinary course of the officer's duties that do not involve the interception of wire, oral, or electronic communications.	11308 11309 11310 11311 11312
(2) A hearing aid or similar device being used to correct subnormal hearing to not better than normal.	11313 11314
(E) "Investigative officer" means any of the following:	11315
(1) An officer of this state or a political subdivision of this state, who is empowered by law to conduct investigations or to make arrests for a designated offense;	11316 11317 11318
(2) A person described in divisions (A) (11) (a) and (b) of section 2901.01 of the Revised Code;	11319 11320
(3) An attorney authorized by law to prosecute or participate in the prosecution of a designated offense;	11321 11322
(4) A secret service officer appointed pursuant to section 309.07 of the Revised Code;	11323 11324
(5) An officer of the United States, a state, or a	11325

political subdivision of a state who is authorized to conduct 11326  
investigations pursuant to the "Electronic Communications 11327  
Privacy Act of 1986," 100 Stat. 1848-1857, 18 U.S.C. 2510-2521 11328  
(1986), as amended. 11329

(F) "Interception warrant" means a court order that 11330  
authorizes the interception of wire, oral, or electronic 11331  
communications and that is issued pursuant to sections 2933.53 11332  
to 2933.56 of the Revised Code. 11333

(G) "Contents," when used with respect to a wire, oral, or 11334  
electronic communication, includes any information concerning 11335  
the substance, purport, or meaning of the communication. 11336

(H) "Communications common carrier" means a person who is 11337  
engaged as a common carrier for hire in intrastate, interstate, 11338  
or foreign communications by wire, radio, or radio transmission 11339  
of energy. "Communications common carrier" does not include, to 11340  
the extent that the person is engaged in radio broadcasting, a 11341  
person engaged in radio broadcasting. 11342

(I) "Designated offense" means any of the following: 11343

(1) A felony violation of section 1315.53, 1315.55, 11344  
2903.01, 2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 11345  
2905.32, 2907.02, 2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 11346  
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 11347  
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.04, 2913.42, 11348  
2913.51, 2915.02, 2915.03, 2917.01, 2917.02, 2921.02, 2921.03, 11349  
2921.04, 2921.32, 2921.34, 2923.20, 2923.32, 2925.03, 2925.031, 11350  
2925.032, 2925.04, 2925.05, or 2925.06 or of division (B) of 11351  
section 2915.05 or of division (E) or (G) of section 3772.99 of 11352  
the Revised Code; 11353

(2) A violation of section 2919.23 of the Revised Code 11354

that, had it occurred prior to July 1, 1996, would have been a 11355  
violation of section 2905.04 of the Revised Code as it existed 11356  
prior to that date; 11357

(3) A felony violation of section 2925.11, 2925.111, or 11358  
2925.112 of the Revised Code that is not a minor drug possession 11359  
offense, as defined in section 2925.01 of the Revised Code; 11360

(4) Complicity in the commission of a felony violation of 11361  
a section listed in division (I) (1), (2), or (3) of this 11362  
section; 11363

(5) An attempt to commit, or conspiracy in the commission 11364  
of, a felony violation of a section listed in division (I) (1), 11365  
(2), or (3) of this section, if the attempt or conspiracy is 11366  
punishable by a term of imprisonment of more than one year. 11367

(J) "Aggrieved person" means a person who was a party to 11368  
an intercepted wire, oral, or electronic communication or a 11369  
person against whom the interception of the communication was 11370  
directed. 11371

(K) "Person" means a person, as defined in section 1.59 of 11372  
the Revised Code, or a governmental officer, employee, or 11373  
entity. 11374

(L) "Special need" means a showing that a licensed 11375  
physician, licensed practicing psychologist, attorney, 11376  
practicing cleric, journalist, or either spouse is personally 11377  
engaging in continuing criminal activity, was engaged in 11378  
continuing criminal activity over a period of time, or is 11379  
committing, has committed, or is about to commit, a designated 11380  
offense, or a showing that specified public facilities are being 11381  
regularly used by someone who is personally engaging in 11382  
continuing criminal activity, was engaged in continuing criminal 11383

activity over a period of time, or is committing, has committed, 11384  
or is about to commit, a designated offense. 11385

(M) "Journalist" means a person engaged in, connected 11386  
with, or employed by, any news media, including a newspaper, 11387  
magazine, press association, news agency, or wire service, a 11388  
radio or television station, or a similar media, for the purpose 11389  
of gathering, processing, transmitting, compiling, editing, or 11390  
disseminating news for the general public. 11391

(N) "Electronic communication" means a transfer of a sign, 11392  
signal, writing, image, sound, datum, or intelligence of any 11393  
nature that is transmitted in whole or in part by a wire, radio, 11394  
electromagnetic, photoelectronic, or photo-optical system. 11395

"Electronic communication" does not mean any of the following: 11396

(1) A wire or oral communication; 11397

(2) A communication made through a tone-only paging 11398  
device; 11399

(3) A communication from an electronic or mechanical 11400  
tracking device that permits the tracking of the movement of a 11401  
person or object. 11402

(O) "User" means a person or entity that uses an 11403  
electronic communication service and is duly authorized by the 11404  
provider of the service to engage in the use of the electronic 11405  
communication service. 11406

(P) "Electronic communications system" means a wire, 11407  
radio, electromagnetic, photoelectronic, or photo-optical 11408  
facility for the transmission of electronic communications, and 11409  
a computer facility or related electronic equipment for the 11410  
electronic storage of electronic communications. 11411

(Q) "Electronic communication service" means a service 11412  
that provides to users of the service the ability to send or 11413  
receive wire or electronic communications. 11414

(R) "Readily accessible to the general public" means, with 11415  
respect to a radio communication, that the communication is none 11416  
of the following: 11417

(1) Scrambled or encrypted; 11418

(2) Transmitted using a modulation technique, the 11419  
essential parameters of which have been withheld from the public 11420  
with the intention of preserving the privacy of the 11421  
communication; 11422

(3) Carried on a subcarrier or other signal subsidiary to 11423  
a radio transmission; 11424

(4) Transmitted over a communications system provided by a 11425  
communications common carrier, unless the communication is a 11426  
tone-only paging system communication; 11427

(5) Transmitted on a frequency allocated under part 25, 11428  
subpart D, E, or F of part 74, or part 94 of the Rules of the 11429  
Federal Communications Commission, as those provisions existed 11430  
on July 1, 1996, unless, in the case of a communication 11431  
transmitted on a frequency allocated under part 74 that is not 11432  
exclusively allocated to broadcast auxiliary services, the 11433  
communication is a two-way voice communication by radio. 11434

(S) "Electronic storage" means a temporary, intermediate 11435  
storage of a wire or electronic communication that is incidental 11436  
to the electronic transmission of the communication, and a 11437  
storage of a wire or electronic communication by an electronic 11438  
communication service for the purpose of backup protection of 11439  
the communication. 11440

(T) "Aural transfer" means a transfer containing the human voice at a point between and including the point of origin and the point of reception.

(U) "Pen register" means a device that records or decodes electronic impulses that identify the numbers dialed, pulsed, or otherwise transmitted on telephone lines to which the device is attached.

(V) "Trap and trace device" means a device that captures the incoming electronic or other impulses that identify the originating number of an instrument or device from which a wire communication or electronic communication was transmitted but that does not intercept the contents of the wire communication or electronic communication.

(W) "Judge of a court of common pleas" means a judge of that court who is elected or appointed as a judge of general jurisdiction or as a judge who exercises both general jurisdiction and probate, domestic relations, or juvenile jurisdiction. "Judge of a court of common pleas" does not mean a judge of that court who is elected or appointed specifically as a probate, domestic relations, or juvenile judge.

**Sec. 2935.36.** (A) The prosecuting attorney may establish pre-trial diversion programs for adults who are accused of committing criminal offenses and whom the prosecuting attorney believes probably will not offend again. The prosecuting attorney may require, as a condition of an accused's participation in the program, the accused to pay a reasonable fee for supervision services that include, but are not limited to, monitoring and drug testing. The programs shall be operated pursuant to written standards approved by journal entry by the presiding judge or, in courts with only one judge, the judge of

the court of common pleas and shall not be applicable to any of 11471  
the following: 11472

(1) Repeat offenders or dangerous offenders; 11473

(2) Persons accused of an offense of violence, of a 11474  
violation of section 2903.06, 2907.04, 2907.05, 2907.21, 11475  
2907.22, 2907.31, 2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 11476  
2919.22, 2921.02, 2921.11, 2921.12, 2921.32, or 2923.20 of the 11477  
Revised Code, or of a violation of section 2905.01, 2905.02, or 11478  
2919.23 of the Revised Code that, had it occurred prior to July 11479  
1, 1996, would have been a violation of section 2905.04 of the 11480  
Revised Code as it existed prior to that date, with the 11481  
exception that the prosecuting attorney may permit persons 11482  
accused of any such offense to enter a pre-trial diversion 11483  
program, if the prosecuting attorney finds any of the following: 11484

(a) The accused did not cause, threaten, or intend serious 11485  
physical harm to any person; 11486

(b) The offense was the result of circumstances not likely 11487  
to recur; 11488

(c) The accused has no history of prior delinquency or 11489  
criminal activity; 11490

(d) The accused has led a law-abiding life for a 11491  
substantial time before commission of the alleged offense; 11492

(e) Substantial grounds tending to excuse or justify the 11493  
alleged offense. 11494

(3) Persons accused of a violation of Chapter 2925. or 11495  
3719. of the Revised Code, with the exception that the 11496  
prosecuting attorney may permit persons accused of any of the 11497  
following to enter a pre-trial diversion program: 11498

(a) A misdemeanor, fifth degree felony, or fourth degree felony violation of section 2925.11, 2925.111, or 2925.112 of the Revised Code; 11499  
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(b) A misdemeanor violation of section 2925.12, 2925.13, or division (C) (1) of section 2925.14 of the Revised Code. 11502  
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(4) Persons accused of a violation of section 4511.19 of the Revised Code or a violation of any substantially similar municipal ordinance; 11504  
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(5) (a) Persons who are accused of an offense while operating a commercial motor vehicle or persons who hold a commercial driver's license and are accused of any offense, if conviction of the offense would disqualify the person from operating a commercial motor vehicle under Chapter 4506. of the Revised Code or would subject the person to any other sanction under that chapter; 11507  
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(b) As used in division (A) (5) of this section, "commercial driver's license" and "commercial motor vehicle" have the same meanings as in section 4506.01 of the Revised Code. 11514  
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(B) An accused who enters a diversion program shall do all of the following: 11518  
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(1) Waive, in writing and contingent upon the accused's successful completion of the program, the accused's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the accused, and arraignment, unless the hearing, indictment, or arraignment has already occurred; 11520  
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(2) Agree, in writing, to the tolling while in the program of all periods of limitation established by statutes or rules of 11526  
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court, that are applicable to the offense with which the accused 11528  
is charged and to the conditions of the diversion program 11529  
established by the prosecuting attorney; 11530

(3) Agree, in writing, to pay any reasonable fee for 11531  
supervision services established by the prosecuting attorney. 11532

(C) The trial court, upon the application of the 11533  
prosecuting attorney, shall order the release from confinement 11534  
of any accused who has agreed to enter a pre-trial diversion 11535  
program and shall discharge and release any existing bail and 11536  
release any sureties on recognizances and shall release the 11537  
accused on a recognizance bond conditioned upon the accused's 11538  
compliance with the terms of the diversion program. The 11539  
prosecuting attorney shall notify every victim of the crime and 11540  
the arresting officers of the prosecuting attorney's intent to 11541  
permit the accused to enter a pre-trial diversion program. The 11542  
victim of the crime and the arresting officers shall have the 11543  
opportunity to file written objections with the prosecuting 11544  
attorney prior to the commencement of the pre-trial diversion 11545  
program. 11546

(D) If the accused satisfactorily completes the diversion 11547  
program, the prosecuting attorney shall recommend to the trial 11548  
court that the charges against the accused be dismissed, and the 11549  
court, upon the recommendation of the prosecuting attorney, 11550  
shall dismiss the charges. If the accused chooses not to enter 11551  
the prosecuting attorney's diversion program, or if the accused 11552  
violates the conditions of the agreement pursuant to which the 11553  
accused has been released, the accused may be brought to trial 11554  
upon the charges in the manner provided by law, and the waiver 11555  
executed pursuant to division (B) (1) of this section shall be 11556  
void on the date the accused is removed from the program for the 11557

violation. 11558

(E) As used in this section: 11559

(1) "Repeat offender" means a person who has a history of 11560  
persistent criminal activity and whose character and condition 11561  
reveal a substantial risk that the person will commit another 11562  
offense. It is prima-facie evidence that a person is a repeat 11563  
offender if any of the following applies: 11564

(a) Having been convicted of one or more offenses of 11565  
violence and having been imprisoned pursuant to sentence for any 11566  
such offense, the person commits a subsequent offense of 11567  
violence; 11568

(b) Having been convicted of one or more sexually oriented 11569  
offenses or child-victim oriented offenses, both as defined in 11570  
section 2950.01 of the Revised Code, and having been imprisoned 11571  
pursuant to sentence for one or more of those offenses, the 11572  
person commits a subsequent sexually oriented offense or child- 11573  
victim oriented offense; 11574

(c) Having been convicted of one or more theft offenses as 11575  
defined in section 2913.01 of the Revised Code and having been 11576  
imprisoned pursuant to sentence for one or more of those theft 11577  
offenses, the person commits a subsequent theft offense; 11578

(d) Having been convicted of one or more felony drug abuse 11579  
offenses as defined in section 2925.01 of the Revised Code and 11580  
having been imprisoned pursuant to sentence for one or more of 11581  
those felony drug abuse offenses, the person commits a 11582  
subsequent felony drug abuse offense; 11583

(e) Having been convicted of two or more felonies and 11584  
having been imprisoned pursuant to sentence for one or more 11585  
felonies, the person commits a subsequent offense; 11586

(f) Having been convicted of three or more offenses of any 11587  
type or degree other than traffic offenses, alcoholic 11588  
intoxication offenses, or minor misdemeanors and having been 11589  
imprisoned pursuant to sentence for any such offense, the person 11590  
commits a subsequent offense. 11591

(2) "Dangerous offender" means a person who has committed 11592  
an offense, whose history, character, and condition reveal a 11593  
substantial risk that the person will be a danger to others, and 11594  
whose conduct has been characterized by a pattern of repetitive, 11595  
compulsive, or aggressive behavior with heedless indifference to 11596  
the consequences. 11597

**Sec. 2951.041.** (A) (1) If an offender is charged with a 11598  
criminal offense, including but not limited to a violation of 11599  
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 11600  
of the Revised Code, and the court has reason to believe that 11601  
drug or alcohol usage by the offender was a factor leading to 11602  
the criminal offense with which the offender is charged or that, 11603  
at the time of committing that offense, the offender had a 11604  
mental illness, was a person with an intellectual disability, or 11605  
was a victim of a violation of section 2905.32 or 2907.21 of the 11606  
Revised Code and that the mental illness, status as a person 11607  
with an intellectual disability, or fact that the offender was a 11608  
victim of a violation of section 2905.32 or 2907.21 of the 11609  
Revised Code was a factor leading to the offender's criminal 11610  
behavior, the court may accept, prior to the entry of a guilty 11611  
plea, the offender's request for intervention in lieu of 11612  
conviction. The request shall include a statement from the 11613  
offender as to whether the offender is alleging that drug or 11614  
alcohol usage by the offender was a factor leading to the 11615  
criminal offense with which the offender is charged or is 11616  
alleging that, at the time of committing that offense, the 11617

offender had a mental illness, was a person with an intellectual 11618  
disability, or was a victim of a violation of section 2905.32 or 11619  
2907.21 of the Revised Code and that the mental illness, status 11620  
as a person with an intellectual disability, or fact that the 11621  
offender was a victim of a violation of section 2905.32 or 11622  
2907.21 of the Revised Code was a factor leading to the criminal 11623  
offense with which the offender is charged. The request also 11624  
shall include a waiver of the defendant's right to a speedy 11625  
trial, the preliminary hearing, the time period within which the 11626  
grand jury may consider an indictment against the offender, and 11627  
arraignment, unless the hearing, indictment, or arraignment has 11628  
already occurred. The court may reject an offender's request 11629  
without a hearing. If the court elects to consider an offender's 11630  
request, the court shall conduct a hearing to determine whether 11631  
the offender is eligible under this section for intervention in 11632  
lieu of conviction and shall stay all criminal proceedings 11633  
pending the outcome of the hearing. If the court schedules a 11634  
hearing, the court shall order an assessment of the offender for 11635  
the purpose of determining the offender's program eligibility 11636  
for intervention in lieu of conviction and recommending an 11637  
appropriate intervention plan. 11638

If the offender alleges that drug or alcohol usage by the 11639  
offender was a factor leading to the criminal offense with which 11640  
the offender is charged, the court may order that the offender 11641  
be assessed by a community addiction services provider or a 11642  
properly credentialed professional for the purpose of 11643  
determining the offender's program eligibility for intervention 11644  
in lieu of conviction and recommending an appropriate 11645  
intervention plan. The community addiction services provider or 11646  
the properly credentialed professional shall provide a written 11647  
assessment of the offender to the court. 11648

(2) The victim notification provisions of division (C) of section 2930.06 of the Revised Code apply in relation to any hearing held under division (A) (1) of this section. 11649  
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(B) An offender is eligible for intervention in lieu of conviction if the court finds all of the following: 11652  
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(1) The offender previously has not been convicted of or pleaded guilty to any felony offense of violence. 11654  
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(2) The offense is not a felony of the first, second, or third degree, is not an offense of violence, is not a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code, is not a violation of division (A) (1) of section 2903.08 of the Revised Code, is not a violation of division (A) of section 4511.19 of the Revised Code or a municipal ordinance that is substantially similar to that division, and is not an offense for which a sentencing court is required to impose a mandatory prison term. 11656  
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(3) The offender is not charged with a violation of section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not charged with a violation of section 2925.03, 2925.031, or 2925.032 of the Revised Code that is a felony of the first, second, third, or fourth degree, and is not charged with a violation of section 2925.11, 2925.111, or 2925.112 of the Revised Code that is a felony of the first or second degree. 11665  
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(4) If an offender alleges that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged, the court has ordered that the offender be assessed by a community addiction services provider or a properly credentialed professional for the purpose of determining the offender's program eligibility for intervention 11672  
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in lieu of conviction and recommending an appropriate 11678  
intervention plan, the offender has been assessed by a community 11679  
addiction services provider of that nature or a properly 11680  
credentialed professional in accordance with the court's order, 11681  
and the community addiction services provider or properly 11682  
credentialed professional has filed the written assessment of 11683  
the offender with the court. 11684

(5) If an offender alleges that, at the time of committing 11685  
the criminal offense with which the offender is charged, the 11686  
offender had a mental illness, was a person with an intellectual 11687  
disability, or was a victim of a violation of section 2905.32 or 11688  
2907.21 of the Revised Code and that the mental illness, status 11689  
as a person with an intellectual disability, or fact that the 11690  
offender was a victim of a violation of section 2905.32 or 11691  
2907.21 of the Revised Code was a factor leading to that 11692  
offense, the offender has been assessed by a psychiatrist, 11693  
psychologist, independent social worker, licensed professional 11694  
clinical counselor, or independent marriage and family therapist 11695  
for the purpose of determining the offender's program 11696  
eligibility for intervention in lieu of conviction and 11697  
recommending an appropriate intervention plan. 11698

(6) The offender's drug usage, alcohol usage, mental 11699  
illness, or intellectual disability, or the fact that the 11700  
offender was a victim of a violation of section 2905.32 or 11701  
2907.21 of the Revised Code, whichever is applicable, was a 11702  
factor leading to the criminal offense with which the offender 11703  
is charged, intervention in lieu of conviction would demean 11704  
the seriousness of the offense, and intervention would 11705  
substantially reduce the likelihood of any future criminal 11706  
activity. 11707

(7) The alleged victim of the offense was not sixty-five 11708  
years of age or older, permanently and totally disabled, under 11709  
thirteen years of age, or a peace officer engaged in the 11710  
officer's official duties at the time of the alleged offense. 11711

(8) If the offender is charged with a violation of section 11712  
2925.24 of the Revised Code, the alleged violation did not 11713  
result in physical harm to any person. 11714

(9) The offender is willing to comply with all terms and 11715  
conditions imposed by the court pursuant to division (D) of this 11716  
section. 11717

(10) The offender is not charged with an offense that 11718  
would result in the offender being disqualified under Chapter 11719  
4506. of the Revised Code from operating a commercial motor 11720  
vehicle or would subject the offender to any other sanction 11721  
under that chapter. 11722

(C) At the conclusion of a hearing held pursuant to 11723  
division (A) of this section, the court shall enter its 11724  
determination as to whether the offender will be granted 11725  
intervention in lieu of conviction. If the court finds under 11726  
this division and division (B) of this section that the offender 11727  
is eligible for intervention in lieu of conviction and grants 11728  
the offender's request, the court shall accept the offender's 11729  
plea of guilty and waiver of the defendant's right to a speedy 11730  
trial, the preliminary hearing, the time period within which the 11731  
grand jury may consider an indictment against the offender, and 11732  
arraignment, unless the hearing, indictment, or arraignment has 11733  
already occurred. In addition, the court then may stay all 11734  
criminal proceedings and order the offender to comply with all 11735  
terms and conditions imposed by the court pursuant to division 11736  
(D) of this section. If the court finds that the offender is not 11737

eligible or does not grant the offender's request, the criminal 11738  
proceedings against the offender shall proceed as if the 11739  
offender's request for intervention in lieu of conviction had 11740  
not been made. 11741

(D) If the court grants an offender's request for 11742  
intervention in lieu of conviction, the court shall place the 11743  
offender under the general control and supervision of the county 11744  
probation department, the adult parole authority, or another 11745  
appropriate local probation or court services agency, if one 11746  
exists, as if the offender was subject to a community control 11747  
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 11748  
the Revised Code. The court shall establish an intervention plan 11749  
for the offender. The terms and conditions of the intervention 11750  
plan shall require the offender, for at least one year from the 11751  
date on which the court grants the order of intervention in lieu 11752  
of conviction, to abstain from the use of illegal drugs and 11753  
alcohol, to participate in treatment and recovery support 11754  
services, and to submit to regular random testing for drug and 11755  
alcohol use and may include any other treatment terms and 11756  
conditions, or terms and conditions similar to community control 11757  
sanctions, which may include community service or restitution, 11758  
that are ordered by the court. 11759

(E) If the court grants an offender's request for 11760  
intervention in lieu of conviction and the court finds that the 11761  
offender has successfully completed the intervention plan for 11762  
the offender, including the requirement that the offender 11763  
abstain from using illegal drugs and alcohol for a period of at 11764  
least one year from the date on which the court granted the 11765  
order of intervention in lieu of conviction, the requirement 11766  
that the offender participate in treatment and recovery support 11767  
services, and all other terms and conditions ordered by the 11768

court, the court shall dismiss the proceedings against the 11769  
offender. Successful completion of the intervention plan and 11770  
period of abstinence under this section shall be without 11771  
adjudication of guilt and is not a criminal conviction for 11772  
purposes of any disqualification or disability imposed by law 11773  
and upon conviction of a crime, and the court may order the 11774  
sealing of records related to the offense in question in the 11775  
manner provided in sections 2953.31 to 2953.36 of the Revised 11776  
Code. 11777

(F) If the court grants an offender's request for 11778  
intervention in lieu of conviction and the offender fails to 11779  
comply with any term or condition imposed as part of the 11780  
intervention plan for the offender, the supervising authority 11781  
for the offender promptly shall advise the court of this 11782  
failure, and the court shall hold a hearing to determine whether 11783  
the offender failed to comply with any term or condition imposed 11784  
as part of the plan. If the court determines that the offender 11785  
has failed to comply with any of those terms and conditions, it 11786  
may continue the offender on intervention in lieu of conviction, 11787  
continue the offender on intervention in lieu of conviction with 11788  
additional terms, conditions, and sanctions, or enter a finding 11789  
of guilty and impose an appropriate sanction under Chapter 2929. 11790  
of the Revised Code. If the court sentences the offender to a 11791  
prison term, the court, after consulting with the department of 11792  
rehabilitation and correction regarding the availability of 11793  
services, may order continued court-supervised activity and 11794  
treatment of the offender during the prison term and, upon 11795  
consideration of reports received from the department concerning 11796  
the offender's progress in the program of activity and 11797  
treatment, may consider judicial release under section 2929.20 11798  
of the Revised Code. 11799

(G) As used in this section:	11800
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	11801 11802
(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	11803 11804
(3) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section.	11805 11806
(4) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.	11807 11808
(5) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	11809 11810
(6) "Mental illness" and "psychiatrist" have the same meanings as in section 5122.01 of the Revised Code.	11811 11812
(7) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	11813 11814
<b>Sec. 2967.18.</b> (A) Whenever the director of rehabilitation and correction determines that the total population of the state correctional institutions for males and females, the total population of the state correctional institutions for males, or the total population of the state correctional institutions for females exceeds the capacity of those institutions and that an overcrowding emergency exists, the director shall notify the correctional institution inspection committee of the emergency and provide the committee with information in support of the director's determination. The director shall not notify the committee that an overcrowding emergency exists unless the director determines that no other reasonable method is available to resolve the overcrowding emergency.	11815 11816 11817 11818 11819 11820 11821 11822 11823 11824 11825 11826 11827

(B) On receipt of the notice given pursuant to division 11828  
(A) of this section, the correctional institution inspection 11829  
committee promptly shall review the determination of the 11830  
director of rehabilitation and correction. Notwithstanding any 11831  
other provision of the Revised Code or the Administrative Code 11832  
that governs the lengths of criminal sentences, sets forth the 11833  
time within which a prisoner is eligible for parole or within 11834  
which a prisoner may apply for release, or regulates the 11835  
procedure for granting parole or release to prisoners confined 11836  
in state correctional institutions, the committee may recommend 11837  
to the governor that the prison terms of eligible male, female, 11838  
or all prisoners, as determined under division (E) of this 11839  
section, be reduced by thirty, sixty, or ninety days, in the 11840  
manner prescribed in that division. 11841

(C) If the correctional institution inspection committee 11842  
disagrees with the determination of the director of 11843  
rehabilitation and correction that an overcrowding emergency 11844  
exists, if the committee finds that an overcrowding emergency 11845  
exists but does not make a recommendation pursuant to division 11846  
(B) of this section, or if the committee does not make a finding 11847  
or a recommendation pursuant to that division within thirty days 11848  
of receipt of the notice given pursuant to division (A) of this 11849  
section, the director may recommend to the governor that the 11850  
action set forth in division (B) of this section be taken. 11851

(D) Upon receipt of a recommendation from the correctional 11852  
institution inspection committee or the director of 11853  
rehabilitation and correction made pursuant to this section, the 11854  
governor may declare in writing that an overcrowding emergency 11855  
exists in all of the institutions within the control of the 11856  
department in which men are confined, in which women are 11857  
confined, or both. The declaration shall state that the adult 11858

parole authority shall take the action set forth in division (B) 11859  
of this section. After the governor makes the declaration, the 11860  
director shall file a copy of it with the secretary of state, 11861  
and the copy is a public record. 11862

The department may begin to implement the declaration of 11863  
the governor made pursuant to this section on the date that it 11864  
is filed with the secretary of state. The department shall begin 11865  
to implement the declaration within thirty days after the date 11866  
of filing. The declaration shall be implemented in accordance 11867  
with division (E) of this section. 11868

(E) (1) No reduction of sentence pursuant to division (B) 11869  
of this section shall be granted to any of the following: 11870

(a) A person who is serving a term of imprisonment for 11871  
aggravated murder, murder, voluntary manslaughter, involuntary 11872  
manslaughter, felonious assault, kidnapping, rape, aggravated 11873  
arson, aggravated robbery, or any other offense punishable by 11874  
life imprisonment or by an indefinite term of a specified number 11875  
of years to life, or for conspiracy in, complicity in, or 11876  
attempt to commit any of those offenses; 11877

(b) A person who is serving a term of imprisonment for any 11878  
felony other than carrying a concealed weapon that was committed 11879  
while the person had a firearm, as defined in section 2923.11 of 11880  
the Revised Code, on or about the offender's person or under the 11881  
offender's control; 11882

(c) A person who is serving a term of imprisonment for a 11883  
violation of section 2925.03, 2925.031, or 2925.032 of the 11884  
Revised Code; 11885

(d) A person who is serving a term of imprisonment for 11886  
engaging in a pattern of corrupt activity; 11887

(e) A person who is serving a prison term or term of life imprisonment without parole imposed pursuant to section 2971.03 of the Revised Code; 11888  
11889  
11890

(f) A person who was denied parole or release pursuant to section 2929.20 of the Revised Code during the term of imprisonment the person currently is serving. 11891  
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11893

(2) A declaration of the governor that requires the adult parole authority to take the action set forth in division (B) of this section shall be implemented only by reducing the prison terms of prisoners who are not in any of the categories set forth in division (E) (1) of this section, and only by granting reductions of prison terms in the following order: 11894  
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11896  
11897  
11898  
11899

(a) Under any such declaration, prison terms initially shall be reduced only for persons who are not in any of the categories set forth in division (E) (1) of this section and who are not serving a term of imprisonment for any of the following offenses: 11900  
11901  
11902  
11903  
11904

(i) An offense of violence that is a felony of the first, second, or third degree or that, under the law in existence prior to ~~the effective date of this amendment~~ July 1, 1996, was an aggravated felony of the first, second, or third degree or a felony of the first or second degree; 11905  
11906  
11907  
11908  
11909

(ii) An offense set forth in Chapter 2925. of the Revised Code that is a felony of the first or second degree. 11910  
11911

(b) If every person serving a term of imprisonment at the time of the implementation of any such declaration who is in the class of persons eligible for the initial reduction of prison terms, as described in division (E) (2) (a) of this section, has received a total of ninety days of term reduction for each three 11912  
11913  
11914  
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11916

years of imprisonment actually served, then prison terms may be 11917  
reduced for all other persons serving a term of imprisonment at 11918  
that time who are not in any of the categories set forth in 11919  
division (E) (1) of this section. 11920

(F) An offender who is released from a state correctional 11921  
institution pursuant to this section is subject to post-release 11922  
control sanctions imposed by the adult parole authority as if 11923  
the offender was a prisoner described in division (B) of section 11924  
2967.28 of the Revised Code who was being released from 11925  
imprisonment. 11926

(G) If more than one overcrowding emergency is declared 11927  
while a prisoner is serving a prison term, the total term 11928  
reduction for that prisoner as the result of multiple 11929  
declarations shall not exceed ninety days for each three years 11930  
of imprisonment actually served. 11931

**Sec. 2967.19.** (A) As used in this section: 11932

(1) "Deadly weapon" and "dangerous ordnance" have the same 11933  
meanings as in section 2923.11 of the Revised Code. 11934

(2) "Disqualifying prison term" means any of the 11935  
following: 11936

(a) A prison term imposed for aggravated murder, murder, 11937  
voluntary manslaughter, involuntary manslaughter, felonious 11938  
assault, kidnapping, rape, aggravated arson, aggravated 11939  
burglary, or aggravated robbery; 11940

(b) A prison term imposed for complicity in, an attempt to 11941  
commit, or conspiracy to commit any offense listed in division 11942  
(A) (2) (a) of this section; 11943

(c) A prison term of life imprisonment, including any term 11944

of life imprisonment that has parole eligibility; 11945

(d) A prison term imposed for any felony other than 11946  
carrying a concealed weapon an essential element of which is any 11947  
conduct or failure to act expressly involving any deadly weapon 11948  
or dangerous ordnance; 11949

(e) A prison term imposed for any violation of section 11950  
2925.03, 2925.031, or 2925.032 of the Revised Code that is a 11951  
felony of the first or second degree; 11952

(f) A prison term imposed for engaging in a pattern of 11953  
corrupt activity in violation of section 2923.32 of the Revised 11954  
Code; 11955

(g) A prison term imposed pursuant to section 2971.03 of 11956  
the Revised Code; 11957

(h) A prison term imposed for any sexually oriented 11958  
offense. 11959

(3) "Eligible prison term" means any prison term that is 11960  
not a disqualifying prison term and is not a restricting prison 11961  
term. 11962

(4) "Restricting prison term" means any of the following: 11963

(a) A mandatory prison term imposed under division (B) (1) 11964  
(a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of 11965  
section 2929.14 of the Revised Code for a specification of the 11966  
type described in that division; 11967

(b) In the case of an offender who has been sentenced to a 11968  
mandatory prison term for a specification of the type described 11969  
in division (A) (4) (a) of this section, the prison term imposed 11970  
for the felony offense for which the specification was stated at 11971  
the end of the body of the indictment, count in the indictment, 11972

or information charging the offense;	11973
(c) A prison term imposed for trafficking in persons;	11974
(d) A prison term imposed for any offense that is	11975
described in division (A) (4) (d) (i) of this section if division	11976
(A) (4) (d) (ii) of this section applies to the offender:	11977
(i) The offense is a felony of the first or second degree	11978
that is an offense of violence and that is not described in	11979
division (A) (2) (a) or (b) of this section, an attempt to commit	11980
a felony of the first or second degree that is an offense of	11981
violence and that is not described in division (A) (2) (a) or (b)	11982
of this section if the attempt is a felony of the first or	11983
second degree, or an offense under an existing or former law of	11984
this state, another state, or the United States that is or was	11985
substantially equivalent to any other offense described in this	11986
division.	11987
(ii) The offender previously was convicted of or pleaded	11988
guilty to any offense listed in division (A) (2) or (A) (4) (d) (i)	11989
of this section.	11990
(5) "Sexually oriented offense" has the same meaning as in	11991
section 2950.01 of the Revised Code.	11992
(6) "Stated prison term of one year or more" means a	11993
definite prison term of one year or more imposed as a stated	11994
prison term, or a minimum prison term of one year or more	11995
imposed as part of a stated prison term that is a non-life	11996
felony indefinite prison term.	11997
(B) The director of the department of rehabilitation and	11998
correction may recommend in writing to the sentencing court that	11999
the court consider releasing from prison any offender who, on or	12000
after September 30, 2011, is confined in a state correctional	12001

institution, who is serving a stated prison term of one year or 12002  
more, and who is eligible under division (C) of this section for 12003  
a release under this section. If the director wishes to 12004  
recommend that the sentencing court consider releasing an 12005  
offender under this section, the director shall notify the 12006  
sentencing court in writing of the offender's eligibility not 12007  
earlier than ninety days prior to the date on which the offender 12008  
becomes eligible as described in division (C) of this section. 12009  
The director's submission of the written notice constitutes a 12010  
recommendation by the director that the court strongly consider 12011  
release of the offender consistent with the purposes and 12012  
principles of sentencing set forth in sections 2929.11 and 12013  
2929.13 of the Revised Code. Only an offender recommended by the 12014  
director under division (B) of this section may be considered 12015  
for early release under this section. 12016

(C) (1) An offender serving a stated prison term of one 12017  
year or more and who has commenced service of that stated prison 12018  
term becomes eligible for release from prison under this section 12019  
only as described in this division. An offender serving a stated 12020  
prison term that includes a disqualifying prison term is not 12021  
eligible for release from prison under this section. An offender 12022  
serving a stated prison term that consists solely of one or more 12023  
restricting prison terms is not eligible for release under this 12024  
section. An offender serving a stated prison term of one year or 12025  
more that includes one or more restricting prison terms and one 12026  
or more eligible prison terms becomes eligible for release under 12027  
this section after having fully served all restricting prison 12028  
terms and having served eighty per cent of that stated prison 12029  
term that remains to be served after all restricting prison 12030  
terms have been fully served. An offender serving a stated 12031  
prison term of one year or more that consists solely of one or 12032

more eligible prison terms becomes eligible for release under 12033  
this section after having served eighty per cent of that stated 12034  
prison term. For purposes of determining an offender's 12035  
eligibility for release under this section, if the offender's 12036  
stated prison term includes consecutive prison terms, any 12037  
restricting prison terms shall be deemed served prior to any 12038  
eligible prison terms that run consecutively to the restricting 12039  
prison terms, and the eligible prison terms are deemed to 12040  
commence after all of the restricting prison terms have been 12041  
fully served. 12042

An offender serving a stated prison term of one year or 12043  
more that includes a mandatory prison term that is not a 12044  
disqualifying prison term and is not a restricting prison term 12045  
is not automatically ineligible as a result of the offender's 12046  
service of that mandatory term for release from prison under 12047  
this section, and the offender's eligibility for release from 12048  
prison under this section is determined in accordance with this 12049  
division. 12050

(2) If an offender confined in a state correctional 12051  
institution under a stated prison term is eligible for release 12052  
under this section as described in division (C) (1) of this 12053  
section, the director of the department of rehabilitation and 12054  
correction may recommend in writing that the sentencing court 12055  
consider releasing the offender from prison under this section 12056  
by submitting to the sentencing court the written notice 12057  
described in division (B) of this section. 12058

(D) The director shall include with any notice submitted 12059  
to the sentencing court under division (B) of this section an 12060  
institutional summary report that covers the offender's 12061  
participation while confined in a state correctional institution 12062

in school, training, work, treatment, and other rehabilitative 12063  
activities and any disciplinary action taken against the 12064  
offender while so confined. The director shall include with the 12065  
notice any other documentation requested by the court, if 12066  
available. 12067

(E) (1) When the director submits a written notice to a 12068  
sentencing court that an offender is eligible to be considered 12069  
for early release under this section, the department promptly 12070  
shall provide to the prosecuting attorney of the county in which 12071  
the offender was indicted a copy of the written notice, a copy 12072  
of the institutional summary report, and any other information 12073  
provided to the court and shall provide a copy of the 12074  
institutional summary report to any law enforcement agency that 12075  
requests the report. The department also promptly shall do 12076  
whichever of the following is applicable: 12077

(a) Subject to division (E) (1) (b) of this section, give 12078  
written notice of the submission to any victim of the offender 12079  
or victim's representative of any victim of the offender who is 12080  
registered with the office of victim's services. 12081

(b) If the offense was aggravated murder, murder, an 12082  
offense of violence that is a felony of the first, second, or 12083  
third degree, or an offense punished by a sentence of life 12084  
imprisonment, except as otherwise provided in this division, 12085  
notify the victim or the victim's representative of the filing 12086  
of the petition regardless of whether the victim or victim's 12087  
representative has registered with the office of victim's 12088  
services. The notice of the filing of the petition shall not be 12089  
given under this division to a victim or victim's representative 12090  
if the victim or victim's representative has requested pursuant 12091  
to division (B) (2) of section 2930.03 of the Revised Code that 12092

the victim or the victim's representative not be provided the notice. If notice is to be provided to a victim or victim's representative under this division, the department may give the notice by any reasonable means, including regular mail, telephone, and electronic mail, in accordance with division (D) (1) of section 2930.16 of the Revised Code. If the notice is based on an offense committed prior to March 22, 2013, the notice also shall include the opt-out information described in division (D) (1) of section 2930.16 of the Revised Code. The department, in accordance with division (D) (2) of section 2930.16 of the Revised Code, shall keep a record of all attempts to provide the notice, and of all notices provided, under this division.

Division (E) (1) (b) of this section, and the notice-related provisions of divisions (E) (2) and (K) of section 2929.20, division (D) (1) of section 2930.16, division (H) of section 2967.12, division (A) (3) (b) of section 2967.26, division (D) (1) of section 2967.28, and division (A) (2) of section 5149.101 of the Revised Code enacted in the act in which division (E) (2) of this section was enacted, shall be known as "Roberta's Law."

(2) When the director submits a petition under this section, the department also promptly shall post a copy of the written notice on the database it maintains under section 5120.66 of the Revised Code and include information on where a person may send comments regarding the recommendation of early release.

The information provided to the court, the prosecutor, and the victim or victim's representative under divisions (D) and (E) of this section shall include the name and contact information of a specific department of rehabilitation and

correction employee who is available to answer questions about 12123  
the offender who is the subject of the written notice submitted 12124  
by the director, including, but not limited to, the offender's 12125  
institutional conduct and rehabilitative activities while 12126  
incarcerated. 12127

(F) Upon receipt of a written notice submitted by the 12128  
director under division (B) of this section, the court either 12129  
shall, on its own motion, schedule a hearing to consider 12130  
releasing the offender who is the subject of the notice or shall 12131  
inform the department that it will not be conducting a hearing 12132  
relative to the offender. The court shall not grant an early 12133  
release to an offender without holding a hearing. If a court 12134  
declines to hold a hearing relative to an offender with respect 12135  
to a written notice submitted by the director, the court may 12136  
later consider release of that offender under this section on 12137  
its own motion by scheduling a hearing for that purpose. Within 12138  
thirty days after the written notice is submitted, the court 12139  
shall inform the department whether or not the court is 12140  
scheduling a hearing on the offender who is the subject of the 12141  
notice. 12142

(G) If the court schedules a hearing upon receiving a 12143  
written notice submitted under division (B) of this section or 12144  
upon its own motion under division (F) of this section, the 12145  
court shall notify the head of the state correctional 12146  
institution in which the offender is confined of the hearing 12147  
prior to the hearing. If the court makes a journal entry 12148  
ordering the offender to be conveyed to the hearing, except as 12149  
otherwise provided in this division, the head of the 12150  
correctional institution shall deliver the offender to the 12151  
sheriff of the county in which the hearing is to be held, and 12152  
the sheriff shall convey the offender to and from the hearing. 12153

Upon the court's own motion or the motion of the offender or the prosecuting attorney of the county in which the offender was indicted, the court may permit the offender to appear at the hearing by video conferencing equipment if equipment of that nature is available and compatible.

Upon receipt of notice from a court of a hearing on the release of an offender under this division, the head of the state correctional institution in which the offender is confined immediately shall notify the appropriate person at the department of rehabilitation and correction of the hearing, and the department within twenty-four hours after receipt of the notice shall post on the database it maintains pursuant to section 5120.66 of the Revised Code the offender's name and all of the information specified in division (A)(1)(c)(i) of that section. If the court schedules a hearing under this section, the court promptly shall give notice of the hearing to the prosecuting attorney of the county in which the offender was indicted. Upon receipt of the notice from the court, the prosecuting attorney shall notify pursuant to section 2930.16 of the Revised Code any victim of the offender or the victim's representative of the hearing.

(H) If the court schedules a hearing under this section, at the hearing, the court shall afford the offender and the offender's attorney an opportunity to present written information and, if present, oral information relevant to the offender's early release. The court shall afford a similar opportunity to the prosecuting attorney, victim or victim's representative, as defined in section 2930.01 of the Revised Code, and any other person the court determines is likely to present additional relevant information. If the court pursuant to division (G) of this section permits the offender to appear

at the hearing by video conferencing equipment, the offender's 12185  
opportunity to present oral information shall be as a part of 12186  
the video conferencing. The court shall consider any statement 12187  
of a victim made under section 2930.14 or 2930.17 of the Revised 12188  
Code, any victim impact statement prepared under section 12189  
2947.051 of the Revised Code, and any report and other 12190  
documentation submitted by the director under division (D) of 12191  
this section. After ruling on whether to grant the offender 12192  
early release, the court shall notify the victim in accordance 12193  
with sections 2930.03 and 2930.16 of the Revised Code. 12194

(I) If the court grants an offender early release under 12195  
this section, it shall order the release of the offender, shall 12196  
place the offender under one or more appropriate community 12197  
control sanctions, under appropriate conditions, and under the 12198  
supervision of the department of probation that serves the 12199  
court, and shall reserve the right to reimpose the sentence that 12200  
it reduced and from which the offender was released if the 12201  
offender violates the sanction. The court shall not make a 12202  
release under this section effective prior to the date on which 12203  
the offender becomes eligible as described in division (C) of 12204  
this section. If the sentence under which the offender is 12205  
confined in a state correctional institution and from which the 12206  
offender is being released was imposed for a felony of the first 12207  
or second degree, the court shall consider ordering that the 12208  
offender be monitored by means of a global positioning device. 12209  
If the court reimposes the sentence that it reduced and from 12210  
which the offender was released and if the violation of the 12211  
sanction is a new offense, the court may order that the 12212  
reimposed sentence be served either concurrently with, or 12213  
consecutive to, any new sentence imposed upon the offender as a 12214  
result of the violation that is a new offense. The period of all 12215

community control sanctions imposed under this division shall 12216  
not exceed five years. The court, in its discretion, may reduce 12217  
the period of community control sanctions by the amount of time 12218  
the offender spent in jail or prison for the offense. 12219

If the court grants an offender early release under this 12220  
section, it shall notify the appropriate person at the 12221  
department of rehabilitation and correction of the release, and 12222  
the department shall post notice of the release on the database 12223  
it maintains pursuant to section 5120.66 of the Revised Code. 12224

(J) The department shall adopt under Chapter 119. of the 12225  
Revised Code any rules necessary to implement this section. 12226

**Sec. 2967.28.** (A) As used in this section: 12227

(1) "Monitored time" means the monitored time sanction 12228  
specified in section 2929.17 of the Revised Code. 12229

(2) "Deadly weapon" and "dangerous ordnance" have the same 12230  
meanings as in section 2923.11 of the Revised Code. 12231

(3) "Felony sex offense" means a violation of a section 12232  
contained in Chapter 2907. of the Revised Code that is a felony. 12233

(4) "Risk reduction sentence" means a prison term imposed 12234  
by a court, when the court recommends pursuant to section 12235  
2929.143 of the Revised Code that the offender serve the 12236  
sentence under section 5120.036 of the Revised Code, and the 12237  
offender may potentially be released from imprisonment prior to 12238  
the expiration of the prison term if the offender successfully 12239  
completes all assessment and treatment or programming required 12240  
by the department of rehabilitation and correction under section 12241  
5120.036 of the Revised Code. 12242

(5) "Victim's immediate family" has the same meaning as in 12243

section 2967.12 of the Revised Code. 12244

(6) "Minor drug possession offense" has the same meaning 12245  
as in section ~~2925.11~~2925.01 of the Revised Code. 12246

(B) Each sentence to a prison term, other than a term of 12247  
life imprisonment, for a felony of the first degree, for a 12248  
felony of the second degree, for a felony sex offense, or for a 12249  
felony of the third degree that is an offense of violence and is 12250  
not a felony sex offense shall include a requirement that the 12251  
offender be subject to a period of post-release control imposed 12252  
by the parole board after the offender's release from 12253  
imprisonment. This division applies with respect to all prison 12254  
terms of a type described in this division, including a term of 12255  
any such type that is a risk reduction sentence. If a court 12256  
imposes a sentence including a prison term of a type described 12257  
in this division on or after July 11, 2006, the failure of a 12258  
sentencing court to notify the offender pursuant to division (B) 12259  
(2) (d) of section 2929.19 of the Revised Code of this 12260  
requirement or to include in the judgment of conviction entered 12261  
on the journal a statement that the offender's sentence includes 12262  
this requirement does not negate, limit, or otherwise affect the 12263  
mandatory period of supervision that is required for the 12264  
offender under this division. This division applies with respect 12265  
to all prison terms of a type described in this division, 12266  
including a non-life felony indefinite prison term. Section 12267  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 12268  
a court imposed a sentence including a prison term of a type 12269  
described in this division and failed to notify the offender 12270  
pursuant to division (B) (2) (d) of section 2929.19 of the Revised 12271  
Code regarding post-release control or to include in the 12272  
judgment of conviction entered on the journal or in the sentence 12273  
pursuant to division (D) (1) of section 2929.14 of the Revised 12274

Code a statement regarding post-release control. Unless reduced 12275  
by the parole board pursuant to division (D) of this section 12276  
when authorized under that division, a period of post-release 12277  
control required by this division for an offender shall be of 12278  
one of the following periods: 12279

(1) For a felony of the first degree or for a felony sex 12280  
offense, five years; 12281

(2) For a felony of the second degree that is not a felony 12282  
sex offense, three years; 12283

(3) For a felony of the third degree that is an offense of 12284  
violence and is not a felony sex offense, three years. 12285

(C) Any sentence to a prison term for a felony of the 12286  
third, fourth, or fifth degree that is not subject to division 12287  
(B) (1) or (3) of this section shall include a requirement that 12288  
the offender be subject to a period of post-release control of 12289  
up to three years after the offender's release from 12290  
imprisonment, if the parole board, in accordance with division 12291  
(D) of this section, determines that a period of post-release 12292  
control is necessary for that offender. This division applies 12293  
with respect to all prison terms of a type described in this 12294  
division, including a term of any such type that is a risk 12295  
reduction sentence. Section 2929.191 of the Revised Code applies 12296  
if, prior to July 11, 2006, a court imposed a sentence including 12297  
a prison term of a type described in this division and failed to 12298  
notify the offender pursuant to division (B) (2) (e) of section 12299  
2929.19 of the Revised Code regarding post-release control or to 12300  
include in the judgment of conviction entered on the journal or 12301  
in the sentence pursuant to division (D) (2) of section 2929.14 12302  
of the Revised Code a statement regarding post-release control. 12303  
Pursuant to an agreement entered into under section 2967.29 of 12304

the Revised Code, a court of common pleas or parole board may 12305  
impose sanctions or conditions on an offender who is placed on 12306  
post-release control under this division. 12307

(D) (1) Before the prisoner is released from imprisonment, 12308  
the parole board or, pursuant to an agreement under section 12309  
2967.29 of the Revised Code, the court shall impose upon a 12310  
prisoner described in division (B) of this section, shall impose 12311  
upon a prisoner described in division (C) of this section who is 12312  
to be released before the expiration of the prisoner's stated 12313  
prison term under a risk reduction sentence, may impose upon a 12314  
prisoner described in division (C) of this section who is not to 12315  
be released before the expiration of the prisoner's stated 12316  
prison term under a risk reduction sentence, and shall impose 12317  
upon a prisoner described in division (B) (2) (b) of section 12318  
5120.031 or in division (B) (1) of section 5120.032 of the 12319  
Revised Code, one or more post-release control sanctions to 12320  
apply during the prisoner's period of post-release control. 12321  
Whenever the board or court imposes one or more post-release 12322  
control sanctions upon a prisoner, the board or court, in 12323  
addition to imposing the sanctions, also shall include as a 12324  
condition of the post-release control that the offender not 12325  
leave the state without permission of the court or the 12326  
offender's parole or probation officer and that the offender 12327  
abide by the law. The board or court may impose any other 12328  
conditions of release under a post-release control sanction that 12329  
the board or court considers appropriate, and the conditions of 12330  
release may include any community residential sanction, 12331  
community nonresidential sanction, or financial sanction that 12332  
the sentencing court was authorized to impose pursuant to 12333  
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 12334  
Prior to the release of a prisoner for whom it will impose one 12335

or more post-release control sanctions under this division, the 12336  
parole board or court shall review the prisoner's criminal 12337  
history, results from the single validated risk assessment tool 12338  
selected by the department of rehabilitation and correction 12339  
under section 5120.114 of the Revised Code, all juvenile court 12340  
adjudications finding the prisoner, while a juvenile, to be a 12341  
delinquent child, and the record of the prisoner's conduct while 12342  
imprisoned. The parole board or court shall consider any 12343  
recommendation regarding post-release control sanctions for the 12344  
prisoner made by the office of victims' services. After 12345  
considering those materials, the board or court shall determine, 12346  
for a prisoner described in division (B) of this section, 12347  
division (B) (2) (b) of section 5120.031, or division (B) (1) of 12348  
section 5120.032 of the Revised Code and for a prisoner 12349  
described in division (C) of this section who is to be released 12350  
before the expiration of the prisoner's stated prison term under 12351  
a risk reduction sentence, which post-release control sanction 12352  
or combination of post-release control sanctions is reasonable 12353  
under the circumstances or, for a prisoner described in division 12354  
(C) of this section who is not to be released before the 12355  
expiration of the prisoner's stated prison term under a risk 12356  
reduction sentence, whether a post-release control sanction is 12357  
necessary and, if so, which post-release control sanction or 12358  
combination of post-release control sanctions is reasonable 12359  
under the circumstances. In the case of a prisoner convicted of 12360  
a felony of the fourth or fifth degree other than a felony sex 12361  
offense, the board or court shall presume that monitored time is 12362  
the appropriate post-release control sanction unless the board 12363  
or court determines that a more restrictive sanction is 12364  
warranted. A post-release control sanction imposed under this 12365  
division takes effect upon the prisoner's release from 12366  
imprisonment. 12367

Regardless of whether the prisoner was sentenced to the 12368  
prison term prior to, on, or after July 11, 2006, prior to the 12369  
release of a prisoner for whom it will impose one or more post- 12370  
release control sanctions under this division, the parole board 12371  
shall notify the prisoner that, if the prisoner violates any 12372  
sanction so imposed or any condition of post-release control 12373  
described in division (B) of section 2967.131 of the Revised 12374  
Code that is imposed on the prisoner, the parole board may 12375  
impose a prison term of up to one-half of the stated prison term 12376  
originally imposed upon the prisoner. 12377

At least thirty days before the prisoner is released from 12378  
imprisonment under post-release control, except as otherwise 12379  
provided in this paragraph, the department of rehabilitation and 12380  
correction shall notify the victim and the victim's immediate 12381  
family of the date on which the prisoner will be released, the 12382  
period for which the prisoner will be under post-release control 12383  
supervision, and the terms and conditions of the prisoner's 12384  
post-release control regardless of whether the victim or 12385  
victim's immediate family has requested the notification. The 12386  
notice described in this paragraph shall not be given to a 12387  
victim or victim's immediate family if the victim or the 12388  
victim's immediate family has requested pursuant to division (B) 12389  
(2) of section 2930.03 of the Revised Code that the notice not 12390  
be provided to the victim or the victim's immediate family. At 12391  
least thirty days before the prisoner is released from 12392  
imprisonment and regardless of whether the victim or victim's 12393  
immediate family has requested that the notice described in this 12394  
paragraph be provided or not be provided to the victim or the 12395  
victim's immediate family, the department also shall provide 12396  
notice of that nature to the prosecuting attorney in the case 12397  
and the law enforcement agency that arrested the prisoner if any 12398

officer of that agency was a victim of the offense. 12399

If the notice given under the preceding paragraph to the 12400  
victim or the victim's immediate family is based on an offense 12401  
committed prior to March 22, 2013, and if the department of 12402  
rehabilitation and correction has not previously successfully 12403  
provided any notice to the victim or the victim's immediate 12404  
family under division (B), (C), or (D) of section 2930.16 of the 12405  
Revised Code with respect to that offense and the offender who 12406  
committed it, the notice also shall inform the victim or the 12407  
victim's immediate family that the victim or the victim's 12408  
immediate family may request that the victim or the victim's 12409  
immediate family not be provided any further notices with 12410  
respect to that offense and the offender who committed it and 12411  
shall describe the procedure for making that request. The 12412  
department may give the notices to which the preceding paragraph 12413  
applies by any reasonable means, including regular mail, 12414  
telephone, and electronic mail. If the department attempts to 12415  
provide notice to any specified person under the preceding 12416  
paragraph but the attempt is unsuccessful because the department 12417  
is unable to locate the specified person, is unable to provide 12418  
the notice by its chosen method because it cannot determine the 12419  
mailing address, electronic mail address, or telephone number at 12420  
which to provide the notice, or, if the notice is sent by mail, 12421  
the notice is returned, the department shall make another 12422  
attempt to provide the notice to the specified person. If the 12423  
second attempt is unsuccessful, the department shall make at 12424  
least one more attempt to provide the notice. If the notice is 12425  
based on an offense committed prior to March 22, 2013, in each 12426  
attempt to provide the notice to the victim or victim's 12427  
immediate family, the notice shall include the opt-out 12428  
information described in this paragraph. The department, in the 12429

manner described in division (D) (2) of section 2930.16 of the Revised Code, shall keep a record of all attempts to provide the notice, and of all notices provided, under this paragraph and the preceding paragraph. The record shall be considered as if it was kept under division (D) (2) of section 2930.16 of the Revised Code. This paragraph, the preceding paragraph, and the notice-related provisions of divisions (E) (2) and (K) of section 2929.20, division (D) (1) of section 2930.16, division (H) of section 2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) (b) of section 2967.26, and division (A) (2) of section 5149.101 of the Revised Code enacted in the act in which this paragraph and the preceding paragraph were enacted, shall be known as "Roberta's Law."

(2) If a prisoner who is placed on post-release control under this section is released before the expiration of the definite term that is the prisoner's stated prison term or the expiration of the minimum term that is part of the prisoner's indefinite prison term imposed under a non-life felony indefinite prison term by reason of credit earned under section 2967.193 or a reduction under division (F) of section 2967.271 of the Revised Code and if the prisoner earned sixty or more days of credit, the adult parole authority shall supervise the offender with an active global positioning system device for the first fourteen days after the offender's release from imprisonment. This division does not prohibit or limit the imposition of any post-release control sanction otherwise authorized by this section.

(3) At any time after a prisoner is released from imprisonment and during the period of post-release control applicable to the releasee, the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised

Code, the court may review the releasee's behavior under the 12461  
post-release control sanctions imposed upon the releasee under 12462  
this section. The authority or court may determine, based upon 12463  
the review and in accordance with the standards established 12464  
under division (E) of this section, that a more restrictive or a 12465  
less restrictive sanction is appropriate and may impose a 12466  
different sanction. The authority also may recommend that the 12467  
parole board or court increase or reduce the duration of the 12468  
period of post-release control imposed by the court. If the 12469  
authority recommends that the board or court increase the 12470  
duration of post-release control, the board or court shall 12471  
review the releasee's behavior and may increase the duration of 12472  
the period of post-release control imposed by the court up to 12473  
eight years. If the authority recommends that the board or court 12474  
reduce the duration of control for an offense described in 12475  
division (B) or (C) of this section, the board or court shall 12476  
review the releasee's behavior and, subject to divisions (D) (3) 12477  
(a) to (c) of this section, may reduce the duration of the 12478  
period of control imposed by the court or, if the period of 12479  
control was imposed for a non-life felony indefinite prison 12480  
term, reduce the duration of or terminate the period of control 12481  
imposed by the court. In no case shall the board or court do any 12482  
of the following: 12483

(a) Reduce the duration of the period of control imposed 12484  
for an offense described in division (B) (1) of this section to a 12485  
period less than the length of the definite prison term included 12486  
in the stated prison term originally imposed on the offender as 12487  
part of the sentence or, with respect to a stated non-life 12488  
felony indefinite prison term, to a period less than the length 12489  
of the minimum prison term imposed as part of that stated prison 12490  
term; 12491

(b) Consider any reduction or termination of the duration 12492  
of the period of control imposed on a releasee prior to the 12493  
expiration of one year after the commencement of the period of 12494  
control, if the period of control was imposed for a non-life 12495  
felony indefinite prison term and the releasee's minimum prison 12496  
term or presumptive earned early release date under that term 12497  
was extended for any length of time under division (C) or (D) of 12498  
section 2967.271 of the Revised Code. 12499

(c) Permit the releasee to leave the state without 12500  
permission of the court or the releasee's parole or probation 12501  
officer. 12502

(4) The department of rehabilitation and correction shall 12503  
develop factors that the parole board or court shall consider in 12504  
determining under division (D) (3) of this section whether to 12505  
terminate the period of control imposed on a releasee for a non- 12506  
life felony indefinite prison term. 12507

(E) The department of rehabilitation and correction, in 12508  
accordance with Chapter 119. of the Revised Code, shall adopt 12509  
rules that do all of the following: 12510

(1) Establish standards for the imposition by the parole 12511  
board of post-release control sanctions under this section that 12512  
are consistent with the overriding purposes and sentencing 12513  
principles set forth in section 2929.11 of the Revised Code and 12514  
that are appropriate to the needs of releasees; 12515

(2) Establish standards that provide for a period of post- 12516  
release control of up to three years for all prisoners described 12517  
in division (C) of this section who are to be released before 12518  
the expiration of their stated prison term under a risk 12519  
reduction sentence and standards by which the parole board can 12520

determine which prisoners described in division (C) of this 12521  
section who are not to be released before the expiration of 12522  
their stated prison term under a risk reduction sentence should 12523  
be placed under a period of post-release control; 12524

(3) Establish standards to be used by the parole board in 12525  
reducing the duration of the period of post-release control 12526  
imposed by the court when authorized under division (D) of this 12527  
section, in imposing a more restrictive post-release control 12528  
sanction than monitored time upon a prisoner convicted of a 12529  
felony of the fourth or fifth degree other than a felony sex 12530  
offense, or in imposing a less restrictive control sanction upon 12531  
a releasee based on the releasee's activities including, but not 12532  
limited to, remaining free from criminal activity and from the 12533  
abuse of alcohol or other drugs, successfully participating in 12534  
approved rehabilitation programs, maintaining employment, and 12535  
paying restitution to the victim or meeting the terms of other 12536  
financial sanctions; 12537

(4) Establish standards to be used by the adult parole 12538  
authority in modifying a releasee's post-release control 12539  
sanctions pursuant to division (D)(2) of this section; 12540

(5) Establish standards to be used by the adult parole 12541  
authority or parole board in imposing further sanctions under 12542  
division (F) of this section on releasees who violate post- 12543  
release control sanctions, including standards that do the 12544  
following: 12545

(a) Classify violations according to the degree of 12546  
seriousness; 12547

(b) Define the circumstances under which formal action by 12548  
the parole board is warranted; 12549

(c) Govern the use of evidence at violation hearings;	12550
(d) Ensure procedural due process to an alleged violator;	12551
(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations;	12552 12553
(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.	12554 12555
(F) (1) Whenever the parole board imposes one or more post- release control sanctions upon an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation directly to the adult parole authority or to the officer of the authority who supervises the offender. The authority's officers may treat the offender as if the offender were on parole and in violation of the parole, and otherwise shall comply with this section.	12556 12557 12558 12559 12560 12561 12562 12563 12564 12565 12566 12567 12568 12569 12570 12571 12572 12573
(2) If the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised Code, the court determines that a releasee has violated a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code imposed upon the releasee and that	12574 12575 12576 12577 12578

a more restrictive sanction is appropriate, the authority or 12579  
court may impose a more restrictive sanction upon the releasee, 12580  
in accordance with the standards established under division (E) 12581  
of this section or in accordance with the agreement made under 12582  
section 2967.29 of the Revised Code, or may report the violation 12583  
to the parole board for a hearing pursuant to division (F) (3) of 12584  
this section. The authority or court may not, pursuant to this 12585  
division, increase the duration of the releasee's post-release 12586  
control or impose as a post-release control sanction a 12587  
residential sanction that includes a prison term, but the 12588  
authority or court may impose on the releasee any other 12589  
residential sanction, nonresidential sanction, or financial 12590  
sanction that the sentencing court was authorized to impose 12591  
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 12592  
Revised Code. 12593

(3) The parole board or, pursuant to an agreement under 12594  
section 2967.29 of the Revised Code, the court may hold a 12595  
hearing on any alleged violation by a releasee of a post-release 12596  
control sanction or any conditions described in division (A) of 12597  
section 2967.131 of the Revised Code that are imposed upon the 12598  
releasee. If after the hearing the board or court finds that the 12599  
releasee violated the sanction or condition, the board or court 12600  
may increase the duration of the releasee's post-release control 12601  
up to the maximum duration authorized by division (B) or (C) of 12602  
this section or impose a more restrictive post-release control 12603  
sanction. If a releasee was acting pursuant to division (B) (2) 12604  
(b) of section 2925.11 or a related provision of section 12605  
2925.111 or 2925.112 of the Revised Code and in so doing 12606  
violated the conditions of a post-release control sanction based 12607  
on a minor drug possession offense as defined in ~~that~~ section 12608  
2925.01 of the Revised Code, the board or the court may consider 12609

the releasee's conduct in seeking or obtaining medical 12610  
assistance for another in good faith or for self or may consider 12611  
the releasee being the subject of another person seeking or 12612  
obtaining medical assistance in accordance with that division as 12613  
a mitigating factor before imposing any of the penalties 12614  
described in this division. When appropriate, the board or court 12615  
may impose as a post-release control sanction a residential 12616  
sanction that includes a prison term. The board or court shall 12617  
consider a prison term as a post-release control sanction 12618  
imposed for a violation of post-release control when the 12619  
violation involves a deadly weapon or dangerous ordnance, 12620  
physical harm or attempted serious physical harm to a person, or 12621  
sexual misconduct. Unless a releasee's stated prison term was 12622  
reduced pursuant to section 5120.032 of the Revised Code, the 12623  
period of a prison term that is imposed as a post-release 12624  
control sanction under this division shall not exceed nine 12625  
months, and the maximum cumulative prison term for all 12626  
violations under this division shall not exceed one-half of the 12627  
definite prison term that was the stated prison term originally 12628  
imposed upon the offender as part of this sentence or, with 12629  
respect to a stated non-life felony indefinite prison term, one- 12630  
half of the minimum prison term that was imposed as part of that 12631  
stated prison term originally imposed upon the offender. If a 12632  
releasee's stated prison term was reduced pursuant to section 12633  
5120.032 of the Revised Code, the period of a prison term that 12634  
is imposed as a post-release control sanction under this 12635  
division and the maximum cumulative prison term for all 12636  
violations under this division shall not exceed the period of 12637  
time not served in prison under the sentence imposed by the 12638  
court. The period of a prison term that is imposed as a post- 12639  
release control sanction under this division shall not count as, 12640  
or be credited toward, the remaining period of post-release 12641

control. 12642

If an offender is imprisoned for a felony committed while 12643  
under post-release control supervision and is again released on 12644  
post-release control for a period of time determined by division 12645  
(F) (4) (d) of this section, the maximum cumulative prison term 12646  
for all violations under this division shall not exceed one-half 12647  
of the total stated prison terms of the earlier felony, reduced 12648  
by any prison term administratively imposed by the parole board 12649  
or court, plus one-half of the total stated prison term of the 12650  
new felony. 12651

(4) Any period of post-release control shall commence upon 12652  
an offender's actual release from prison. If an offender is 12653  
serving an indefinite prison term or a life sentence in addition 12654  
to a stated prison term, the offender shall serve the period of 12655  
post-release control in the following manner: 12656

(a) If a period of post-release control is imposed upon 12657  
the offender and if the offender also is subject to a period of 12658  
parole under a life sentence or an indefinite sentence, and if 12659  
the period of post-release control ends prior to the period of 12660  
parole, the offender shall be supervised on parole. The offender 12661  
shall receive credit for post-release control supervision during 12662  
the period of parole. The offender is not eligible for final 12663  
release under section 2967.16 of the Revised Code until the 12664  
post-release control period otherwise would have ended. 12665

(b) If a period of post-release control is imposed upon 12666  
the offender and if the offender also is subject to a period of 12667  
parole under an indefinite sentence, and if the period of parole 12668  
ends prior to the period of post-release control, the offender 12669  
shall be supervised on post-release control. The requirements of 12670  
parole supervision shall be satisfied during the post-release 12671

control period. 12672

(c) If an offender is subject to more than one period of 12673  
post-release control, the period of post-release control for all 12674  
of the sentences shall be the period of post-release control 12675  
that expires last, as determined by the parole board or court. 12676  
Periods of post-release control shall be served concurrently and 12677  
shall not be imposed consecutively to each other. 12678

(d) The period of post-release control for a releasee who 12679  
commits a felony while under post-release control for an earlier 12680  
felony shall be the longer of the period of post-release control 12681  
specified for the new felony under division (B) or (C) of this 12682  
section or the time remaining under the period of post-release 12683  
control imposed for the earlier felony as determined by the 12684  
parole board or court. 12685

**Sec. 3301.32.** (A) (1) The chief administrator of any head 12686  
start agency shall request the superintendent of the bureau of 12687  
criminal identification and investigation to conduct a criminal 12688  
records check with respect to any applicant who has applied to 12689  
the head start agency for employment as a person responsible for 12690  
the care, custody, or control of a child. If the applicant does 12691  
not present proof that the applicant has been a resident of this 12692  
state for the five-year period immediately prior to the date 12693  
upon which the criminal records check is requested or does not 12694  
provide evidence that within that five-year period the 12695  
superintendent has requested information about the applicant 12696  
from the federal bureau of investigation in a criminal records 12697  
check, the chief administrator shall request that the 12698  
superintendent obtain information from the federal bureau of 12699  
investigation as a part of the criminal records check for the 12700  
applicant. If the applicant presents proof that the applicant 12701

has been a resident of this state for that five-year period, the 12702  
chief administrator may request that the superintendent include 12703  
information from the federal bureau of investigation in the 12704  
criminal records check. 12705

(2) Any person required by division (A)(1) of this section 12706  
to request a criminal records check shall provide to each 12707  
applicant a copy of the form prescribed pursuant to division (C) 12708  
(1) of section 109.572 of the Revised Code, provide to each 12709  
applicant a standard impression sheet to obtain fingerprint 12710  
impressions prescribed pursuant to division (C)(2) of section 12711  
109.572 of the Revised Code, obtain the completed form and 12712  
impression sheet from each applicant, and forward the completed 12713  
form and impression sheet to the superintendent of the bureau of 12714  
criminal identification and investigation at the time the chief 12715  
administrator requests a criminal records check pursuant to 12716  
division (A)(1) of this section. 12717

(3) Any applicant who receives pursuant to division (A)(2) 12718  
of this section a copy of the form prescribed pursuant to 12719  
division (C)(1) of section 109.572 of the Revised Code and a 12720  
copy of an impression sheet prescribed pursuant to division (C) 12721  
(2) of that section and who is requested to complete the form 12722  
and provide a set of fingerprint impressions shall complete the 12723  
form or provide all the information necessary to complete the 12724  
form and shall provide the impression sheets with the 12725  
impressions of the applicant's fingerprints. If an applicant, 12726  
upon request, fails to provide the information necessary to 12727  
complete the form or fails to provide impressions of the 12728  
applicant's fingerprints, the head start agency shall not employ 12729  
that applicant for any position for which a criminal records 12730  
check is required by division (A)(1) of this section. 12731

(B) (1) Except as provided in rules adopted by the director 12732  
of job and family services in accordance with division (E) of 12733  
this section, no head start agency shall employ a person as a 12734  
person responsible for the care, custody, or control of a child 12735  
if the person previously has been convicted of or pleaded guilty 12736  
to any of the following: 12737

(a) A violation of section 2903.01, 2903.02, 2903.03, 12738  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 12739  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 12740  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 12741  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 12742  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 12743  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 12744  
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 12745  
Code, a violation of section 2905.04 of the Revised Code as it 12746  
existed prior to July 1, 1996, a violation of section 2919.23 of 12747  
the Revised Code that would have been a violation of section 12748  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 12749  
had the violation occurred prior to that date, a violation of 12750  
section 2925.11, 2925.111, or 2925.112 of the Revised Code that 12751  
is not a minor drug possession offense, or felonious sexual 12752  
penetration in violation of former section 2907.12 of the 12753  
Revised Code; 12754

(b) A violation of an existing or former law of this 12755  
state, any other state, or the United States that is 12756  
substantially equivalent to any of the offenses or violations 12757  
described in division (B) (1) (a) of this section. 12758

(2) A head start agency may employ an applicant 12759  
conditionally until the criminal records check required by this 12760  
section is completed and the agency receives the results of the 12761

criminal records check. If the results of the criminal records 12762  
check indicate that, pursuant to division (B) (1) of this 12763  
section, the applicant does not qualify for employment, the 12764  
agency shall release the applicant from employment. 12765

(C) (1) Each head start agency shall pay to the bureau of 12766  
criminal identification and investigation the fee prescribed 12767  
pursuant to division (C) (3) of section 109.572 of the Revised 12768  
Code for each criminal records check conducted in accordance 12769  
with that section upon the request pursuant to division (A) (1) 12770  
of this section of the chief administrator of the head start 12771  
agency. 12772

(2) A head start agency may charge an applicant a fee for 12773  
the costs it incurs in obtaining a criminal records check under 12774  
this section. A fee charged under this division shall not exceed 12775  
the amount of fees the agency pays under division (C) (1) of this 12776  
section. If a fee is charged under this division, the agency 12777  
shall notify the applicant at the time of the applicant's 12778  
initial application for employment of the amount of the fee and 12779  
that, unless the fee is paid, the head start agency will not 12780  
consider the applicant for employment. 12781

(D) The report of any criminal records check conducted by 12782  
the bureau of criminal identification and investigation in 12783  
accordance with section 109.572 of the Revised Code and pursuant 12784  
to a request made under division (A) (1) of this section is not a 12785  
public record for the purposes of section 149.43 of the Revised 12786  
Code and shall not be made available to any person other than 12787  
the applicant who is the subject of the criminal records check 12788  
or the applicant's representative, the head start agency 12789  
requesting the criminal records check or its representative, and 12790  
any court, hearing officer, or other necessary individual 12791

involved in a case dealing with the denial of employment to the applicant. 12792  
12793

(E) The director of job and family services shall adopt 12794  
rules pursuant to Chapter 119. of the Revised Code to implement 12795  
this section, including rules specifying circumstances under 12796  
which a head start agency may hire a person who has been 12797  
convicted of an offense listed in division (B) (1) of this 12798  
section but who meets standards in regard to rehabilitation set 12799  
by the director. 12800

(F) Any person required by division (A) (1) of this section 12801  
to request a criminal records check shall inform each person, at 12802  
the time of the person's initial application for employment, 12803  
that the person is required to provide a set of impressions of 12804  
the person's fingerprints and that a criminal records check is 12805  
required to be conducted and satisfactorily completed in 12806  
accordance with section 109.572 of the Revised Code if the 12807  
person comes under final consideration for appointment or 12808  
employment as a precondition to employment for that position. 12809

(G) As used in this section: 12810

(1) "Applicant" means a person who is under final 12811  
consideration for appointment or employment in a position with a 12812  
head start agency as a person responsible for the care, custody, 12813  
or control of a child. 12814

(2) "Head start agency" means an entity in this state that 12815  
has been approved to be an agency for purposes of the "Head 12816  
Start Act," 95 State 489 (1981), 42 U.S.C. 9831, as amended. 12817

(3) "Criminal records check" has the same meaning as in 12818  
section 109.572 of the Revised Code. 12819

(4) "Minor drug possession offense" has the same meaning 12820

as in section 2925.01 of the Revised Code. 12821

**Sec. 3301.541.** (A) (1) The director, head teacher, 12822  
elementary principal, or site administrator of a preschool 12823  
program shall request the superintendent of the bureau of 12824  
criminal identification and investigation to conduct a criminal 12825  
records check with respect to any applicant who has applied to 12826  
the preschool program for employment as a person responsible for 12827  
the care, custody, or control of a child. If the applicant does 12828  
not present proof that the applicant has been a resident of this 12829  
state for the five-year period immediately prior to the date 12830  
upon which the criminal records check is requested or does not 12831  
provide evidence that within that five-year period the 12832  
superintendent has requested information about the applicant 12833  
from the federal bureau of investigation in a criminal records 12834  
check, the director, head teacher, or elementary principal shall 12835  
request that the superintendent obtain information from the 12836  
federal bureau of investigation as a part of the criminal 12837  
records check for the applicant. If the applicant presents proof 12838  
that the applicant has been a resident of this state for that 12839  
five-year period, the director, head teacher, or elementary 12840  
principal may request that the superintendent include 12841  
information from the federal bureau of investigation in the 12842  
criminal records check. 12843

(2) Any director, head teacher, elementary principal, or 12844  
site administrator required by division (A) (1) of this section 12845  
to request a criminal records check shall provide to each 12846  
applicant a copy of the form prescribed pursuant to division (C) 12847  
(1) of section 109.572 of the Revised Code, provide to each 12848  
applicant a standard impression sheet to obtain fingerprint 12849  
impressions prescribed pursuant to division (C) (2) of section 12850  
109.572 of the Revised Code, obtain the completed form and 12851

impression sheet from each applicant, and forward the completed 12852  
form and impression sheet to the superintendent of the bureau of 12853  
criminal identification and investigation at the time the person 12854  
requests a criminal records check pursuant to division (A) (1) of 12855  
this section. 12856

(3) Any applicant who receives pursuant to division (A) (2) 12857  
of this section a copy of the form prescribed pursuant to 12858  
division (C) (1) of section 109.572 of the Revised Code and a 12859  
copy of an impression sheet prescribed pursuant to division (C) 12860  
(2) of that section and who is requested to complete the form 12861  
and provide a set of fingerprint impressions shall complete the 12862  
form or provide all the information necessary to complete the 12863  
form and provide the impression sheet with the impressions of 12864  
the applicant's fingerprints. If an applicant, upon request, 12865  
fails to provide the information necessary to complete the form 12866  
or fails to provide impressions of the applicant's fingerprints, 12867  
the preschool program shall not employ that applicant for any 12868  
position for which a criminal records check is required by 12869  
division (A) (1) of this section. 12870

(B) (1) Except as provided in rules adopted by the 12871  
department of education in accordance with division (E) of this 12872  
section, no preschool program shall employ a person as a person 12873  
responsible for the care, custody, or control of a child if the 12874  
person previously has been convicted of or pleaded guilty to any 12875  
of the following: 12876

(a) A violation of section 2903.01, 2903.02, 2903.03, 12877  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 12878  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 12879  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 12880  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 12881

2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 12882  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 12883  
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 12884  
Code, a violation of section 2905.04 of the Revised Code as it 12885  
existed prior to July 1, 1996, a violation of section 2919.23 of 12886  
the Revised Code that would have been a violation of section 12887  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 12888  
had the violation occurred prior to that date, a violation of 12889  
section 2925.11, 2925.111, or 2925.112 of the Revised Code that 12890  
is not a minor drug possession offense, or felonious sexual 12891  
penetration in violation of former section 2907.12 of the 12892  
Revised Code; 12893

(b) A violation of an existing or former law of this 12894  
state, any other state, or the United States that is 12895  
substantially equivalent to any of the offenses or violations 12896  
described in division (B) (1) (a) of this section. 12897

(2) A preschool program may employ an applicant 12898  
conditionally until the criminal records check required by this 12899  
section is completed and the preschool program receives the 12900  
results of the criminal records check. If the results of the 12901  
criminal records check indicate that, pursuant to division (B) 12902  
(1) of this section, the applicant does not qualify for 12903  
employment, the preschool program shall release the applicant 12904  
from employment. 12905

(C) (1) Each preschool program shall pay to the bureau of 12906  
criminal identification and investigation the fee prescribed 12907  
pursuant to division (C) (3) of section 109.572 of the Revised 12908  
Code for each criminal records check conducted in accordance 12909  
with that section upon the request pursuant to division (A) (1) 12910  
of this section of the director, head teacher, elementary 12911

principal, or site administrator of the preschool program. 12912

(2) A preschool program may charge an applicant a fee for 12913  
the costs it incurs in obtaining a criminal records check under 12914  
this section. A fee charged under this division shall not exceed 12915  
the amount of fees the preschool program pays under division (C) 12916  
(1) of this section. If a fee is charged under this division, 12917  
the preschool program shall notify the applicant at the time of 12918  
the applicant's initial application for employment of the amount 12919  
of the fee and that, unless the fee is paid, the applicant will 12920  
not be considered for employment. 12921

(D) The report of any criminal records check conducted by 12922  
the bureau of criminal identification and investigation in 12923  
accordance with section 109.572 of the Revised Code and pursuant 12924  
to a request under division (A) (1) of this section is not a 12925  
public record for the purposes of section 149.43 of the Revised 12926  
Code and shall not be made available to any person other than 12927  
the applicant who is the subject of the criminal records check 12928  
or the applicant's representative, the preschool program 12929  
requesting the criminal records check or its representative, and 12930  
any court, hearing officer, or other necessary individual in a 12931  
case dealing with the denial of employment to the applicant. 12932

(E) The department of education shall adopt rules pursuant 12933  
to Chapter 119. of the Revised Code to implement this section, 12934  
including rules specifying circumstances under which a preschool 12935  
program may hire a person who has been convicted of an offense 12936  
listed in division (B) (1) of this section but who meets 12937  
standards in regard to rehabilitation set by the department. 12938

(F) Any person required by division (A) (1) of this section 12939  
to request a criminal records check shall inform each person, at 12940  
the time of the person's initial application for employment, 12941

that the person is required to provide a set of impressions of 12942  
the person's fingerprints and that a criminal records check is 12943  
required to be conducted and satisfactorily completed in 12944  
accordance with section 109.572 of the Revised Code if the 12945  
person comes under final consideration for appointment or 12946  
employment as a precondition to employment for that position. 12947

(G) As used in this section: 12948

(1) "Applicant" means a person who is under final 12949  
consideration for appointment or employment in a position with a 12950  
preschool program as a person responsible for the care, custody, 12951  
or control of a child, except that "applicant" does not include 12952  
a person already employed by a board of education, community 12953  
school, or chartered nonpublic school in a position of care, 12954  
custody, or control of a child who is under consideration for a 12955  
different position with such board or school. 12956

(2) "Criminal records check" has the same meaning as in 12957  
section 109.572 of the Revised Code. 12958

(3) "Minor drug possession offense" has the same meaning 12959  
as in section 2925.01 of the Revised Code. 12960

(H) If the board of education of a local school district 12961  
adopts a resolution requesting the assistance of the educational 12962  
service center in which the local district has territory in 12963  
conducting criminal records checks of substitute teachers under 12964  
this section, the appointing or hiring officer of such 12965  
educational service center governing board shall serve for 12966  
purposes of this section as the appointing or hiring officer of 12967  
the local board in the case of hiring substitute teachers for 12968  
employment in the local district. 12969

**Sec. 3313.662.** (A) The superintendent of public 12970

instruction, pursuant to this section and the adjudication 12971  
procedures of section 3301.121 of the Revised Code, may issue an 12972  
adjudication order that permanently excludes a pupil from 12973  
attending any of the public schools of this state if the pupil 12974  
is convicted of, or adjudicated a delinquent child for, 12975  
committing, when the pupil was sixteen years of age or older, an 12976  
act that would be a criminal offense if committed by an adult 12977  
and if the act is any of the following: 12978

(1) A violation of section 2923.122 of the Revised Code; 12979

(2) A violation of section 2923.12 of the Revised Code, of 12980  
a substantially similar municipal ordinance, or of section 12981  
2925.03, 2925.031, or 2925.032 of the Revised Code that was 12982  
committed on property owned or controlled by, or at an activity 12983  
held under the auspices of, a board of education of a city, 12984  
local, exempted village, or joint vocational school district; 12985

(3) A violation of section 2925.11, 2925.111, or 2925.112 12986  
of the Revised Code, other than a violation of that section that 12987  
would be a minor drug possession offense, that was committed on 12988  
property owned or controlled by, or at an activity held under 12989  
the auspices of, the board of education of a city, local, 12990  
exempted village, or joint vocational school district; 12991

(4) A violation of section 2903.01, 2903.02, 2903.03, 12992  
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former 12993  
section 2907.12 of the Revised Code that was committed on 12994  
property owned or controlled by, or at an activity held under 12995  
the auspices of, a board of education of a city, local, exempted 12996  
village, or joint vocational school district, if the victim at 12997  
the time of the commission of the act was an employee of that 12998  
board of education; 12999

(5) Complicity in any violation described in division (A) 13000  
(1), (2), (3), or (4) of this section that was alleged to have 13001  
been committed in the manner described in division (A) (1), (2), 13002  
(3), or (4) of this section, regardless of whether the act of 13003  
complicity was committed on property owned or controlled by, or 13004  
at an activity held under the auspices of, a board of education 13005  
of a city, local, exempted village, or joint vocational school 13006  
district. 13007

(B) A pupil may be suspended or expelled in accordance 13008  
with section 3313.66 of the Revised Code prior to being 13009  
permanently excluded from public school attendance under this 13010  
section and section 3301.121 of the Revised Code. 13011

(C) (1) If the superintendent of a city, local, exempted 13012  
village, or joint vocational school district in which a pupil 13013  
attends school obtains or receives proof that the pupil has been 13014  
convicted of committing when the pupil was sixteen years of age 13015  
or older a violation listed in division (A) of this section or 13016  
adjudicated a delinquent child for the commission when the pupil 13017  
was sixteen years of age or older of a violation listed in 13018  
division (A) of this section, the superintendent may issue to 13019  
the board of education of the school district a request that the 13020  
pupil be permanently excluded from public school attendance, if 13021  
both of the following apply: 13022

(a) After obtaining or receiving proof of the conviction 13023  
or adjudication, the superintendent or the superintendent's 13024  
designee determines that the pupil's continued attendance in 13025  
school may endanger the health and safety of other pupils or 13026  
school employees and gives the pupil and the pupil's parent, 13027  
guardian, or custodian written notice that the superintendent 13028  
intends to recommend to the board of education that the board 13029

adopt a resolution requesting the superintendent of public 13030  
instruction to permanently exclude the pupil from public school 13031  
attendance. 13032

(b) The superintendent or the superintendent's designee 13033  
forwards to the board of education the superintendent's written 13034  
recommendation that includes the determinations the 13035  
superintendent or designee made pursuant to division (C) (1) (a) 13036  
of this section and a copy of the proof the superintendent 13037  
received showing that the pupil has been convicted of or 13038  
adjudicated a delinquent child for a violation listed in 13039  
division (A) of this section that was committed when the pupil 13040  
was sixteen years of age or older. 13041

(2) Within fourteen days after receipt of a recommendation 13042  
from the superintendent pursuant to division (C) (1) (b) of this 13043  
section that a pupil be permanently excluded from public school 13044  
attendance, the board of education of a city, local, exempted 13045  
village, or joint vocational school district, after review and 13046  
consideration of all of the following available information, may 13047  
adopt a resolution requesting the superintendent of public 13048  
instruction to permanently exclude the pupil who is the subject 13049  
of the recommendation from public school attendance: 13050

(a) The academic record of the pupil and a record of any 13051  
extracurricular activities in which the pupil previously was 13052  
involved; 13053

(b) The disciplinary record of the pupil and any available 13054  
records of the pupil's prior behavioral problems other than the 13055  
behavioral problems contained in the disciplinary record; 13056

(c) The social history of the pupil; 13057

(d) The pupil's response to the imposition of prior 13058

discipline and sanctions imposed for behavioral problems;	13059
(e) Evidence regarding the seriousness of and any	13060
aggravating factors related to the offense that is the basis of	13061
the resolution seeking permanent exclusion;	13062
(f) Any mitigating circumstances surrounding the offense	13063
that gave rise to the request for permanent exclusion;	13064
(g) Evidence regarding the probable danger posed to the	13065
health and safety of other pupils or of school employees by the	13066
continued presence of the pupil in a public school setting;	13067
(h) Evidence regarding the probable disruption of the	13068
teaching of any school district's graded course of study by the	13069
continued presence of the pupil in a public school setting;	13070
(i) Evidence regarding the availability of alternative	13071
sanctions of a less serious nature than permanent exclusion that	13072
would enable the pupil to remain in a public school setting	13073
without posing a significant danger to the health and safety of	13074
other pupils or of school employees and without posing a threat	13075
of the disruption of the teaching of any district's graded	13076
course of study.	13077
(3) If the board does not adopt a resolution requesting	13078
the superintendent of public instruction to permanently exclude	13079
the pupil, it immediately shall send written notice of that fact	13080
to the superintendent who sought the resolution, to the pupil	13081
who was the subject of the proposed resolution, and to that	13082
pupil's parent, guardian, or custodian.	13083
(D) (1) Upon adoption of a resolution under division (C) of	13084
this section, the board of education immediately shall forward	13085
to the superintendent of public instruction the written	13086
resolution, proof of the conviction or adjudication that is the	13087

basis of the resolution, a copy of the pupil's entire school 13088  
record, and any other relevant information and shall forward a 13089  
copy of the resolution to the pupil who is the subject of the 13090  
recommendation and to that pupil's parent, guardian, or 13091  
custodian. 13092

(2) The board of education that adopted and forwarded the 13093  
resolution requesting the permanent exclusion of the pupil to 13094  
the superintendent of public instruction promptly shall 13095  
designate a representative of the school district to present the 13096  
case for permanent exclusion to the superintendent or the 13097  
referee appointed by the superintendent. The representative of 13098  
the school district may be an attorney admitted to the practice 13099  
of law in this state. At the adjudication hearing held pursuant 13100  
to section 3301.121 of the Revised Code, the representative of 13101  
the school district shall present evidence in support of the 13102  
requested permanent exclusion. 13103

(3) Upon receipt of a board of education's resolution 13104  
requesting the permanent exclusion of a pupil from public school 13105  
attendance, the superintendent of public instruction, in 13106  
accordance with the adjudication procedures of section 3301.121 13107  
of the Revised Code, promptly shall issue an adjudication order 13108  
that either permanently excludes the pupil from attending any of 13109  
the public schools of this state or that rejects the resolution 13110  
of the board of education. 13111

(E) Notwithstanding any provision of section 3313.64 of 13112  
the Revised Code or an order of any court of this state that 13113  
otherwise requires the admission of the pupil to a school, no 13114  
school official in a city, local, exempted village, or joint 13115  
vocational school district knowingly shall admit to any school 13116  
in the school district a pupil who has been permanently excluded 13117

from public school attendance by the superintendent of public 13118  
instruction. 13119

(F) (1) (a) Upon determining that the school attendance of a 13120  
pupil who has been permanently excluded from public school 13121  
attendance no longer will endanger the health and safety of 13122  
other students or school employees, the superintendent of any 13123  
city, local, exempted village, or joint vocational school 13124  
district in which the pupil desires to attend school may issue 13125  
to the board of education of the school district a 13126  
recommendation, including the reasons for the recommendation, 13127  
that the permanent exclusion of a pupil be revoked and the pupil 13128  
be allowed to return to the public schools of the state. 13129

If any violation which in whole or in part gave rise to 13130  
the permanent exclusion of any pupil involved the pupil's 13131  
bringing a firearm to a school operated by the board of 13132  
education of a school district or onto any other property owned 13133  
or operated by such a board, no superintendent shall recommend 13134  
under this division an effective date for the revocation of the 13135  
pupil's permanent exclusion that is less than one year after the 13136  
date on which the last such firearm incident occurred. However, 13137  
on a case-by-case basis, a superintendent may recommend an 13138  
earlier effective date for such a revocation for any of the 13139  
reasons for which the superintendent may reduce the one-year 13140  
expulsion requirement in division (B) (2) of section 3313.66 of 13141  
the Revised Code. 13142

(b) Upon receipt of the recommendation of the 13143  
superintendent that a permanent exclusion of a pupil be revoked, 13144  
the board of education of a city, local, exempted village, or 13145  
joint vocational school district may adopt a resolution by a 13146  
majority vote of its members requesting the superintendent of 13147

public instruction to revoke the permanent exclusion of the 13148  
pupil. Upon adoption of the resolution, the board of education 13149  
shall forward a copy of the resolution, the reasons for the 13150  
resolution, and any other relevant information to the 13151  
superintendent of public instruction. 13152

(c) Upon receipt of a resolution of a board of education 13153  
requesting the revocation of a permanent exclusion of a pupil, 13154  
the superintendent of public instruction, in accordance with the 13155  
adjudication procedures of Chapter 119. of the Revised Code, 13156  
shall issue an adjudication order that revokes the permanent 13157  
exclusion of the pupil from public school attendance or that 13158  
rejects the resolution of the board of education. 13159

(2) (a) A pupil who has been permanently excluded pursuant 13160  
to this section and section 3301.121 of the Revised Code may 13161  
request the superintendent of any city, local, exempted village, 13162  
or joint vocational school district in which the pupil desires 13163  
to attend school to admit the pupil on a probationary basis for 13164  
a period not to exceed ninety school days. Upon receiving the 13165  
request, the superintendent may enter into discussions with the 13166  
pupil and with the pupil's parent, guardian, or custodian or a 13167  
person designated by the pupil's parent, guardian, or custodian 13168  
to develop a probationary admission plan designed to assist the 13169  
pupil's probationary admission to the school. The plan may 13170  
include a treatment program, a behavioral modification program, 13171  
or any other program reasonably designed to meet the educational 13172  
needs of the child and the disciplinary requirements of the 13173  
school. 13174

If any violation which in whole or in part gave rise to 13175  
the permanent exclusion of the pupil involved the pupil's 13176  
bringing a firearm to a school operated by the board of 13177

education of any school district or onto any other property 13178  
owned or operated by such a board, no plan developed under this 13179  
division for the pupil shall include an effective date for the 13180  
probationary admission of the pupil that is less than one year 13181  
after the date on which the last such firearm incident occurred 13182  
except that on a case-by-case basis, a plan may include an 13183  
earlier effective date for such an admission for any of the 13184  
reasons for which the superintendent of the district may reduce 13185  
the one-year expulsion requirement in division (B) (2) of section 13186  
3313.66 of the Revised Code. 13187

(b) If the superintendent of a school district, a pupil, 13188  
and the pupil's parent, guardian, or custodian or a person 13189  
designated by the pupil's parent, guardian, or custodian agree 13190  
upon a probationary admission plan prepared pursuant to division 13191  
(F) (2) (a) of this section, the superintendent of the school 13192  
district shall issue to the board of education of the school 13193  
district a recommendation that the pupil be allowed to attend 13194  
school within the school district under probationary admission, 13195  
the reasons for the recommendation, and a copy of the agreed 13196  
upon probationary admission plan. Within fourteen days after the 13197  
board of education receives the recommendation, reasons, and 13198  
plan, the board may adopt the recommendation by a majority vote 13199  
of its members. If the board adopts the recommendation, the 13200  
pupil may attend school under probationary admission within that 13201  
school district for a period not to exceed ninety days or any 13202  
additional probationary period permitted under divisions (F) (2) 13203  
(d) and (e) of this section in accordance with the probationary 13204  
admission plan prepared pursuant to division (F) (2) (a) of this 13205  
section. 13206

(c) If a pupil who is permitted to attend school under 13207  
probationary admission pursuant to division (F) (2) (b) of this 13208

section fails to comply with the probationary admission plan 13209  
prepared pursuant to division (F) (2) (a) of this section, the 13210  
superintendent of the school district immediately may remove the 13211  
pupil from the school and issue to the board of education of the 13212  
school district a recommendation that the probationary admission 13213  
be revoked. Within five days after the board of education 13214  
receives the recommendation, the board may adopt the 13215  
recommendation to revoke the pupil's probationary admission by a 13216  
majority vote of its members. If a majority of the board does 13217  
not adopt the recommendation to revoke the pupil's probationary 13218  
admission, the pupil shall continue to attend school in 13219  
compliance with the pupil's probationary admission plan. 13220

(d) If a pupil who is permitted to attend school under 13221  
probationary admission pursuant to division (F) (2) (b) of this 13222  
section complies with the probationary admission plan prepared 13223  
pursuant to division (F) (2) (a) of this section, the pupil or the 13224  
pupil's parent, guardian, or custodian, at any time before the 13225  
expiration of the ninety-day probationary admission period, may 13226  
request the superintendent of the school district to extend the 13227  
terms and period of the pupil's probationary admission for a 13228  
period not to exceed ninety days or to issue a recommendation 13229  
pursuant to division (F) (1) of this section that the pupil's 13230  
permanent exclusion be revoked and the pupil be allowed to 13231  
return to the public schools of this state. 13232

(e) If a pupil is granted an extension of the pupil's 13233  
probationary admission pursuant to division (F) (2) (d) of this 13234  
section, the pupil or the pupil's parent, guardian, or 13235  
custodian, in the manner described in that division, may 13236  
request, and the superintendent and board, in the manner 13237  
described in that division, may recommend and grant, subsequent 13238  
probationary admission periods not to exceed ninety days each. 13239

If a pupil who is permitted to attend school under an extension 13240  
of a probationary admission plan complies with the probationary 13241  
admission plan prepared pursuant to the extension, the pupil or 13242  
the pupil's parent, guardian, or custodian may request a 13243  
revocation of the pupil's permanent exclusion in the manner 13244  
described in division (F) (2) (d) of this section. 13245

(f) Any extension of a probationary admission requested by 13246  
a pupil or a pupil's parent, guardian, or custodian pursuant to 13247  
divisions (F) (2) (d) or (e) of this section shall be subject to 13248  
the adoption and approval of a probationary admission plan in 13249  
the manner described in divisions (F) (2) (a) and (b) of this 13250  
section and may be terminated as provided in division (F) (2) (c) 13251  
of this section. 13252

(g) If the pupil has complied with any probationary 13253  
admission plan and the superintendent issues a recommendation 13254  
that seeks revocation of the pupil's permanent exclusion 13255  
pursuant to division (F) (1) of this section, the pupil's 13256  
compliance with any probationary admission plan may be 13257  
considered along with other relevant factors in any 13258  
determination or adjudication conducted pursuant to division (F) 13259  
(1) of this section. 13260

(G) (1) Except as provided in division (G) (2) of this 13261  
section, any information regarding the permanent exclusion of a 13262  
pupil shall be included in the pupil's official records and 13263  
shall be included in any records sent to any school district 13264  
that requests the pupil's records. 13265

(2) When a pupil who has been permanently excluded from 13266  
public school attendance reaches the age of twenty-two or when 13267  
the permanent exclusion of a pupil has been revoked, all school 13268  
districts that maintain records regarding the pupil's permanent 13269

exclusion shall remove all references to the exclusion from the 13270  
pupil's file and shall destroy them. 13271

A pupil who has reached the age of twenty-two or whose 13272  
permanent exclusion has been revoked may send a written notice 13273  
to the superintendent of any school district maintaining records 13274  
of the pupil's permanent exclusion requesting the superintendent 13275  
to ensure that the records are removed from the pupil's file and 13276  
destroyed. Upon receipt of the request and a determination that 13277  
the pupil is twenty-two years of age or older or that the 13278  
pupil's permanent exclusion has been revoked, the superintendent 13279  
shall ensure that the records are removed from the pupil's file 13280  
and destroyed. 13281

(H) (1) This section does not apply to any of the 13282  
following: 13283

(a) An institution that is a residential facility, that 13284  
receives and cares for children, that is maintained by the 13285  
department of youth services, and that operates a school 13286  
chartered by the state board of education under section 3301.16 13287  
of the Revised Code; 13288

(b) Any on-premises school operated by an out-of-home care 13289  
entity, other than a school district, that is chartered by the 13290  
state board of education under section 3301.16 of the Revised 13291  
Code; 13292

(c) Any school operated in connection with an out-of-home 13293  
care entity or a nonresidential youth treatment program that 13294  
enters into a contract or agreement with a school district for 13295  
the provision of educational services in a setting other than a 13296  
setting that is a building or structure owned or controlled by 13297  
the board of education of the school district during normal 13298

school hours.	13299
(2) This section does not prohibit any person who has been permanently excluded pursuant to this section and section 3301.121 of the Revised Code from seeking a certificate of high school equivalence. A person who has been permanently excluded may be permitted to participate in a course of study in preparation for a high school equivalency test approved by the department of education pursuant to division (B) of section 3301.80 of the Revised Code, except that the person shall not participate during normal school hours in that course of study in any building or structure owned or controlled by the board of education of a school district.	13300 13301 13302 13303 13304 13305 13306 13307 13308 13309 13310
(3) This section does not relieve any school district from any requirement under section 2151.362 or 3313.64 of the Revised Code to pay for the cost of educating any child who has been permanently excluded pursuant to this section and section 3301.121 of the Revised Code.	13311 13312 13313 13314 13315
(I) As used in this section:	13316
(1) "Permanently exclude" means to forever prohibit an individual from attending any public school in this state that is operated by a city, local, exempted village, or joint vocational school district.	13317 13318 13319 13320
(2) "Permanent exclusion" means the prohibition of a pupil forever from attending any public school in this state that is operated by a city, local, exempted village, or joint vocational school district.	13321 13322 13323 13324
(3) "Out-of-home care" has the same meaning as in section 2151.011 of the Revised Code.	13325 13326
(4) "Certificate of high school equivalence" has the same	13327

meaning as in section 4109.06 of the Revised Code. 13328

(5) "Nonresidential youth treatment program" means a 13329  
program designed to provide services to persons under the age of 13330  
eighteen in a setting that does not regularly provide long-term 13331  
overnight care, including settlement houses, diversion and 13332  
prevention programs, run-away centers, and alternative education 13333  
programs. 13334

(6) "Firearm" has the same meaning as provided pursuant to 13335  
the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 13336  
8001(a)(2). 13337

(7) "Minor drug possession offense" has the same meaning 13338  
as in section 2925.01 of the Revised Code. 13339

**Sec. 3319.31.** (A) As used in this section and sections 13340  
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 13341  
means a certificate, license, or permit described in this 13342  
chapter or in division (B) of section 3301.071 or in section 13343  
3301.074 of the Revised Code. 13344

(B) For any of the following reasons, the state board of 13345  
education, in accordance with Chapter 119. and section 3319.311 13346  
of the Revised Code, may refuse to issue a license to an 13347  
applicant; may limit a license it issues to an applicant; may 13348  
suspend, revoke, or limit a license that has been issued to any 13349  
person; or may revoke a license that has been issued to any 13350  
person and has expired: 13351

(1) Engaging in an immoral act, incompetence, negligence, 13352  
or conduct that is unbecoming to the applicant's or person's 13353  
position; 13354

(2) A plea of guilty to, a finding of guilt by a jury or 13355  
court of, or a conviction of any of the following: 13356

(a) A felony other than a felony listed in division (C) of this section;	13357 13358
(b) An offense of violence other than an offense of violence listed in division (C) of this section;	13359 13360
(c) A theft offense, as defined in section 2913.01 of the Revised Code, other than a theft offense listed in division (C) of this section;	13361 13362 13363
(d) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor, other than a drug abuse offense listed in division (C) of this section;	13364 13365 13366
(e) A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in divisions (B) (2) (a) to (d) of this section.	13367 13368 13369
(3) A judicial finding of eligibility for intervention in lieu of conviction under section 2951.041 of the Revised Code, or agreeing to participate in a pre-trial diversion program under section 2935.36 of the Revised Code, or a similar diversion program under rules of a court, for any offense listed in division (B) (2) or (C) of this section;	13370 13371 13372 13373 13374 13375
(4) Failure to comply with section 3313.536, 3314.40, 3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code.	13376 13377
(C) Upon learning of a plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the offenses listed in this division by a person who holds a current or expired license or is an applicant for a license or renewal of a license, the state board or the superintendent of public instruction, if the state board has delegated the duty pursuant to division (D) of this section, shall by a written order revoke the person's license or deny issuance or renewal of the license	13378 13379 13380 13381 13382 13383 13384 13385

to the person. The state board or the superintendent shall 13386  
revoke a license that has been issued to a person to whom this 13387  
division applies and has expired in the same manner as a license 13388  
that has not expired. 13389

Revocation of a license or denial of issuance or renewal 13390  
of a license under this division is effective immediately at the 13391  
time and date that the board or superintendent issues the 13392  
written order and is not subject to appeal in accordance with 13393  
Chapter 119. of the Revised Code. Revocation of a license or 13394  
denial of issuance or renewal of license under this division 13395  
remains in force during the pendency of an appeal by the person 13396  
of the plea of guilty, finding of guilt, or conviction that is 13397  
the basis of the action taken under this division. 13398

The state board or superintendent shall take the action 13399  
required by this division for a violation of division (B) (1), 13400  
(2), (3), or (4) of section 2919.22 of the Revised Code; a 13401  
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 13402  
2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 13403  
2905.11, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 13404  
2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 13405  
2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 13406  
2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 13407  
2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 13408  
2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 2921.04, 13409  
2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 13410  
2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.031, 13411  
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 13412  
2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 2927.24, or 3716.11 13413  
of the Revised Code; a violation of section 2905.04 of the 13414  
Revised Code as it existed prior to July 1, 1996; a violation of 13415  
section 2919.23 of the Revised Code that would have been a 13416

violation of section 2905.04 of the Revised Code as it existed 13417  
prior to July 1, 1996, had the violation been committed prior to 13418  
that date; felonious sexual penetration in violation of former 13419  
section 2907.12 of the Revised Code; or a violation of an 13420  
ordinance of a municipal corporation that is substantively 13421  
comparable to an offense listed in this paragraph. 13422

(D) The state board may delegate to the superintendent of 13423  
public instruction the authority to revoke a person's license or 13424  
to deny issuance or renewal of a license to a person under 13425  
division (C) or (F) of this section. 13426

(E) (1) If the plea of guilty, finding of guilt, or 13427  
conviction that is the basis of the action taken under division 13428  
(B) (2) or (C) of this section, or under the version of division 13429  
(F) of section 3319.311 of the Revised Code in effect prior to 13430  
September 12, 2008, is overturned on appeal, upon exhaustion of 13431  
the criminal appeal, the clerk of the court that overturned the 13432  
plea, finding, or conviction or, if applicable, the clerk of the 13433  
court that accepted an appeal from the court that overturned the 13434  
plea, finding, or conviction, shall notify the state board that 13435  
the plea, finding, or conviction has been overturned. Within 13436  
thirty days after receiving the notification, the state board 13437  
shall initiate proceedings to reconsider the revocation or 13438  
denial of the person's license in accordance with division (E) 13439  
(2) of this section. In addition, the person whose license was 13440  
revoked or denied may file with the state board a petition for 13441  
reconsideration of the revocation or denial along with 13442  
appropriate court documents. 13443

(2) Upon receipt of a court notification or a petition and 13444  
supporting court documents under division (E) (1) of this 13445  
section, the state board, after offering the person an 13446

opportunity for an adjudication hearing under Chapter 119. of 13447  
the Revised Code, shall determine whether the person committed 13448  
the act in question in the prior criminal action against the 13449  
person that is the basis of the revocation or denial and may 13450  
continue the revocation or denial, may reinstate the person's 13451  
license, with or without limits, or may grant the person a new 13452  
license, with or without limits. The decision of the board shall 13453  
be based on grounds for revoking, denying, suspending, or 13454  
limiting a license adopted by rule under division (G) of this 13455  
section and in accordance with the evidentiary standards the 13456  
board employs for all other licensure hearings. The decision of 13457  
the board under this division is subject to appeal under Chapter 13458  
119. of the Revised Code. 13459

(3) A person whose license is revoked or denied under 13460  
division (C) of this section shall not apply for any license if 13461  
the plea of guilty, finding of guilt, or conviction that is the 13462  
basis of the revocation or denial, upon completion of the 13463  
criminal appeal, either is upheld or is overturned but the state 13464  
board continues the revocation or denial under division (E) (2) 13465  
of this section and that continuation is upheld on final appeal. 13466

(F) The state board may take action under division (B) of 13467  
this section, and the state board or the superintendent shall 13468  
take the action required under division (C) of this section, on 13469  
the basis of substantially comparable conduct occurring in a 13470  
jurisdiction outside this state or occurring before a person 13471  
applies for or receives any license. 13472

(G) The state board may adopt rules in accordance with 13473  
Chapter 119. of the Revised Code to carry out this section and 13474  
section 3319.311 of the Revised Code. 13475

**Sec. 3319.39.** (A) (1) Except as provided in division (F) (2) 13476

(b) of section 109.57 of the Revised Code, the appointing or hiring officer of the board of education of a school district, the governing board of an educational service center, or of a chartered nonpublic school shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the school district, educational service center, or school for employment in any position. The appointing or hiring officer shall request that the superintendent include information from the federal bureau of investigation in the criminal records check, unless all of the following apply to the applicant:

(a) The applicant is applying to be an instructor of adult education.

(b) The duties of the position for which the applicant is applying do not involve routine interaction with a child or regular responsibility for the care, custody, or control of a child or, if the duties do involve such interaction or responsibility, during any period of time in which the applicant, if hired, has such interaction or responsibility, another employee of the school district, educational service center, or chartered nonpublic school will be present in the same room with the child or, if outdoors, will be within a thirty-yard radius of the child or have visual contact with the child.

(c) The applicant presents proof that the applicant has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or provides evidence that within that five-year period the superintendent has requested information about

the applicant from the federal bureau of investigation in a 13507  
criminal records check. 13508

(2) A person required by division (A) (1) of this section 13509  
to request a criminal records check shall provide to each 13510  
applicant a copy of the form prescribed pursuant to division (C) 13511  
(1) of section 109.572 of the Revised Code, provide to each 13512  
applicant a standard impression sheet to obtain fingerprint 13513  
impressions prescribed pursuant to division (C) (2) of section 13514  
109.572 of the Revised Code, obtain the completed form and 13515  
impression sheet from each applicant, and forward the completed 13516  
form and impression sheet to the superintendent of the bureau of 13517  
criminal identification and investigation at the time the person 13518  
requests a criminal records check pursuant to division (A) (1) of 13519  
this section. 13520

(3) An applicant who receives pursuant to division (A) (2) 13521  
of this section a copy of the form prescribed pursuant to 13522  
division (C) (1) of section 109.572 of the Revised Code and a 13523  
copy of an impression sheet prescribed pursuant to division (C) 13524  
(2) of that section and who is requested to complete the form 13525  
and provide a set of fingerprint impressions shall complete the 13526  
form or provide all the information necessary to complete the 13527  
form and shall provide the impression sheet with the impressions 13528  
of the applicant's fingerprints. If an applicant, upon request, 13529  
fails to provide the information necessary to complete the form 13530  
or fails to provide impressions of the applicant's fingerprints, 13531  
the board of education of a school district, governing board of 13532  
an educational service center, or governing authority of a 13533  
chartered nonpublic school shall not employ that applicant for 13534  
any position. 13535

(4) Notwithstanding any provision of this section to the 13536

contrary, an applicant who meets the conditions prescribed in 13537  
divisions (A) (1) (a) and (b) of this section and who, within the 13538  
two-year period prior to the date of application, was the 13539  
subject of a criminal records check under this section prior to 13540  
being hired for short-term employment with the school district, 13541  
educational service center, or chartered nonpublic school to 13542  
which application is being made shall not be required to undergo 13543  
a criminal records check prior to the applicant's rehiring by 13544  
that district, service center, or school. 13545

(B) (1) Except as provided in rules adopted by the 13546  
department of education in accordance with division (E) of this 13547  
section and as provided in division (B) (3) of this section, no 13548  
board of education of a school district, no governing board of 13549  
an educational service center, and no governing authority of a 13550  
chartered nonpublic school shall employ a person if the person 13551  
previously has been convicted of or pleaded guilty to any of the 13552  
following: 13553

(a) A violation of section 2903.01, 2903.02, 2903.03, 13554  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 13555  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 13556  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 13557  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 13558  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 13559  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 13560  
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 13561  
Code, a violation of section 2905.04 of the Revised Code as it 13562  
existed prior to July 1, 1996, a violation of section 2919.23 of 13563  
the Revised Code that would have been a violation of section 13564  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 13565  
had the violation been committed prior to that date, a violation 13566  
of section 2925.11, 2925.111, or 2925.112 of the Revised Code 13567

that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former law of this state, another state, or the United States that is substantially equivalent to any of the offenses or violations described in division (B) (1) (a) of this section.

(2) A board, governing board of an educational service center, or a governing authority of a chartered nonpublic school may employ an applicant conditionally until the criminal records check required by this section is completed and the board or governing authority receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B) (1) of this section, the applicant does not qualify for employment, the board or governing authority shall release the applicant from employment.

(3) No board and no governing authority of a chartered nonpublic school shall employ a teacher who previously has been convicted of or pleaded guilty to any of the offenses listed in section 3319.31 of the Revised Code.

(C) (1) Each board and each governing authority of a chartered nonpublic school shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C) (3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (A) (1) of this section of the appointing or hiring officer of the board or governing authority.

(2) A board and the governing authority of a chartered

nonpublic school may charge an applicant a fee for the costs it 13597  
incurs in obtaining a criminal records check under this section. 13598  
A fee charged under this division shall not exceed the amount of 13599  
fees the board or governing authority pays under division (C) (1) 13600  
of this section. If a fee is charged under this division, the 13601  
board or governing authority shall notify the applicant at the 13602  
time of the applicant's initial application for employment of 13603  
the amount of the fee and that, unless the fee is paid, the 13604  
board or governing authority will not consider the applicant for 13605  
employment. 13606

(D) The report of any criminal records check conducted by 13607  
the bureau of criminal identification and investigation in 13608  
accordance with section 109.572 of the Revised Code and pursuant 13609  
to a request under division (A) (1) of this section is not a 13610  
public record for the purposes of section 149.43 of the Revised 13611  
Code and shall not be made available to any person other than 13612  
the applicant who is the subject of the criminal records check 13613  
or the applicant's representative, the board or governing 13614  
authority requesting the criminal records check or its 13615  
representative, and any court, hearing officer, or other 13616  
necessary individual involved in a case dealing with the denial 13617  
of employment to the applicant. 13618

(E) The department of education shall adopt rules pursuant 13619  
to Chapter 119. of the Revised Code to implement this section, 13620  
including rules specifying circumstances under which the board 13621  
or governing authority may hire a person who has been convicted 13622  
of an offense listed in division (B) (1) or (3) of this section 13623  
but who meets standards in regard to rehabilitation set by the 13624  
department. 13625

The department shall amend rule 3301-83-23 of the Ohio 13626

Administrative Code that took effect August 27, 2009, and that 13627  
specifies the offenses that disqualify a person for employment 13628  
as a school bus or school van driver and establishes 13629  
rehabilitation standards for school bus and school van drivers. 13630

(F) Any person required by division (A)(1) of this section 13631  
to request a criminal records check shall inform each person, at 13632  
the time of the person's initial application for employment, of 13633  
the requirement to provide a set of fingerprint impressions and 13634  
that a criminal records check is required to be conducted and 13635  
satisfactorily completed in accordance with section 109.572 of 13636  
the Revised Code if the person comes under final consideration 13637  
for appointment or employment as a precondition to employment 13638  
for the school district, educational service center, or school 13639  
for that position. 13640

(G) As used in this section: 13641

(1) "Applicant" means a person who is under final 13642  
consideration for appointment or employment in a position with a 13643  
board of education, governing board of an educational service 13644  
center, or a chartered nonpublic school, except that "applicant" 13645  
does not include a person already employed by a board or 13646  
chartered nonpublic school who is under consideration for a 13647  
different position with such board or school. 13648

(2) "Teacher" means a person holding an educator license 13649  
or permit issued under section 3319.22 or 3319.301 of the 13650  
Revised Code and teachers in a chartered nonpublic school. 13651

(3) "Criminal records check" has the same meaning as in 13652  
section 109.572 of the Revised Code. 13653

(4) "Minor drug possession offense" has the same meaning 13654  
as in section 2925.01 of the Revised Code. 13655

(H) If the board of education of a local school district  
adopts a resolution requesting the assistance of the educational  
service center in which the local district has territory in  
conducting criminal records checks of substitute teachers and  
substitutes for other district employees under this section, the  
appointing or hiring officer of such educational service center  
shall serve for purposes of this section as the appointing or  
hiring officer of the local board in the case of hiring  
substitute teachers and other substitute employees for the local  
district.

**Sec. 3712.09.** (A) As used in this section: 13666

(1) "Applicant" means a person who is under final  
consideration for employment with a hospice care program or  
pediatric respite care program in a full-time, part-time, or  
temporary position that involves providing direct care to an  
older adult or pediatric respite care patient. "Applicant" does  
not include a person who provides direct care as a volunteer  
without receiving or expecting to receive any form of  
remuneration other than reimbursement for actual expenses.

(2) "Criminal records check" has the same meaning as in  
section 109.572 of the Revised Code.

(3) "Older adult" means a person age sixty or older. 13677

(B) (1) Except as provided in division (I) of this section,  
the chief administrator of a hospice care program or pediatric  
respite care program shall request that the superintendent of  
the bureau of criminal identification and investigation conduct  
a criminal records check of each applicant. If an applicant for  
whom a criminal records check request is required under this  
division does not present proof of having been a resident of

this state for the five-year period immediately prior to the 13685  
date the criminal records check is requested or provide evidence 13686  
that within that five-year period the superintendent has 13687  
requested information about the applicant from the federal 13688  
bureau of investigation in a criminal records check, the chief 13689  
administrator shall request that the superintendent obtain 13690  
information from the federal bureau of investigation as part of 13691  
the criminal records check of the applicant. Even if an 13692  
applicant for whom a criminal records check request is required 13693  
under this division presents proof of having been a resident of 13694  
this state for the five-year period, the chief administrator may 13695  
request that the superintendent include information from the 13696  
federal bureau of investigation in the criminal records check. 13697

(2) A person required by division (B)(1) of this section 13698  
to request a criminal records check shall do both of the 13699  
following: 13700

(a) Provide to each applicant for whom a criminal records 13701  
check request is required under that division a copy of the form 13702  
prescribed pursuant to division (C)(1) of section 109.572 of the 13703  
Revised Code and a standard fingerprint impression sheet 13704  
prescribed pursuant to division (C)(2) of that section, and 13705  
obtain the completed form and impression sheet from the 13706  
applicant; 13707

(b) Forward the completed form and impression sheet to the 13708  
superintendent of the bureau of criminal identification and 13709  
investigation. 13710

(3) An applicant provided the form and fingerprint 13711  
impression sheet under division (B)(2)(a) of this section who 13712  
fails to complete the form or provide fingerprint impressions 13713  
shall not be employed in any position for which a criminal 13714

records check is required by this section. 13715

(C) (1) Except as provided in rules adopted by the director 13716  
of health in accordance with division (F) of this section and 13717  
subject to division (C) (2) of this section, no hospice care 13718  
program or pediatric respite care program shall employ a person 13719  
in a position that involves providing direct care to an older 13720  
adult or pediatric respite care patient if the person has been 13721  
convicted of or pleaded guilty to any of the following: 13722

(a) A violation of section 2903.01, 2903.02, 2903.03, 13723  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 13724  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 13725  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 13726  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 13727  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 13728  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 13729  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 13730  
2925.032, 2925.11, 2925.111, 2925.112, 2925.13, 2925.22, 13731  
2925.23, or 3716.11 of the Revised Code. 13732

(b) A violation of an existing or former law of this 13733  
state, any other state, or the United States that is 13734  
substantially equivalent to any of the offenses listed in 13735  
division (C) (1) (a) of this section. 13736

(2) (a) A hospice care program or pediatric respite care 13737  
program may employ conditionally an applicant for whom a 13738  
criminal records check request is required under division (B) of 13739  
this section prior to obtaining the results of a criminal 13740  
records check regarding the individual, provided that the 13741  
program shall request a criminal records check regarding the 13742  
individual in accordance with division (B) (1) of this section 13743  
not later than five business days after the individual begins 13744

conditional employment. In the circumstances described in 13745  
division (I)(2) of this section, a hospice care program or 13746  
pediatric respite care program may employ conditionally an 13747  
applicant who has been referred to the hospice care program or 13748  
pediatric respite care program by an employment service that 13749  
supplies full-time, part-time, or temporary staff for positions 13750  
involving the direct care of older adults or pediatric respite 13751  
care patients and for whom, pursuant to that division, a 13752  
criminal records check is not required under division (B) of 13753  
this section. 13754

(b) A hospice care program or pediatric respite care 13755  
program that employs an individual conditionally under authority 13756  
of division (C)(2)(a) of this section shall terminate the 13757  
individual's employment if the results of the criminal records 13758  
check requested under division (B) of this section or described 13759  
in division (I)(2) of this section, other than the results of 13760  
any request for information from the federal bureau of 13761  
investigation, are not obtained within the period ending thirty 13762  
days after the date the request is made. Regardless of when the 13763  
results of the criminal records check are obtained, if the 13764  
results indicate that the individual has been convicted of or 13765  
pleaded guilty to any of the offenses listed or described in 13766  
division (C)(1) of this section, the program shall terminate the 13767  
individual's employment unless the program chooses to employ the 13768  
individual pursuant to division (F) of this section. Termination 13769  
of employment under this division shall be considered just cause 13770  
for discharge for purposes of division (D)(2) of section 4141.29 13771  
of the Revised Code if the individual makes any attempt to 13772  
deceive the program about the individual's criminal record. 13773

(D)(1) Each hospice care program or pediatric respite care 13774  
program shall pay to the bureau of criminal identification and 13775

investigation the fee prescribed pursuant to division (C) (3) of 13776  
section 109.572 of the Revised Code for each criminal records 13777  
check conducted pursuant to a request made under division (B) of 13778  
this section. 13779

(2) A hospice care program or pediatric respite care 13780  
program may charge an applicant a fee not exceeding the amount 13781  
the program pays under division (D) (1) of this section. A 13782  
program may collect a fee only if both of the following apply: 13783

(a) The program notifies the person at the time of initial 13784  
application for employment of the amount of the fee and that, 13785  
unless the fee is paid, the person will not be considered for 13786  
employment; 13787

(b) The medicaid program does not reimburse the program 13788  
the fee it pays under division (D) (1) of this section. 13789

(E) The report of a criminal records check conducted 13790  
pursuant to a request made under this section is not a public 13791  
record for the purposes of section 149.43 of the Revised Code 13792  
and shall not be made available to any person other than the 13793  
following: 13794

(1) The individual who is the subject of the criminal 13795  
records check or the individual's representative; 13796

(2) The chief administrator of the program requesting the 13797  
criminal records check or the administrator's representative; 13798

(3) The administrator of any other facility, agency, or 13799  
program that provides direct care to older adults or pediatric 13800  
respite care patients that is owned or operated by the same 13801  
entity that owns or operates the hospice care program or 13802  
pediatric respite care program; 13803

(4) A court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of the applicant;

(5) Any person to whom the report is provided pursuant to, and in accordance with, division (I) (1) or (2) of this section.

(F) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which a hospice care program or pediatric respite care program may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C) (1) of this section but meets personal character standards set by the director.

(G) The chief administrator of a hospice care program or pediatric respite care program shall inform each individual, at the time of initial application for a position that involves providing direct care to an older adult or pediatric respite care patient, that the individual is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the individual comes under final consideration for employment.

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an individual who a hospice care program or pediatric respite care program employs in a position that involves providing direct care to older adults or pediatric respite care patients, all of the following shall apply:

(1) If the program employed the individual in good faith and reasonable reliance on the report of a criminal records

check requested under this section, the program shall not be 13833  
found negligent solely because of its reliance on the report, 13834  
even if the information in the report is determined later to 13835  
have been incomplete or inaccurate; 13836

(2) If the program employed the individual in good faith 13837  
on a conditional basis pursuant to division (C)(2) of this 13838  
section, the program shall not be found negligent solely because 13839  
it employed the individual prior to receiving the report of a 13840  
criminal records check requested under this section; 13841

(3) If the program in good faith employed the individual 13842  
according to the personal character standards established in 13843  
rules adopted under division (F) of this section, the program 13844  
shall not be found negligent solely because the individual prior 13845  
to being employed had been convicted of or pleaded guilty to an 13846  
offense listed or described in division (C)(1) of this section. 13847

(I)(1) The chief administrator of a hospice care program 13848  
or pediatric respite care program is not required to request 13849  
that the superintendent of the bureau of criminal identification 13850  
and investigation conduct a criminal records check of an 13851  
applicant if the applicant has been referred to the program by 13852  
an employment service that supplies full-time, part-time, or 13853  
temporary staff for positions involving the direct care of older 13854  
adults or pediatric respite care patients and both of the 13855  
following apply: 13856

(a) The chief administrator receives from the employment 13857  
service or the applicant a report of the results of a criminal 13858  
records check regarding the applicant that has been conducted by 13859  
the superintendent within the one-year period immediately 13860  
preceding the applicant's referral; 13861

(b) The report of the criminal records check demonstrates 13862  
that the person has not been convicted of or pleaded guilty to 13863  
an offense listed or described in division (C)(1) of this 13864  
section, or the report demonstrates that the person has been 13865  
convicted of or pleaded guilty to one or more of those offenses, 13866  
but the hospice care program or pediatric respite care program 13867  
chooses to employ the individual pursuant to division (F) of 13868  
this section. 13869

(2) The chief administrator of a hospice care program or 13870  
pediatric respite care program is not required to request that 13871  
the superintendent of the bureau of criminal identification and 13872  
investigation conduct a criminal records check of an applicant 13873  
and may employ the applicant conditionally as described in this 13874  
division, if the applicant has been referred to the program by 13875  
an employment service that supplies full-time, part-time, or 13876  
temporary staff for positions involving the direct care of older 13877  
adults or pediatric respite care patients and if the chief 13878  
administrator receives from the employment service or the 13879  
applicant a letter from the employment service that is on the 13880  
letterhead of the employment service, dated, and signed by a 13881  
supervisor or another designated official of the employment 13882  
service and that states that the employment service has 13883  
requested the superintendent to conduct a criminal records check 13884  
regarding the applicant, that the requested criminal records 13885  
check will include a determination of whether the applicant has 13886  
been convicted of or pleaded guilty to any offense listed or 13887  
described in division (C)(1) of this section, that, as of the 13888  
date set forth on the letter, the employment service had not 13889  
received the results of the criminal records check, and that, 13890  
when the employment service receives the results of the criminal 13891  
records check, it promptly will send a copy of the results to 13892

the hospice care program or pediatric respite care program. If a 13893  
hospice care program or pediatric respite care program employs 13894  
an applicant conditionally in accordance with this division, the 13895  
employment service, upon its receipt of the results of the 13896  
criminal records check, promptly shall send a copy of the 13897  
results to the hospice care program or pediatric respite care 13898  
program, and division (C) (2) (b) of this section applies 13899  
regarding the conditional employment. 13900

**Sec. 3719.013.** Except as otherwise provided in section 13901  
~~2925.03~~, 2925.031, 2925.032, 2925.11, 2925.111, or 2925.112 13902  
of the Revised Code, a controlled substance analog, to the 13903  
extent intended for human consumption, shall be treated for 13904  
purposes of any provision of the Revised Code as a controlled 13905  
substance in schedule I. 13906

**Sec. 3719.21.** Except as provided in division (C) of 13907  
section 2923.42, division (B) of section 2923.44, divisions ~~(D)~~ 13908  
(C) (1), ~~(F) (N), and ~~(H) (P)~~~~ of section 2925.03, division (D) (1) 13909  
of section 2925.02, 2925.04, or 2925.05, division (E) (1) of 13910  
section 2925.11 or related provisions of section 2925.111 or 13911  
2925.112, division (E) of section 2925.13, division (F) of 13912  
section 2925.36, division (D) of section 2925.22, division (H) 13913  
of section 2925.23, division (M) of section 2925.37, division 13914  
(B) of section 2925.42, division (B) of section 2929.18, 13915  
division (D) of section 3719.99, division (B) (1) of section 13916  
4729.65, division (E) (3) of section 4729.99, and division (I) (3) 13917  
of section 4729.99 of the Revised Code, the clerk of the court 13918  
shall pay all fines or forfeited bail assessed and collected 13919  
under prosecutions or prosecutions commenced for violations of 13920  
this chapter, section 2923.42 of the Revised Code, or Chapter 13921  
2925. of the Revised Code, within thirty days, to the executive 13922  
director of the state board of pharmacy, and the executive 13923

director shall deposit the fines into the state treasury to the 13924  
credit of the occupational licensing and regulatory fund. 13925

**Sec. 3719.99.** (A) Whoever violates section 3719.16 or 13926  
3719.161 of the Revised Code is guilty of a felony of the fifth 13927  
degree. If the offender previously has been convicted of a 13928  
violation of section 3719.16 or 3719.161 of the Revised Code or 13929  
a drug abuse offense, a violation of section 3719.16 or 3719.161 13930  
of the Revised Code is a felony of the fourth degree. If the 13931  
violation involves the sale, offer to sell, or possession of a 13932  
schedule I or II controlled substance, with the exception of 13933  
marihuana, and if the offender, as a result of the violation, is 13934  
a major drug offender, division (D) of this section applies. 13935

(B) Whoever violates division (C) or (D) of section 13936  
3719.172 of the Revised Code is guilty of a felony of the fifth 13937  
degree. If the offender previously has been convicted of a 13938  
violation of division (C) or (D) of section 3719.172 of the 13939  
Revised Code or a drug abuse offense, a violation of division 13940  
(C) or (D) of section 3719.172 of the Revised Code is a felony 13941  
of the fourth degree. If the violation involves the sale, offer 13942  
to sell, or possession of a schedule I or II controlled 13943  
substance, with the exception of marihuana, and if the offender, 13944  
as a result of the violation, is a major drug offender, division 13945  
(D) of this section applies. 13946

(C) Whoever violates section 3719.07 or 3719.08 of the 13947  
Revised Code is guilty of a misdemeanor of the first degree. If 13948  
the offender previously has been convicted of a violation of 13949  
section 3719.07 or 3719.08 of the Revised Code or a drug abuse 13950  
offense, a violation of section 3719.07 or 3719.08 of the 13951  
Revised Code is a felony of the fifth degree. If the violation 13952  
involves the sale, offer to sell, or possession of a schedule I 13953

or II controlled substance, with the exception of marihuana, and 13954  
if the offender, as a result of the violation, is a major drug 13955  
offender, division (D) of this section applies. 13956

(D) (1) If an offender is convicted of or pleads guilty to 13957  
a felony violation of section 3719.07, 3719.08, 3719.16, or 13958  
3719.161 or of division (C) or (D) of section 3719.172 of the 13959  
Revised Code, if the violation involves the sale, offer to sell, 13960  
or possession of a schedule I or II controlled substance, with 13961  
the exception of marihuana, and if the court imposing sentence 13962  
upon the offender finds that the offender as a result of the 13963  
violation is a major drug offender and is guilty of a 13964  
specification of the type described in division (A) of section 13965  
2941.1410 of the Revised Code, the court, in lieu of the prison 13966  
term authorized or required by division (A), (B), or (C) of this 13967  
section and sections 2929.13 and 2929.14 of the Revised Code and 13968  
in addition to any other sanction imposed for the offense under 13969  
sections 2929.11 to 2929.18 of the Revised Code, shall impose 13970  
upon the offender, in accordance with division (B) (3) of section 13971  
2929.14 of the Revised Code, the mandatory prison term specified 13972  
in that division. 13973

(2) Notwithstanding any contrary provision of section 13974  
3719.21 of the Revised Code, the clerk of the court shall pay 13975  
any fine imposed for a felony violation of section 3719.07, 13976  
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 13977  
section 3719.172 of the Revised Code pursuant to division (A) of 13978  
section 2929.18 of the Revised Code in accordance with and 13979  
subject to the requirements of division ~~(F)~~(N) of section 13980  
2925.03 of the Revised Code. The agency that receives the fine 13981  
shall use the fine as specified in division ~~(F)~~(N) of section 13982  
2925.03 of the Revised Code. 13983

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code is guilty of a misdemeanor of the third degree. If the offender previously has been convicted of a violation of section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code or a drug abuse offense, a violation of section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code is a misdemeanor of the first degree.

(F) Whoever violates section 3719.30 of the Revised Code is guilty of a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of section 3719.30 of the Revised Code or a drug abuse offense, a violation of section 3719.30 of the Revised Code is a misdemeanor of the third degree.

(G) Whoever violates section 3719.32 or 3719.33 of the Revised Code is guilty of a minor misdemeanor.

(H) Whoever violates division (K) (2) (b) of section 3719.44 of the Revised Code is guilty of a felony of the fifth degree.

(I) Whoever violates division (K) (2) (c) of section 3719.44 of the Revised Code is guilty of a misdemeanor of the second degree.

(J) As used in this section, "major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

**Sec. 3721.121.** (A) As used in this section:

(1) "Adult day-care program" means a program operated pursuant to rules adopted by the director of health under section 3721.04 of the Revised Code and provided by and on the same site as homes licensed under this chapter.

(2) "Applicant" means a person who is under final consideration for employment with a home or adult day-care program in a full-time, part-time, or temporary position that involves providing direct care to an older adult. "Applicant" does not include a person who provides direct care as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(3) "Community-based long-term care services provider" means a provider as defined in section 173.39 of the Revised Code.

(4) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(5) "Home" means a home as defined in section 3721.10 of the Revised Code.

(6) "Older adult" means a person age sixty or older.

(B) (1) Except as provided in division (I) of this section, the chief administrator of a home or adult day-care program shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of each applicant. If an applicant for whom a criminal records check request is required under this division does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or 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 part of the criminal records check of

the applicant. Even if an applicant for whom a criminal records check request is required under this division presents proof of having been a resident of this state for the five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) A person required by division (B)(1) of this section to request a criminal records check shall do both of the following:

(a) Provide to each applicant for whom a criminal records check request is required under that division a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section, and obtain the completed form and impression sheet from the applicant;

(b) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation.

(3) An applicant provided the form and fingerprint impression sheet under division (B)(2)(a) of this section who fails to complete the form or provide fingerprint impressions shall not be employed in any position for which a criminal records check is required by this section.

(C)(1) Except as provided in rules adopted by the director of health in accordance with division (F) of this section and subject to division (C)(2) of this section, no home or adult day-care program shall employ a person in a position that involves providing direct care to an older adult if the person

has been convicted of or pleaded guilty to any of the following: 14071

(a) A violation of section 2903.01, 2903.02, 2903.03, 14072  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 14073  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 14074  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 14075  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 14076  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 14077  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 14078  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 14079  
2925.032, 2925.11, 2925.111, 2925.112, 2925.13, 2925.22, 14080  
2925.23, or 3716.11 of the Revised Code. 14081

(b) A violation of an existing or former law of this 14082  
state, any other state, or the United States that is 14083  
substantially equivalent to any of the offenses listed in 14084  
division (C) (1) (a) of this section. 14085

(2) (a) A home or an adult day-care program may employ 14086  
conditionally an applicant for whom a criminal records check 14087  
request is required under division (B) of this section prior to 14088  
obtaining the results of a criminal records check regarding the 14089  
individual, provided that the home or program shall request a 14090  
criminal records check regarding the individual in accordance 14091  
with division (B) (1) of this section not later than five 14092  
business days after the individual begins conditional 14093  
employment. In the circumstances described in division (I) (2) of 14094  
this section, a home or adult day-care program may employ 14095  
conditionally an applicant who has been referred to the home or 14096  
adult day-care program by an employment service that supplies 14097  
full-time, part-time, or temporary staff for positions involving 14098  
the direct care of older adults and for whom, pursuant to that 14099  
division, a criminal records check is not required under 14100

division (B) of this section. 14101

(b) A home or adult day-care program that employs an 14102  
individual conditionally under authority of division (C) (2) (a) 14103  
of this section shall terminate the individual's employment if 14104  
the results of the criminal records check requested under 14105  
division (B) of this section or described in division (I) (2) of 14106  
this section, other than the results of any request for 14107  
information from the federal bureau of investigation, are not 14108  
obtained within the period ending thirty days after the date the 14109  
request is made. Regardless of when the results of the criminal 14110  
records check are obtained, if the results indicate that the 14111  
individual has been convicted of or pleaded guilty to any of the 14112  
offenses listed or described in division (C) (1) of this section, 14113  
the home or program shall terminate the individual's employment 14114  
unless the home or program chooses to employ the individual 14115  
pursuant to division (F) of this section. Termination of 14116  
employment under this division shall be considered just cause 14117  
for discharge for purposes of division (D) (2) of section 4141.29 14118  
of the Revised Code if the individual makes any attempt to 14119  
deceive the home or program about the individual's criminal 14120  
record. 14121

(D) (1) Each home or adult day-care program shall pay to 14122  
the bureau of criminal identification and investigation the fee 14123  
prescribed pursuant to division (C) (3) of section 109.572 of the 14124  
Revised Code for each criminal records check conducted pursuant 14125  
to a request made under division (B) of this section. 14126

(2) A home or adult day-care program may charge an 14127  
applicant a fee not exceeding the amount the home or program 14128  
pays under division (D) (1) of this section. A home or program 14129  
may collect a fee only if both of the following apply: 14130

(a) The home or program notifies the person at the time of	14131
initial application for employment of the amount of the fee and	14132
that, unless the fee is paid, the person will not be considered	14133
for employment;	14134
(b) The medicaid program does not reimburse the home or	14135
program the fee it pays under division (D)(1) of this section.	14136
(E) The report of any criminal records check conducted	14137
pursuant to a request made under this section is not a public	14138
record for the purposes of section 149.43 of the Revised Code	14139
and shall not be made available to any person other than the	14140
following:	14141
(1) The individual who is the subject of the criminal	14142
records check or the individual's representative;	14143
(2) The chief administrator of the home or program	14144
requesting the criminal records check or the administrator's	14145
representative;	14146
(3) The administrator of any other facility, agency, or	14147
program that provides direct care to older adults that is owned	14148
or operated by the same entity that owns or operates the home or	14149
program;	14150
(4) A court, hearing officer, or other necessary	14151
individual involved in a case dealing with a denial of	14152
employment of the applicant or dealing with employment or	14153
unemployment benefits of the applicant;	14154
(5) Any person to whom the report is provided pursuant to,	14155
and in accordance with, division (I)(1) or (2) of this section;	14156
(6) The board of nursing for purposes of accepting and	14157
processing an application for a medication aide certificate	14158

issued under Chapter 4723. of the Revised Code; 14159

(7) The director of aging or the director's designee if 14160  
the criminal records check is requested by the chief 14161  
administrator of a home that is also a community-based long-term 14162  
care services provider. 14163

(F) In accordance with section 3721.11 of the Revised 14164  
Code, the director of health shall adopt rules to implement this 14165  
section. The rules shall specify circumstances under which a 14166  
home or adult day-care program may employ a person who has been 14167  
convicted of or pleaded guilty to an offense listed or described 14168  
in division (C)(1) of this section but meets personal character 14169  
standards set by the director. 14170

(G) The chief administrator of a home or adult day-care 14171  
program shall inform each individual, at the time of initial 14172  
application for a position that involves providing direct care 14173  
to an older adult, that the individual is required to provide a 14174  
set of fingerprint impressions and that a criminal records check 14175  
is required to be conducted if the individual comes under final 14176  
consideration for employment. 14177

(H) In a tort or other civil action for damages that is 14178  
brought as the result of an injury, death, or loss to person or 14179  
property caused by an individual who a home or adult day-care 14180  
program employs in a position that involves providing direct 14181  
care to older adults, all of the following shall apply: 14182

(1) If the home or program employed the individual in good 14183  
faith and reasonable reliance on the report of a criminal 14184  
records check requested under this section, the home or program 14185  
shall not be found negligent solely because of its reliance on 14186  
the report, even if the information in the report is determined 14187

later to have been incomplete or inaccurate; 14188

(2) If the home or program employed the individual in good 14189  
faith on a conditional basis pursuant to division (C) (2) of this 14190  
section, the home or program shall not be found negligent solely 14191  
because it employed the individual prior to receiving the report 14192  
of a criminal records check requested under this section; 14193

(3) If the home or program in good faith employed the 14194  
individual according to the personal character standards 14195  
established in rules adopted under division (F) of this section, 14196  
the home or program shall not be found negligent solely because 14197  
the individual prior to being employed had been convicted of or 14198  
pleaded guilty to an offense listed or described in division (C) 14199  
(1) of this section. 14200

(I) (1) The chief administrator of a home or adult day-care 14201  
program is not required to request that the superintendent of 14202  
the bureau of criminal identification and investigation conduct 14203  
a criminal records check of an applicant if the applicant has 14204  
been referred to the home or program by an employment service 14205  
that supplies full-time, part-time, or temporary staff for 14206  
positions involving the direct care of older adults and both of 14207  
the following apply: 14208

(a) The chief administrator receives from the employment 14209  
service or the applicant a report of the results of a criminal 14210  
records check regarding the applicant that has been conducted by 14211  
the superintendent within the one-year period immediately 14212  
preceding the applicant's referral; 14213

(b) The report of the criminal records check demonstrates 14214  
that the person has not been convicted of or pleaded guilty to 14215  
an offense listed or described in division (C) (1) of this 14216

section, or the report demonstrates that the person has been 14217  
convicted of or pleaded guilty to one or more of those offenses, 14218  
but the home or adult day-care program chooses to employ the 14219  
individual pursuant to division (F) of this section. 14220

(2) The chief administrator of a home or adult day-care 14221  
program is not required to request that the superintendent of 14222  
the bureau of criminal identification and investigation conduct 14223  
a criminal records check of an applicant and may employ the 14224  
applicant conditionally as described in this division, if the 14225  
applicant has been referred to the home or program by an 14226  
employment service that supplies full-time, part-time, or 14227  
temporary staff for positions involving the direct care of older 14228  
adults and if the chief administrator receives from the 14229  
employment service or the applicant a letter from the employment 14230  
service that is on the letterhead of the employment service, 14231  
dated, and signed by a supervisor or another designated official 14232  
of the employment service and that states that the employment 14233  
service has requested the superintendent to conduct a criminal 14234  
records check regarding the applicant, that the requested 14235  
criminal records check will include a determination of whether 14236  
the applicant has been convicted of or pleaded guilty to any 14237  
offense listed or described in division (C) (1) of this section, 14238  
that, as of the date set forth on the letter, the employment 14239  
service had not received the results of the criminal records 14240  
check, and that, when the employment service receives the 14241  
results of the criminal records check, it promptly will send a 14242  
copy of the results to the home or adult day-care program. If a 14243  
home or adult day-care program employs an applicant 14244  
conditionally in accordance with this division, the employment 14245  
service, upon its receipt of the results of the criminal records 14246  
check, promptly shall send a copy of the results to the home or 14247

adult day-care program, and division (C) (2) (b) of this section 14248  
applies regarding the conditional employment. 14249

**Sec. 3734.44.** Notwithstanding the provisions of any law to 14250  
the contrary, no permit or license shall be issued or renewed by 14251  
the director of environmental protection or a board of health: 14252

(A) Unless the director or the board of health finds that 14253  
the applicant, in any prior performance record in the 14254  
transportation, transfer, treatment, storage, or disposal of 14255  
solid wastes, infectious wastes, or hazardous waste, has 14256  
exhibited sufficient reliability, expertise, and competency to 14257  
operate the solid waste, infectious waste, or hazardous waste 14258  
facility, given the potential for harm to human health and the 14259  
environment that could result from the irresponsible operation 14260  
of the facility, or, if no prior record exists, that the 14261  
applicant is likely to exhibit that reliability, expertise, and 14262  
competence; 14263

(B) If any individual or business concern required to be 14264  
listed in the disclosure statement or shown to have a beneficial 14265  
interest in the business of the applicant or the permittee, 14266  
other than an equity interest or debt liability, by the 14267  
investigation thereof, has been convicted of any of the 14268  
following crimes under the laws of this state or equivalent laws 14269  
of any other jurisdiction: 14270

(1) Murder; 14271

(2) Kidnapping; 14272

(3) Gambling; 14273

(4) Robbery; 14274

(5) Bribery; 14275

(6) Extortion;	14276
(7) Criminal usury;	14277
(8) Arson;	14278
(9) Burglary;	14279
(10) Theft and related crimes;	14280
(11) Forgery and fraudulent practices;	14281
(12) Fraud in the offering, sale, or purchase of securities;	14282 14283
(13) Alteration of motor vehicle identification numbers;	14284
(14) Unlawful manufacture, purchase, use, or transfer of firearms;	14285 14286
(15) Unlawful possession or use of destructive devices or explosives;	14287 14288
(16) A violation of section 2925.03, <u>2925.031, 2925.032,</u> 2925.04, 2925.05, 2925.06, 2925.11, <u>2925.111, 2925.112,</u> 2925.32, or 2925.37 or Chapter 3719. of the Revised Code, unless the violation is for possession of less than one hundred grams of marihuana, less than five grams of marihuana resin or extraction or preparation of marihuana resin, or less than one gram of marihuana resin in a liquid concentrate, liquid extract, or liquid distillate form;	14289 14290 14291 14292 14293 14294 14295 14296
(17) Engaging in a pattern of corrupt activity under section 2923.32 of the Revised Code;	14297 14298
(18) A violation of the criminal provisions of Chapter 1331. of the Revised Code;	14299 14300
(19) Any violation of the criminal provisions of any	14301

federal or state environmental protection laws, rules, or 14302  
regulations that is committed knowingly or recklessly, as 14303  
defined in section 2901.22 of the Revised Code; 14304

(20) A violation of any provision of Chapter 2909. of the 14305  
Revised Code; 14306

(21) Any offense specified in Chapter 2921. of the Revised 14307  
Code. 14308

(C) Notwithstanding division (B) of this section, no 14309  
applicant shall be denied the issuance or renewal of a permit or 14310  
license on the basis of a conviction of any individual or 14311  
business concern required to be listed in the disclosure 14312  
statement or shown to have a beneficial interest in the business 14313  
of the applicant or the permittee, other than an equity interest 14314  
or debt liability, by the investigation thereof for any of the 14315  
offenses enumerated in that division as disqualification 14316  
criteria if that applicant has affirmatively demonstrated 14317  
rehabilitation of the individual or business concern by a 14318  
preponderance of the evidence. If any such individual was 14319  
convicted of any of the offenses so enumerated that are 14320  
felonies, a permit shall be denied unless five years have 14321  
elapsed since the individual was fully discharged from 14322  
imprisonment and parole for the offense, from a community 14323  
control sanction imposed under section 2929.15 of the Revised 14324  
Code, from a post-release control sanction imposed under section 14325  
2967.28 of the Revised Code for the offense, or imprisonment, 14326  
probation, and parole for an offense that was committed prior to 14327  
July 1, 1996. In determining whether an applicant has 14328  
affirmatively demonstrated rehabilitation, the director or the 14329  
board of health shall request a recommendation on the matter 14330  
from the attorney general and shall consider and base the 14331

determination on the following factors:	14332
(1) The nature and responsibilities of the position a convicted individual would hold;	14333 14334
(2) The nature and seriousness of the offense;	14335
(3) The circumstances under which the offense occurred;	14336
(4) The date of the offense;	14337
(5) The age of the individual when the offense was committed;	14338 14339
(6) Whether the offense was an isolated or repeated incident;	14340 14341
(7) Any social conditions that may have contributed to the offense;	14342 14343
(8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work release programs, or the recommendation of persons who have or have had the applicant under their supervision;	14344 14345 14346 14347 14348 14349
(9) In the instance of an applicant that is a business concern, rehabilitation shall be established if the applicant has implemented formal management controls to minimize and prevent the occurrence of violations and activities that will or may result in permit or license denial or revocation or if the applicant has formalized those controls as a result of a revocation or denial of a permit or license. Those controls may include, but are not limited to, instituting environmental auditing programs to help ensure the adequacy of internal systems to achieve, maintain, and monitor compliance with	14350 14351 14352 14353 14354 14355 14356 14357 14358 14359

applicable environmental laws and standards or instituting an 14360  
antitrust compliance auditing program to help ensure full 14361  
compliance with applicable antitrust laws. The business concern 14362  
shall prove by a preponderance of the evidence that the 14363  
management controls are effective in preventing the violations 14364  
that are the subject of concern. 14365

(D) Unless the director or the board of health finds that 14366  
the applicant has a history of compliance with environmental 14367  
laws in this state and other jurisdictions and is presently in 14368  
substantial compliance with, or on a legally enforceable 14369  
schedule that will result in compliance with, environmental laws 14370  
in this state and other jurisdictions; 14371

(E) With respect to the approval of a permit, if the 14372  
director determines that current prosecutions or pending charges 14373  
in any jurisdiction for any of the offenses enumerated in 14374  
division (B) of this section against any individual or business 14375  
concern required to be listed in the disclosure statement or 14376  
shown by the investigation to have a beneficial interest in the 14377  
business of the applicant other than an equity interest or debt 14378  
liability are of such magnitude that they prevent making the 14379  
finding required under division (A) of this section, provided 14380  
that at the request of the applicant or the individual or 14381  
business concern charged, the director shall defer decision upon 14382  
the application during the pendency of the charge. 14383

**Sec. 3767.01.** As used in all sections of the Revised Code 14384  
relating to nuisances: 14385

(A) "Place" includes any building, erection, or place or 14386  
any separate part or portion thereof or the ground itself; 14387

(B) "Person" includes any individual, corporation, 14388

association, partnership, trustee, lessee, agent, or assignee;	14389
(C) "Nuisance" means any of the following:	14390
(1) That which is defined and declared by statutes to be a nuisance;	14391 14392
(2) Any place in or upon which lewdness, assignation, or prostitution is conducted, permitted, continued, or exists, or any place, in or upon which lewd, indecent, lascivious, or obscene films or plate negatives, film or plate positives, films designed to be projected on a screen for exhibition films, or glass slides either in negative or positive form designed for exhibition by projection on a screen, are photographed, manufactured, developed, screened, exhibited, or otherwise prepared or shown, and the personal property and contents used in conducting and maintaining any such place for any such purpose. This chapter shall not affect any newspaper, magazine, or other publication entered as second class matter by the post-office department.	14393 14394 14395 14396 14397 14398 14399 14400 14401 14402 14403 14404 14405
(3) Any room, house, building, boat, vehicle, structure, or place where beer or intoxicating liquor is manufactured, sold, bartered, possessed, or kept in violation of law and all property kept and used in maintaining the same, and all property designed for the unlawful manufacture of beer or intoxicating liquor and beer or intoxicating liquor contained in the room, house, building, boat, structure, or place, or the operation of such a room, house, building, boat, structure, or place as described in division (C) (3) of this section where the operation of that place substantially interferes with public decency, sobriety, peace, and good order. "Violation of law" includes, but is not limited to, sales to any person under the legal drinking age as prohibited in division (A) of section 4301.22 or	14406 14407 14408 14409 14410 14411 14412 14413 14414 14415 14416 14417 14418

division (A) of section 4301.69 of the Revised Code and any 14419  
violation of section 2913.46~~or~~, 2925.03, 2925.031, or 2925.032 14420  
of the Revised Code. 14421

**Sec. 4112.02.** It shall be an unlawful discriminatory 14422  
practice: 14423

(A) For any employer, because of the race, color, 14424  
religion, sex, military status, national origin, disability, 14425  
age, or ancestry of any person, to discharge without just cause, 14426  
to refuse to hire, or otherwise to discriminate against that 14427  
person with respect to hire, tenure, terms, conditions, or 14428  
privileges of employment, or any matter directly or indirectly 14429  
related to employment. 14430

(B) For an employment agency or personnel placement 14431  
service, because of race, color, religion, sex, military status, 14432  
national origin, disability, age, or ancestry, to do any of the 14433  
following: 14434

(1) Refuse or fail to accept, register, classify properly, 14435  
or refer for employment, or otherwise discriminate against any 14436  
person; 14437

(2) Comply with a request from an employer for referral of 14438  
applicants for employment if the request directly or indirectly 14439  
indicates that the employer fails to comply with the provisions 14440  
of sections 4112.01 to 4112.07 of the Revised Code. 14441

(C) For any labor organization to do any of the following: 14442

(1) Limit or classify its membership on the basis of race, 14443  
color, religion, sex, military status, national origin, 14444  
disability, age, or ancestry; 14445

(2) Discriminate against, limit the employment 14446

opportunities of, or otherwise adversely affect the employment 14447  
status, wages, hours, or employment conditions of any person as 14448  
an employee because of race, color, religion, sex, military 14449  
status, national origin, disability, age, or ancestry. 14450

(D) For any employer, labor organization, or joint labor- 14451  
management committee controlling apprentice training programs to 14452  
discriminate against any person because of race, color, 14453  
religion, sex, military status, national origin, disability, or 14454  
ancestry in admission to, or employment in, any program 14455  
established to provide apprentice training. 14456

(E) Except where based on a bona fide occupational 14457  
qualification certified in advance by the commission, for any 14458  
employer, employment agency, personnel placement service, or 14459  
labor organization, prior to employment or admission to 14460  
membership, to do any of the following: 14461

(1) Elicit or attempt to elicit any information concerning 14462  
the race, color, religion, sex, military status, national 14463  
origin, disability, age, or ancestry of an applicant for 14464  
employment or membership; 14465

(2) Make or keep a record of the race, color, religion, 14466  
sex, military status, national origin, disability, age, or 14467  
ancestry of any applicant for employment or membership; 14468

(3) Use any form of application for employment, or 14469  
personnel or membership blank, seeking to elicit information 14470  
regarding race, color, religion, sex, military status, national 14471  
origin, disability, age, or ancestry; but an employer holding a 14472  
contract containing a nondiscrimination clause with the 14473  
government of the United States, or any department or agency of 14474  
that government, may require an employee or applicant for 14475

employment to furnish documentary proof of United States 14476  
citizenship and may retain that proof in the employer's 14477  
personnel records and may use photographic or fingerprint 14478  
identification for security purposes; 14479

(4) Print or publish or cause to be printed or published 14480  
any notice or advertisement relating to employment or membership 14481  
indicating any preference, limitation, specification, or 14482  
discrimination, based upon race, color, religion, sex, military 14483  
status, national origin, disability, age, or ancestry; 14484

(5) Announce or follow a policy of denying or limiting, 14485  
through a quota system or otherwise, employment or membership 14486  
opportunities of any group because of the race, color, religion, 14487  
sex, military status, national origin, disability, age, or 14488  
ancestry of that group; 14489

(6) Utilize in the recruitment or hiring of persons any 14490  
employment agency, personnel placement service, training school 14491  
or center, labor organization, or any other employee-referring 14492  
source known to discriminate against persons because of their 14493  
race, color, religion, sex, military status, national origin, 14494  
disability, age, or ancestry. 14495

(F) For any person seeking employment to publish or cause 14496  
to be published any advertisement that specifies or in any 14497  
manner indicates that person's race, color, religion, sex, 14498  
military status, national origin, disability, age, or ancestry, 14499  
or expresses a limitation or preference as to the race, color, 14500  
religion, sex, military status, national origin, disability, 14501  
age, or ancestry of any prospective employer. 14502

(G) For any proprietor or any employee, keeper, or manager 14503  
of a place of public accommodation to deny to any person, except 14504

for reasons applicable alike to all persons regardless of race, 14505  
color, religion, sex, military status, national origin, 14506  
disability, age, or ancestry, the full enjoyment of the 14507  
accommodations, advantages, facilities, or privileges of the 14508  
place of public accommodation. 14509

(H) Subject to section 4112.024 of the Revised Code, for 14510  
any person to do any of the following: 14511

(1) Refuse to sell, transfer, assign, rent, lease, 14512  
sublease, or finance housing accommodations, refuse to negotiate 14513  
for the sale or rental of housing accommodations, or otherwise 14514  
deny or make unavailable housing accommodations because of race, 14515  
color, religion, sex, military status, familial status, 14516  
ancestry, disability, or national origin; 14517

(2) Represent to any person that housing accommodations 14518  
are not available for inspection, sale, or rental, when in fact 14519  
they are available, because of race, color, religion, sex, 14520  
military status, familial status, ancestry, disability, or 14521  
national origin; 14522

(3) Discriminate against any person in the making or 14523  
purchasing of loans or the provision of other financial 14524  
assistance for the acquisition, construction, rehabilitation, 14525  
repair, or maintenance of housing accommodations, or any person 14526  
in the making or purchasing of loans or the provision of other 14527  
financial assistance that is secured by residential real estate, 14528  
because of race, color, religion, sex, military status, familial 14529  
status, ancestry, disability, or national origin or because of 14530  
the racial composition of the neighborhood in which the housing 14531  
accommodations are located, provided that the person, whether an 14532  
individual, corporation, or association of any type, lends money 14533  
as one of the principal aspects or incident to the person's 14534

principal business and not only as a part of the purchase price 14535  
of an owner-occupied residence the person is selling nor merely 14536  
casually or occasionally to a relative or friend; 14537

(4) Discriminate against any person in the terms or 14538  
conditions of selling, transferring, assigning, renting, 14539  
leasing, or subleasing any housing accommodations or in 14540  
furnishing facilities, services, or privileges in connection 14541  
with the ownership, occupancy, or use of any housing 14542  
accommodations, including the sale of fire, extended coverage, 14543  
or homeowners insurance, because of race, color, religion, sex, 14544  
military status, familial status, ancestry, disability, or 14545  
national origin or because of the racial composition of the 14546  
neighborhood in which the housing accommodations are located; 14547

(5) Discriminate against any person in the terms or 14548  
conditions of any loan of money, whether or not secured by 14549  
mortgage or otherwise, for the acquisition, construction, 14550  
rehabilitation, repair, or maintenance of housing accommodations 14551  
because of race, color, religion, sex, military status, familial 14552  
status, ancestry, disability, or national origin or because of 14553  
the racial composition of the neighborhood in which the housing 14554  
accommodations are located; 14555

(6) Refuse to consider without prejudice the combined 14556  
income of both husband and wife for the purpose of extending 14557  
mortgage credit to a married couple or either member of a 14558  
married couple; 14559

(7) Print, publish, or circulate any statement or 14560  
advertisement, or make or cause to be made any statement or 14561  
advertisement, relating to the sale, transfer, assignment, 14562  
rental, lease, sublease, or acquisition of any housing 14563  
accommodations, or relating to the loan of money, whether or not 14564

secured by mortgage or otherwise, for the acquisition, 14565  
construction, rehabilitation, repair, or maintenance of housing 14566  
accommodations, that indicates any preference, limitation, 14567  
specification, or discrimination based upon race, color, 14568  
religion, sex, military status, familial status, ancestry, 14569  
disability, or national origin, or an intention to make any such 14570  
preference, limitation, specification, or discrimination; 14571

(8) Except as otherwise provided in division (H) (8) or 14572  
(17) of this section, make any inquiry, elicit any information, 14573  
make or keep any record, or use any form of application 14574  
containing questions or entries concerning race, color, 14575  
religion, sex, military status, familial status, ancestry, 14576  
disability, or national origin in connection with the sale or 14577  
lease of any housing accommodations or the loan of any money, 14578  
whether or not secured by mortgage or otherwise, for the 14579  
acquisition, construction, rehabilitation, repair, or 14580  
maintenance of housing accommodations. Any person may make 14581  
inquiries, and make and keep records, concerning race, color, 14582  
religion, sex, military status, familial status, ancestry, 14583  
disability, or national origin for the purpose of monitoring 14584  
compliance with this chapter. 14585

(9) Include in any transfer, rental, or lease of housing 14586  
accommodations any restrictive covenant, or honor or exercise, 14587  
or attempt to honor or exercise, any restrictive covenant; 14588

(10) Induce or solicit, or attempt to induce or solicit, a 14589  
housing accommodations listing, sale, or transaction by 14590  
representing that a change has occurred or may occur with 14591  
respect to the racial, religious, sexual, military status, 14592  
familial status, or ethnic composition of the block, 14593  
neighborhood, or other area in which the housing accommodations 14594

are located, or induce or solicit, or attempt to induce or 14595  
solicit, a housing accommodations listing, sale, or transaction 14596  
by representing that the presence or anticipated presence of 14597  
persons of any race, color, religion, sex, military status, 14598  
familial status, ancestry, disability, or national origin, in 14599  
the block, neighborhood, or other area will or may have results 14600  
including, but not limited to, the following: 14601

(a) The lowering of property values; 14602

(b) A change in the racial, religious, sexual, military 14603  
status, familial status, or ethnic composition of the block, 14604  
neighborhood, or other area; 14605

(c) An increase in criminal or antisocial behavior in the 14606  
block, neighborhood, or other area; 14607

(d) A decline in the quality of the schools serving the 14608  
block, neighborhood, or other area. 14609

(11) Deny any person access to or membership or 14610  
participation in any multiple-listing service, real estate 14611  
brokers' organization, or other service, organization, or 14612  
facility relating to the business of selling or renting housing 14613  
accommodations, or discriminate against any person in the terms 14614  
or conditions of that access, membership, or participation, on 14615  
account of race, color, religion, sex, military status, familial 14616  
status, national origin, disability, or ancestry; 14617

(12) Coerce, intimidate, threaten, or interfere with any 14618  
person in the exercise or enjoyment of, or on account of that 14619  
person's having exercised or enjoyed or having aided or 14620  
encouraged any other person in the exercise or enjoyment of, any 14621  
right granted or protected by division (H) of this section; 14622

(13) Discourage or attempt to discourage the purchase by a 14623

prospective purchaser of housing accommodations, by representing 14624  
that any block, neighborhood, or other area has undergone or 14625  
might undergo a change with respect to its religious, racial, 14626  
sexual, military status, familial status, or ethnic composition; 14627

(14) Refuse to sell, transfer, assign, rent, lease, 14628  
sublease, or finance, or otherwise deny or withhold, a burial 14629  
lot from any person because of the race, color, sex, military 14630  
status, familial status, age, ancestry, disability, or national 14631  
origin of any prospective owner or user of the lot; 14632

(15) Discriminate in the sale or rental of, or otherwise 14633  
make unavailable or deny, housing accommodations to any buyer or 14634  
renter because of a disability of any of the following: 14635

(a) The buyer or renter; 14636

(b) A person residing in or intending to reside in the 14637  
housing accommodations after they are sold, rented, or made 14638  
available; 14639

(c) Any individual associated with the person described in 14640  
division (H) (15) (b) of this section. 14641

(16) Discriminate in the terms, conditions, or privileges 14642  
of the sale or rental of housing accommodations to any person or 14643  
in the provision of services or facilities to any person in 14644  
connection with the housing accommodations because of a 14645  
disability of any of the following: 14646

(a) That person; 14647

(b) A person residing in or intending to reside in the 14648  
housing accommodations after they are sold, rented, or made 14649  
available; 14650

(c) Any individual associated with the person described in 14651

division (H) (16) (b) of this section. 14652

(17) Except as otherwise provided in division (H) (17) of 14653  
this section, make an inquiry to determine whether an applicant 14654  
for the sale or rental of housing accommodations, a person 14655  
residing in or intending to reside in the housing accommodations 14656  
after they are sold, rented, or made available, or any 14657  
individual associated with that person has a disability, or make 14658  
an inquiry to determine the nature or severity of a disability 14659  
of the applicant or such a person or individual. The following 14660  
inquiries may be made of all applicants for the sale or rental 14661  
of housing accommodations, regardless of whether they have 14662  
disabilities: 14663

(a) An inquiry into an applicant's ability to meet the 14664  
requirements of ownership or tenancy; 14665

(b) An inquiry to determine whether an applicant is 14666  
qualified for housing accommodations available only to persons 14667  
with disabilities or persons with a particular type of 14668  
disability; 14669

(c) An inquiry to determine whether an applicant is 14670  
qualified for a priority available to persons with disabilities 14671  
or persons with a particular type of disability; 14672

(d) An inquiry to determine whether an applicant currently 14673  
uses a controlled substance in violation of section 2925.11, 14674  
2925.111, or 2925.112 of the Revised Code or a substantively 14675  
comparable municipal ordinance; 14676

(e) An inquiry to determine whether an applicant at any 14677  
time has been convicted of or pleaded guilty to any offense, an 14678  
element of which is the illegal sale, offer to sell, 14679  
cultivation, manufacture, other production, shipment, 14680

transportation, delivery, or other distribution of a controlled substance. 14681  
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(18) (a) Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing accommodations that are occupied or to be occupied by the person with a disability, if the modifications may be necessary to afford the person with a disability full enjoyment of the housing accommodations. This division does not preclude a landlord of housing accommodations that are rented or to be rented to a disabled tenant from conditioning permission for a proposed modification upon the disabled tenant's doing one or more of the following: 14683  
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(i) Providing a reasonable description of the proposed modification and reasonable assurances that the proposed modification will be made in a workerlike manner and that any required building permits will be obtained prior to the commencement of the proposed modification; 14693  
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(ii) Agreeing to restore at the end of the tenancy the interior of the housing accommodations to the condition they were in prior to the proposed modification, but subject to reasonable wear and tear during the period of occupancy, if it is reasonable for the landlord to condition permission for the proposed modification upon the agreement; 14698  
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(iii) Paying into an interest-bearing escrow account that is in the landlord's name, over a reasonable period of time, a reasonable amount of money not to exceed the projected costs at the end of the tenancy of the restoration of the interior of the housing accommodations to the condition they were in prior to the proposed modification, but subject to reasonable wear and tear during the period of occupancy, if the landlord finds the 14704  
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account reasonably necessary to ensure the availability of funds 14711  
for the restoration work. The interest earned in connection with 14712  
an escrow account described in this division shall accrue to the 14713  
benefit of the disabled tenant who makes payments into the 14714  
account. 14715

(b) A landlord shall not condition permission for a 14716  
proposed modification upon a disabled tenant's payment of a 14717  
security deposit that exceeds the customarily required security 14718  
deposit of all tenants of the particular housing accommodations. 14719

(19) Refuse to make reasonable accommodations in rules, 14720  
policies, practices, or services when necessary to afford a 14721  
person with a disability equal opportunity to use and enjoy a 14722  
dwelling unit, including associated public and common use areas; 14723

(20) Fail to comply with the standards and rules adopted 14724  
under division (A) of section 3781.111 of the Revised Code; 14725

(21) Discriminate against any person in the selling, 14726  
brokering, or appraising of real property because of race, 14727  
color, religion, sex, military status, familial status, 14728  
ancestry, disability, or national origin; 14729

(22) Fail to design and construct covered multifamily 14730  
dwellings for first occupancy on or after June 30, 1992, in 14731  
accordance with the following conditions: 14732

(a) The dwellings shall have at least one building 14733  
entrance on an accessible route, unless it is impractical to do 14734  
so because of the terrain or unusual characteristics of the 14735  
site. 14736

(b) With respect to dwellings that have a building 14737  
entrance on an accessible route, all of the following apply: 14738

(i) The public use areas and common use areas of the dwellings shall be readily accessible to and usable by persons with a disability.

(ii) All the doors designed to allow passage into and within all premises shall be sufficiently wide to allow passage by persons with a disability who are in wheelchairs.

(iii) All premises within covered multifamily dwelling units shall contain an accessible route into and through the dwelling; all light switches, electrical outlets, thermostats, and other environmental controls within such units shall be in accessible locations; the bathroom walls within such units shall contain reinforcements to allow later installation of grab bars; and the kitchens and bathrooms within such units shall be designed and constructed in a manner that enables an individual in a wheelchair to maneuver about such rooms.

For purposes of division (H) (22) of this section, "covered multifamily dwellings" means buildings consisting of four or more units if such buildings have one or more elevators and ground floor units in other buildings consisting of four or more units.

(I) For any person to discriminate in any manner against any other person because that person has opposed any unlawful discriminatory practice defined in this section or because that person has made a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under sections 4112.01 to 4112.07 of the Revised Code.

(J) For any person to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, to obstruct or prevent any person from

complying with this chapter or any order issued under it, or to 14768  
attempt directly or indirectly to commit any act declared by 14769  
this section to be an unlawful discriminatory practice. 14770

(K) Nothing in divisions (A) to (E) of this section shall 14771  
be construed to require a person with a disability to be 14772  
employed or trained under circumstances that would significantly 14773  
increase the occupational hazards affecting either the person 14774  
with a disability, other employees, the general public, or the 14775  
facilities in which the work is to be performed, or to require 14776  
the employment or training of a person with a disability in a 14777  
job that requires the person with a disability routinely to 14778  
undertake any task, the performance of which is substantially 14779  
and inherently impaired by the person's disability. 14780

(L) An aggrieved individual may enforce the individual's 14781  
rights relative to discrimination on the basis of age as 14782  
provided for in this section by instituting a civil action, 14783  
within one hundred eighty days after the alleged unlawful 14784  
discriminatory practice occurred, in any court with jurisdiction 14785  
for any legal or equitable relief that will effectuate the 14786  
individual's rights. 14787

A person who files a civil action under this division is 14788  
barred, with respect to the practices complained of, from 14789  
instituting a civil action under section 4112.14 of the Revised 14790  
Code and from filing a charge with the commission under section 14791  
4112.05 of the Revised Code. 14792

(M) With regard to age, it shall not be an unlawful 14793  
discriminatory practice and it shall not constitute a violation 14794  
of division (A) of section 4112.14 of the Revised Code for any 14795  
employer, employment agency, joint labor-management committee 14796  
controlling apprenticeship training programs, or labor 14797

organization to do any of the following: 14798

(1) Establish bona fide employment qualifications 14799  
reasonably related to the particular business or occupation that 14800  
may include standards for skill, aptitude, physical capability, 14801  
intelligence, education, maturation, and experience; 14802

(2) Observe the terms of a bona fide seniority system or 14803  
any bona fide employee benefit plan, including, but not limited 14804  
to, a retirement, pension, or insurance plan, that is not a 14805  
subterfuge to evade the purposes of this section. However, no 14806  
such employee benefit plan shall excuse the failure to hire any 14807  
individual, and no such seniority system or employee benefit 14808  
plan shall require or permit the involuntary retirement of any 14809  
individual, because of the individual's age except as provided 14810  
for in the "Age Discrimination in Employment Act Amendment of 14811  
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 14812  
Discrimination in Employment Act Amendments of 1986," 100 Stat. 14813  
3342, 29 U.S.C.A. 623, as amended. 14814

(3) Retire an employee who has attained sixty-five years 14815  
of age who, for the two-year period immediately before 14816  
retirement, is employed in a bona fide executive or a high 14817  
policymaking position, if the employee is entitled to an 14818  
immediate nonforfeitable annual retirement benefit from a 14819  
pension, profit-sharing, savings, or deferred compensation plan, 14820  
or any combination of those plans, of the employer of the 14821  
employee, which equals, in the aggregate, at least forty-four 14822  
thousand dollars, in accordance with the conditions of the "Age 14823  
Discrimination in Employment Act Amendment of 1978," 92 Stat. 14824  
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 14825  
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 14826  
631, as amended; 14827

(4) Observe the terms of any bona fide apprenticeship program if the program is registered with the Ohio apprenticeship council pursuant to sections 4139.01 to 4139.06 of the Revised Code and is approved by the federal committee on apprenticeship of the United States department of labor.	14828 14829 14830 14831 14832
(N) Nothing in this chapter prohibiting age discrimination and nothing in division (A) of section 4112.14 of the Revised Code shall be construed to prohibit the following:	14833 14834 14835
(1) The designation of uniform age the attainment of which is necessary for public employees to receive pension or other retirement benefits pursuant to Chapter 145., 742., 3307., 3309., or 5505. of the Revised Code;	14836 14837 14838 14839
(2) The mandatory retirement of uniformed patrol officers of the state highway patrol as provided in section 5505.16 of the Revised Code;	14840 14841 14842
(3) The maximum age requirements for appointment as a patrol officer in the state highway patrol established by section 5503.01 of the Revised Code;	14843 14844 14845
(4) The maximum age requirements established for original appointment to a police department or fire department in sections 124.41 and 124.42 of the Revised Code;	14846 14847 14848
(5) Any maximum age not in conflict with federal law that may be established by a municipal charter, municipal ordinance, or resolution of a board of township trustees for original appointment as a police officer or firefighter;	14849 14850 14851 14852
(6) Any mandatory retirement provision not in conflict with federal law of a municipal charter, municipal ordinance, or resolution of a board of township trustees pertaining to police officers and firefighters;	14853 14854 14855 14856

(7) Until January 1, 1994, the mandatory retirement of any 14857  
employee who has attained seventy years of age and who is 14858  
serving under a contract of unlimited tenure, or similar 14859  
arrangement providing for unlimited tenure, at an institution of 14860  
higher education as defined in the "Education Amendments of 14861  
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 14862

(O) (1) (a) Except as provided in division (O) (1) (b) of this 14863  
section, for purposes of divisions (A) to (E) of this section, a 14864  
disability does not include any physiological disorder or 14865  
condition, mental or psychological disorder, or disease or 14866  
condition caused by an illegal use of any controlled substance 14867  
by an employee, applicant, or other person, if an employer, 14868  
employment agency, personnel placement service, labor 14869  
organization, or joint labor-management committee acts on the 14870  
basis of that illegal use. 14871

(b) Division (O) (1) (a) of this section does not apply to 14872  
an employee, applicant, or other person who satisfies any of the 14873  
following: 14874

(i) The employee, applicant, or other person has 14875  
successfully completed a supervised drug rehabilitation program 14876  
and no longer is engaging in the illegal use of any controlled 14877  
substance, or the employee, applicant, or other person otherwise 14878  
successfully has been rehabilitated and no longer is engaging in 14879  
that illegal use. 14880

(ii) The employee, applicant, or other person is 14881  
participating in a supervised drug rehabilitation program and no 14882  
longer is engaging in the illegal use of any controlled 14883  
substance. 14884

(iii) The employee, applicant, or other person is 14885

erroneously regarded as engaging in the illegal use of any 14886  
controlled substance, but the employee, applicant, or other 14887  
person is not engaging in that illegal use. 14888

(2) Divisions (A) to (E) of this section do not prohibit 14889  
an employer, employment agency, personnel placement service, 14890  
labor organization, or joint labor-management committee from 14891  
doing any of the following: 14892

(a) Adopting or administering reasonable policies or 14893  
procedures, including, but not limited to, testing for the 14894  
illegal use of any controlled substance, that are designed to 14895  
ensure that an individual described in division (O) (1) (b) (i) or 14896  
(ii) of this section no longer is engaging in the illegal use of 14897  
any controlled substance; 14898

(b) Prohibiting the illegal use of controlled substances 14899  
and the use of alcohol at the workplace by all employees; 14900

(c) Requiring that employees not be under the influence of 14901  
alcohol or not be engaged in the illegal use of any controlled 14902  
substance at the workplace; 14903

(d) Requiring that employees behave in conformance with 14904  
the requirements established under "The Drug-Free Workplace Act 14905  
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 14906

(e) Holding an employee who engages in the illegal use of 14907  
any controlled substance or who is an alcoholic to the same 14908  
qualification standards for employment or job performance, and 14909  
the same behavior, to which the employer, employment agency, 14910  
personnel placement service, labor organization, or joint labor- 14911  
management committee holds other employees, even if any 14912  
unsatisfactory performance or behavior is related to an 14913  
employee's illegal use of a controlled substance or alcoholism; 14914

(f) Exercising other authority recognized in the 14915  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 14916  
U.S.C.A. 12101, as amended, including, but not limited to, 14917  
requiring employees to comply with any applicable federal 14918  
standards. 14919

(3) For purposes of this chapter, a test to determine the 14920  
illegal use of any controlled substance does not include a 14921  
medical examination. 14922

(4) Division (O) of this section does not encourage, 14923  
prohibit, or authorize, and shall not be construed as 14924  
encouraging, prohibiting, or authorizing, the conduct of testing 14925  
for the illegal use of any controlled substance by employees, 14926  
applicants, or other persons, or the making of employment 14927  
decisions based on the results of that type of testing. 14928

(P) This section does not apply to a religious 14929  
corporation, association, educational institution, or society 14930  
with respect to the employment of an individual of a particular 14931  
religion to perform work connected with the carrying on by that 14932  
religious corporation, association, educational institution, or 14933  
society of its activities. 14934

The unlawful discriminatory practices defined in this 14935  
section do not make it unlawful for a person or an appointing 14936  
authority administering an examination under section 124.23 of 14937  
the Revised Code to obtain information about an applicant's 14938  
military status for the purpose of determining if the applicant 14939  
is eligible for the additional credit that is available under 14940  
that section. 14941

**Sec. 4510.17.** (A) The registrar of motor vehicles shall 14942  
impose a class D suspension of the person's driver's license, 14943

commercial driver's license, temporary instruction permit, 14944  
probationary license, or nonresident operating privilege for the 14945  
period of time specified in division (B) (4) of section 4510.02 14946  
of the Revised Code on any person who is a resident of this 14947  
state and is convicted of or pleads guilty to a violation of a 14948  
statute of any other state or any federal statute that is 14949  
substantially similar to section 2925.02, 2925.03, 2925.031, 14950  
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 14951  
2925.111, 2925.112, 2925.12, 2925.13, 2925.14, 2925.141, 14952  
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 14953  
Revised Code. Upon receipt of a report from a court, court 14954  
clerk, or other official of any other state or from any federal 14955  
authority that a resident of this state was convicted of or 14956  
pleaded guilty to an offense described in this division, the 14957  
registrar shall send a notice by regular first class mail to the 14958  
person, at the person's last known address as shown in the 14959  
records of the bureau of motor vehicles, informing the person of 14960  
the suspension, that the suspension will take effect twenty-one 14961  
days from the date of the notice, and that, if the person wishes 14962  
to appeal the suspension or denial, the person must file a 14963  
notice of appeal within twenty-one days of the date of the 14964  
notice requesting a hearing on the matter. If the person 14965  
requests a hearing, the registrar shall hold the hearing not 14966  
more than forty days after receipt by the registrar of the 14967  
notice of appeal. The filing of a notice of appeal does not stay 14968  
the operation of the suspension that must be imposed pursuant to 14969  
this division. The scope of the hearing shall be limited to 14970  
whether the person actually was convicted of or pleaded guilty 14971  
to the offense for which the suspension is to be imposed. 14972

The suspension the registrar is required to impose under 14973  
this division shall end either on the last day of the class D 14974

suspension period or of the suspension of the person's 14975  
nonresident operating privilege imposed by the state or federal 14976  
court, whichever is earlier. 14977

The registrar shall subscribe to or otherwise participate 14978  
in any information system or register, or enter into reciprocal 14979  
and mutual agreements with other states and federal authorities, 14980  
in order to facilitate the exchange of information with other 14981  
states and the United States government regarding persons who 14982  
plead guilty to or are convicted of offenses described in this 14983  
division and therefore are subject to the suspension or denial 14984  
described in this division. 14985

(B) The registrar shall impose a class D suspension of the 14986  
person's driver's license, commercial driver's license, 14987  
temporary instruction permit, probationary license, or 14988  
nonresident operating privilege for the period of time specified 14989  
in division (B) (4) of section 4510.02 of the Revised Code on any 14990  
person who is a resident of this state and is convicted of or 14991  
pleads guilty to a violation of a statute of any other state or 14992  
a municipal ordinance of a municipal corporation located in any 14993  
other state that is substantially similar to section 4511.19 of 14994  
the Revised Code. Upon receipt of a report from another state 14995  
made pursuant to section 4510.61 of the Revised Code indicating 14996  
that a resident of this state was convicted of or pleaded guilty 14997  
to an offense described in this division, the registrar shall 14998  
send a notice by regular first class mail to the person, at the 14999  
person's last known address as shown in the records of the 15000  
bureau of motor vehicles, informing the person of the 15001  
suspension, that the suspension or denial will take effect 15002  
twenty-one days from the date of the notice, and that, if the 15003  
person wishes to appeal the suspension, the person must file a 15004  
notice of appeal within twenty-one days of the date of the 15005

notice requesting a hearing on the matter. If the person 15006  
requests a hearing, the registrar shall hold the hearing not 15007  
more than forty days after receipt by the registrar of the 15008  
notice of appeal. The filing of a notice of appeal does not stay 15009  
the operation of the suspension that must be imposed pursuant to 15010  
this division. The scope of the hearing shall be limited to 15011  
whether the person actually was convicted of or pleaded guilty 15012  
to the offense for which the suspension is to be imposed. 15013

The suspension the registrar is required to impose under 15014  
this division shall end either on the last day of the class D 15015  
suspension period or of the suspension of the person's 15016  
nonresident operating privilege imposed by the state or federal 15017  
court, whichever is earlier. 15018

(C) The registrar shall impose a class D suspension of the 15019  
child's driver's license, commercial driver's license, temporary 15020  
instruction permit, or nonresident operating privilege for the 15021  
period of time specified in division (B) (4) of section 4510.02 15022  
of the Revised Code on any child who is a resident of this state 15023  
and is convicted of or pleads guilty to a violation of a statute 15024  
of any other state or any federal statute that is substantially 15025  
similar to section 2925.02, 2925.03, 2925.031, 2925.032, 15026  
2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.111, 15027  
2925.112, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 15028  
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 15029  
receipt of a report from a court, court clerk, or other official 15030  
of any other state or from any federal authority that a child 15031  
who is a resident of this state was convicted of or pleaded 15032  
guilty to an offense described in this division, the registrar 15033  
shall send a notice by regular first class mail to the child, at 15034  
the child's last known address as shown in the records of the 15035  
bureau of motor vehicles, informing the child of the suspension, 15036

that the suspension or denial will take effect twenty-one days 15037  
from the date of the notice, and that, if the child wishes to 15038  
appeal the suspension, the child must file a notice of appeal 15039  
within twenty-one days of the date of the notice requesting a 15040  
hearing on the matter. If the child requests a hearing, the 15041  
registrar shall hold the hearing not more than forty days after 15042  
receipt by the registrar of the notice of appeal. The filing of 15043  
a notice of appeal does not stay the operation of the suspension 15044  
that must be imposed pursuant to this division. The scope of the 15045  
hearing shall be limited to whether the child actually was 15046  
convicted of or pleaded guilty to the offense for which the 15047  
suspension is to be imposed. 15048

The suspension the registrar is required to impose under 15049  
this division shall end either on the last day of the class D 15050  
suspension period or of the suspension of the child's 15051  
nonresident operating privilege imposed by the state or federal 15052  
court, whichever is earlier. If the child is a resident of this 15053  
state who is sixteen years of age or older and does not have a 15054  
current, valid Ohio driver's or commercial driver's license or 15055  
permit, the notice shall inform the child that the child will be 15056  
denied issuance of a driver's or commercial driver's license or 15057  
permit for six months beginning on the date of the notice. If 15058  
the child has not attained the age of sixteen years on the date 15059  
of the notice, the notice shall inform the child that the period 15060  
of denial of six months shall commence on the date the child 15061  
attains the age of sixteen years. 15062

The registrar shall subscribe to or otherwise participate 15063  
in any information system or register, or enter into reciprocal 15064  
and mutual agreements with other states and federal authorities, 15065  
in order to facilitate the exchange of information with other 15066  
states and the United States government regarding children who 15067

are residents of this state and plead guilty to or are convicted 15068  
of offenses described in this division and therefore are subject 15069  
to the suspension or denial described in this division. 15070

(D) The registrar shall impose a class D suspension of the 15071  
child's driver's license, commercial driver's license, temporary 15072  
instruction permit, probationary license, or nonresident 15073  
operating privilege for the period of time specified in division 15074  
(B) (4) of section 4510.02 of the Revised Code on any child who 15075  
is a resident of this state and is convicted of or pleads guilty 15076  
to a violation of a statute of any other state or a municipal 15077  
ordinance of a municipal corporation located in any other state 15078  
that is substantially similar to section 4511.19 of the Revised 15079  
Code. Upon receipt of a report from another state made pursuant 15080  
to section 4510.61 of the Revised Code indicating that a child 15081  
who is a resident of this state was convicted of or pleaded 15082  
guilty to an offense described in this division, the registrar 15083  
shall send a notice by regular first class mail to the child, at 15084  
the child's last known address as shown in the records of the 15085  
bureau of motor vehicles, informing the child of the suspension, 15086  
that the suspension will take effect twenty-one days from the 15087  
date of the notice, and that, if the child wishes to appeal the 15088  
suspension, the child must file a notice of appeal within 15089  
twenty-one days of the date of the notice requesting a hearing 15090  
on the matter. If the child requests a hearing, the registrar 15091  
shall hold the hearing not more than forty days after receipt by 15092  
the registrar of the notice of appeal. The filing of a notice of 15093  
appeal does not stay the operation of the suspension that must 15094  
be imposed pursuant to this division. The scope of the hearing 15095  
shall be limited to whether the child actually was convicted of 15096  
or pleaded guilty to the offense for which the suspension is to 15097  
be imposed. 15098

The suspension the registrar is required to impose under 15099  
this division shall end either on the last day of the class D 15100  
suspension period or of the suspension of the child's 15101  
nonresident operating privilege imposed by the state or federal 15102  
court, whichever is earlier. If the child is a resident of this 15103  
state who is sixteen years of age or older and does not have a 15104  
current, valid Ohio driver's or commercial driver's license or 15105  
permit, the notice shall inform the child that the child will be 15106  
denied issuance of a driver's or commercial driver's license or 15107  
permit for six months beginning on the date of the notice. If 15108  
the child has not attained the age of sixteen years on the date 15109  
of the notice, the notice shall inform the child that the period 15110  
of denial of six months shall commence on the date the child 15111  
attains the age of sixteen years. 15112

(E) (1) Any person whose license or permit has been 15113  
suspended pursuant to this section may file a petition in the 15114  
municipal or county court, or in case the person is under 15115  
eighteen years of age, the juvenile court, in whose jurisdiction 15116  
the person resides, requesting limited driving privileges and 15117  
agreeing to pay the cost of the proceedings. Except as provided 15118  
in division (E) (2) or (3) of this section, the judge may grant 15119  
the person limited driving privileges during the period during 15120  
which the suspension otherwise would be imposed for any of the 15121  
purposes set forth in division (A) of section 4510.021 of the 15122  
Revised Code. 15123

(2) No judge shall grant limited driving privileges for 15124  
employment as a driver of a commercial motor vehicle to any 15125  
person who would be disqualified from operating a commercial 15126  
motor vehicle under section 4506.16 of the Revised Code if the 15127  
violation had occurred in this state. Further, no judge shall 15128  
grant limited driving privileges during any of the following 15129

periods of time:	15130
(a) The first fifteen days of a suspension under division	15131
(B) or (D) of this section, if the person has not been convicted	15132
within ten years of the date of the offense giving rise to the	15133
suspension under this section of a violation of any of the	15134
following:	15135
(i) Section 4511.19 of the Revised Code, or a municipal	15136
ordinance relating to operating a vehicle while under the	15137
influence of alcohol, a drug of abuse, or alcohol and a drug of	15138
abuse;	15139
(ii) A municipal ordinance relating to operating a motor	15140
vehicle with a prohibited concentration of alcohol, a controlled	15141
substance, or a metabolite of a controlled substance in the	15142
whole blood, blood serum or plasma, breath, or urine;	15143
(iii) Section 2903.04 of the Revised Code in a case in	15144
which the person was subject to the sanctions described in	15145
division (D) of that section;	15146
(iv) Division (A) (1) of section 2903.06 or division (A) (1)	15147
of section 2903.08 of the Revised Code or a municipal ordinance	15148
that is substantially similar to either of those divisions;	15149
(v) Division (A) (2), (3), or (4) of section 2903.06,	15150
division (A) (2) of section 2903.08, or as it existed prior to	15151
March 23, 2000, section 2903.07 of the Revised Code, or a	15152
municipal ordinance that is substantially similar to any of	15153
those divisions or that former section, in a case in which the	15154
jury or judge found that the person was under the influence of	15155
alcohol, a drug of abuse, or alcohol and a drug of abuse.	15156
(b) The first thirty days of a suspension under division	15157
(B) or (D) of this section, if the person has been convicted one	15158

time within ten years of the date of the offense giving rise to 15159  
the suspension under this section of any violation identified in 15160  
division (E) (1) (a) of this section. 15161

(c) The first one hundred eighty days of a suspension 15162  
under division (B) or (D) of this section, if the person has 15163  
been convicted two times within ten years of the date of the 15164  
offense giving rise to the suspension under this section of any 15165  
violation identified in division (E) (1) (a) of this section. 15166

(3) No limited driving privileges may be granted if the 15167  
person has been convicted three or more times within five years 15168  
of the date of the offense giving rise to a suspension under 15169  
division (B) or (D) of this section of any violation identified 15170  
in division (E) (1) (a) of this section. 15171

(4) In accordance with section 4510.022 of the Revised 15172  
Code, a person may petition for, and a judge may grant, 15173  
unlimited driving privileges with a certified ignition interlock 15174  
device during the period of suspension imposed under division 15175  
(B) or (D) of this section to a person described in division (E) 15176  
(2) (a) of this section. 15177

(5) If a person petitions for limited driving privileges 15178  
under division (E) (1) of this section or unlimited driving 15179  
privileges with a certified ignition interlock device as 15180  
provided in division (E) (4) of this section, the registrar shall 15181  
be represented by the county prosecutor of the county in which 15182  
the person resides if the petition is filed in a juvenile court 15183  
or county court, except that if the person resides within a city 15184  
or village that is located within the jurisdiction of the county 15185  
in which the petition is filed, the city director of law or 15186  
village solicitor of that city or village shall represent the 15187  
registrar. If the petition is filed in a municipal court, the 15188

registrar shall be represented as provided in section 1901.34 of 15189  
the Revised Code. 15190

(6) (a) In issuing an order granting limited driving 15191  
privileges under division (E) (1) of this section, the court may 15192  
impose any condition it considers reasonable and necessary to 15193  
limit the use of a vehicle by the person. The court shall 15194  
deliver to the person a copy of the order setting forth the 15195  
time, place, and other conditions limiting the person's use of a 15196  
motor vehicle. Unless division (E) (6) (b) of this section 15197  
applies, the grant of limited driving privileges shall be 15198  
conditioned upon the person's having the order in the person's 15199  
possession at all times during which the person is operating a 15200  
vehicle. 15201

(b) If, under the order, the court requires the use of an 15202  
immobilizing or disabling device as a condition of the grant of 15203  
limited or unlimited driving privileges, the person shall 15204  
present to the registrar or to a deputy registrar the copy of 15205  
the order granting limited driving privileges and a certificate 15206  
affirming the installation of an immobilizing or disabling 15207  
device that is in a form established by the director of public 15208  
safety and is signed by the person who installed the device. 15209  
Upon presentation of the order and the certificate to the 15210  
registrar or a deputy registrar, the registrar or deputy 15211  
registrar shall issue to the offender a restricted license, 15212  
unless the offender's driver's or commercial driver's license or 15213  
permit is suspended under any other provision of law and limited 15214  
driving privileges have not been granted with regard to that 15215  
suspension. A restricted license issued under this division 15216  
shall be identical to an Ohio driver's license, except that it 15217  
shall have printed on its face a statement that the offender is 15218  
prohibited from operating any motor vehicle that is not equipped 15219

with an immobilizing or disabling device in violation of the 15220  
order. 15221

(7) (a) Unless division (E) (7) (b) applies, a person granted 15222  
limited driving privileges who operates a vehicle for other than 15223  
limited purposes, in violation of any condition imposed by the 15224  
court or without having the order in the person's possession, is 15225  
guilty of a violation of section 4510.11 of the Revised Code. 15226

(b) No person who has been granted limited or unlimited 15227  
driving privileges under division (E) of this section subject to 15228  
an immobilizing or disabling device order shall operate a motor 15229  
vehicle prior to obtaining a restricted license. Any person who 15230  
violates this prohibition is subject to the penalties prescribed 15231  
in section 4510.14 of the Revised Code. 15232

(c) The offenses established under division (E) (7) of this 15233  
section are strict liability offenses and section 2901.20 of the 15234  
Revised Code does not apply. 15235

(F) The provisions of division (A) (8) of section 4510.13 15236  
of the Revised Code apply to a person who has been granted 15237  
limited or unlimited driving privileges with a certified 15238  
ignition interlock device under this section and who either 15239  
commits an ignition interlock device violation as defined under 15240  
section 4510.46 of the Revised Code or operates a motor vehicle 15241  
that is not equipped with a certified ignition interlock device. 15242

(G) Any person whose license or permit has been suspended 15243  
under division (A) or (C) of this section may file a petition in 15244  
the municipal or county court, or in case the person is under 15245  
eighteen years of age, the juvenile court, in whose jurisdiction 15246  
the person resides, requesting the termination of the suspension 15247  
and agreeing to pay the cost of the proceedings. If the court, 15248

in its discretion, determines that a termination of the 15249  
suspension is appropriate, the court shall issue an order to the 15250  
registrar to terminate the suspension. Upon receiving such an 15251  
order, the registrar shall reinstate the license. 15252

(H) As used in divisions (C) and (D) of this section: 15253

(1) "Child" means a person who is under the age of 15254  
eighteen years, except that any person who violates a statute or 15255  
ordinance described in division (C) or (D) of this section prior 15256  
to attaining eighteen years of age shall be deemed a "child" 15257  
irrespective of the person's age at the time the complaint or 15258  
other equivalent document is filed in the other state or a 15259  
hearing, trial, or other proceeding is held in the other state 15260  
on the complaint or other equivalent document, and irrespective 15261  
of the person's age when the period of license suspension or 15262  
denial prescribed in division (C) or (D) of this section is 15263  
imposed. 15264

(2) "Is convicted of or pleads guilty to" means, as it 15265  
relates to a child who is a resident of this state, that in a 15266  
proceeding conducted in a state or federal court located in 15267  
another state for a violation of a statute or ordinance 15268  
described in division (C) or (D) of this section, the result of 15269  
the proceeding is any of the following: 15270

(a) Under the laws that govern the proceedings of the 15271  
court, the child is adjudicated to be or admits to being a 15272  
delinquent child or a juvenile traffic offender for a violation 15273  
described in division (C) or (D) of this section that would be a 15274  
crime if committed by an adult; 15275

(b) Under the laws that govern the proceedings of the 15276  
court, the child is convicted of or pleads guilty to a violation 15277

described in division (C) or (D) of this section;	15278
(c) Under the laws that govern the proceedings of the court, irrespective of the terminology utilized in those laws, the result of the court's proceedings is the functional equivalent of division (H) (2) (a) or (b) of this section.	15279 15280 15281 15282
<b>Sec. 4729.99.</b> (A) Whoever violates division (H) of section 4729.16, division (G) of section 4729.38, division (I) of section 4729.382, section 4729.57, or division (F) of section 4729.96 of the Revised Code is guilty of a minor misdemeanor, unless a different penalty is otherwise specified in the Revised Code. Each day's violation constitutes a separate offense.	15283 15284 15285 15286 15287 15288
(B) Whoever violates section 4729.27, 4729.28, or 4729.36 of the Revised Code is guilty of a misdemeanor of the third degree. Each day's violation constitutes a separate offense. If the offender previously has been convicted of or pleaded guilty to a violation of this chapter, that person is guilty of a misdemeanor of the second degree.	15289 15290 15291 15292 15293 15294
(C) Whoever violates section 4729.32, 4729.33, or 4729.34 of the Revised Code is guilty of a misdemeanor.	15295 15296
(D) Whoever violates division (A), (B), (C), (D), (F), or (G) of section 4729.51 of the Revised Code is guilty of a misdemeanor of the first degree.	15297 15298 15299
(E) (1) Whoever violates section 4729.37, division (E) (1) (b) of section 4729.51, division (J) of section 4729.54, division (B) or (D) of section 4729.553, or section 4729.61 of the Revised Code is guilty of a felony of the fifth degree. If the offender previously has been convicted of or pleaded guilty to a violation of this chapter or a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony	15300 15301 15302 15303 15304 15305 15306

of the fourth degree. 15307

(2) If an offender is convicted of or pleads guilty to a 15308  
violation of section 4729.37, division (E) of section 4729.51, 15309  
division (J) of section 4729.54, or section 4729.61 of the 15310  
Revised Code, if the violation involves the sale, offer to sell, 15311  
or possession of a schedule I or II controlled substance, with 15312  
the exception of marihuana, and if the court imposing sentence 15313  
upon the offender finds that the offender as a result of the 15314  
violation is a major drug offender, as defined in section 15315  
2929.01 of the Revised Code, and is guilty of a specification of 15316  
the type described in division (A) of section 2941.1410 of the 15317  
Revised Code, the court, in lieu of the prison term authorized 15318  
or required by division (E)(1) of this section and sections 15319  
2929.13 and 2929.14 of the Revised Code and in addition to any 15320  
other sanction imposed for the offense under sections 2929.11 to 15321  
2929.18 of the Revised Code, shall impose upon the offender, in 15322  
accordance with division (B)(3) of section 2929.14 of the 15323  
Revised Code, the mandatory prison term specified in that 15324  
division. 15325

(3) Notwithstanding any contrary provision of section 15326  
3719.21 of the Revised Code, the clerk of court shall pay any 15327  
fine imposed for a violation of section 4729.37, division (E) of 15328  
section 4729.51, division (J) of section 4729.54, or section 15329  
4729.61 of the Revised Code pursuant to division (A) of section 15330  
2929.18 of the Revised Code in accordance with and subject to 15331  
the requirements of division ~~(F)~~(N) of section 2925.03 of the 15332  
Revised Code. The agency that receives the fine shall use the 15333  
fine as specified in division ~~(F)~~(N) of section 2925.03 of the 15334  
Revised Code. 15335

(F) Whoever violates section 4729.531 of the Revised Code 15336

or any rule adopted thereunder or section 4729.532 of the Revised Code is guilty of a misdemeanor of the first degree.

(G) Whoever violates division (E) (1) (a) of section 4729.51 of the Revised Code is guilty of a felony of the fourth degree. If the offender has previously been convicted of or pleaded guilty to a violation of this chapter, or of a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of the third degree.

(H) Whoever violates division (E) (1) (c) of section 4729.51 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has previously been convicted of or pleaded guilty to a violation of this chapter, or of a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of the fifth degree.

(I) (1) Whoever violates division (A) of section 4729.95 of the Revised Code is guilty of unauthorized pharmacy-related drug conduct. Except as otherwise provided in this section, unauthorized pharmacy-related drug conduct is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), or (C) of that section, unauthorized pharmacy-related drug conduct is a misdemeanor of the first degree on a second offense and a felony of the fifth degree on a third or subsequent offense.

(2) Whoever violates division (B) or (C) of section 4729.95 of the Revised Code is guilty of permitting unauthorized pharmacy-related drug conduct. Except as otherwise provided in this section, permitting unauthorized pharmacy-related drug conduct is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), or (C) of that section,

permitting unauthorized pharmacy-related drug conduct is a 15367  
misdemeanor of the first degree on a second offense and a felony 15368  
of the fifth degree on a third or subsequent offense. 15369

(3) Notwithstanding any contrary provision of section 15370  
3719.21 of the Revised Code or any other provision of law that 15371  
governs the distribution of fines, the clerk of the court shall 15372  
pay any fine imposed pursuant to division (I) (1) or (2) of this 15373  
section to the state board of pharmacy if the board has adopted 15374  
a written internal control policy under division ~~(F)~~ (N) (2) of 15375  
section 2925.03 of the Revised Code that addresses fine moneys 15376  
that it receives under Chapter 2925. of the Revised Code and if 15377  
the policy also addresses fine moneys paid under this division. 15378  
The state board of pharmacy shall use the fines so paid in 15379  
accordance with the written internal control policy to subsidize 15380  
the board's law enforcement efforts that pertain to drug 15381  
offenses. 15382

(J) (1) Whoever violates division (A) (1) of section 4729.86 15383  
of the Revised Code is guilty of a misdemeanor of the third 15384  
degree. If the offender has previously been convicted of or 15385  
pleaded guilty to a violation of division (A) (1), (2), or (3) of 15386  
section 4729.86 of the Revised Code, that person is guilty of a 15387  
misdemeanor of the first degree. 15388

(2) Whoever violates division (A) (2) of section 4729.86 of 15389  
the Revised Code is guilty of a misdemeanor of the first degree. 15390  
If the offender has previously been convicted of or pleaded 15391  
guilty to a violation of division (A) (1), (2), or (3) of section 15392  
4729.86 of the Revised Code, that person is guilty of a felony 15393  
of the fifth degree. 15394

(3) Whoever violates division (A) (3) of section 4729.86 of 15395  
the Revised Code is guilty of a felony of the fifth degree. If 15396

the offender has previously been convicted of or pleaded guilty 15397  
to a violation of division (A) (1), (2), or (3) of section 15398  
4729.86 of the Revised Code, that person is guilty of a felony 15399  
of the fourth degree. 15400

(K) A person who violates division (C) of section 4729.552 15401  
of the Revised Code is guilty of a misdemeanor of the first 15402  
degree. If the person previously has been convicted of or 15403  
pleaded guilty to a violation of division (C) of section 15404  
4729.552 of the Revised Code, that person is guilty of a felony 15405  
of the fifth degree. 15406

**Sec. 4742.03.** (A) A person may obtain certification as an 15407  
emergency service telecommunicator by successfully completing a 15408  
basic course of emergency service telecommunicator training that 15409  
is conducted by the state board of education under section 15410  
4742.02 of the Revised Code. The basic course of emergency 15411  
service telecommunicator training shall include, but not be 15412  
limited to, both of the following: 15413

(1) At least forty hours of instruction or training; 15414

(2) Instructional or training units in all of the 15415  
following subjects: 15416

(a) The role of the emergency service telecommunicator; 15417

(b) Effective communication skills; 15418

(c) Emergency service telecommunicator liability; 15419

(d) Telephone techniques; 15420

(e) Requirements of the "Americans With Disabilities Act 15421  
of 1990," 104 Stat. 327, 42 U.S.C. 12101, as amended, that 15422  
pertain to emergency service telecommunicators; 15423

(f) Handling hysterical and suicidal callers;	15424
(g) Informing individuals who call about an apparent drug overdose about the immunity from prosecution for a minor drug possession offense created by section 2925.11, <u>2925.111</u> , or <u>2925.112</u> of the Revised Code;	15425 15426 15427 15428
(h) Law enforcement terminology;	15429
(i) Fire service terminology;	15430
(j) Emergency medical service terminology;	15431
(k) Emergency call processing guides for law enforcement;	15432
(l) Emergency call processing guides for fire service;	15433
(m) Emergency call processing guides for emergency medical service;	15434 15435
(n) Radio broadcast techniques;	15436
(o) Disaster planning;	15437
(p) Police officer survival, fire or emergency medical service scene safety, or both police officer survival and fire or emergency medical service scene safety.	15438 15439 15440
(B) A person may maintain certification as an emergency service telecommunicator by successfully completing at least eight hours of continuing education coursework in emergency service telecommunicator training during each two-year period after a person first obtains the certification referred to in division (A) of this section. The continuing education coursework shall consist of review and advanced training and instruction in the subjects listed in division (A) (2) of this section.	15441 15442 15443 15444 15445 15446 15447 15448 15449
(C) If a person successfully completes the basic course of	15450

emergency service telecommunicator training described in 15451  
division (A) of this section, the state board of education or a 15452  
designee of the board shall certify the person's successful 15453  
completion. The board shall send a copy of the certification to 15454  
the person and to the emergency service provider by whom the 15455  
person is employed. 15456

If a person successfully completes the continuing 15457  
education coursework described in division (B) of this section, 15458  
the state board of education or a designee of the board shall 15459  
certify the person's successful completion. The board shall send 15460  
a copy of the certification to the person and to the emergency 15461  
service provider by whom the person is employed. 15462

**Sec. 5103.0319.** (A) No foster caregiver or prospective 15463  
foster caregiver shall fail to notify the recommending agency 15464  
that recommended or is recommending the foster caregiver or 15465  
prospective foster caregiver for certification in writing if a 15466  
person at least twelve years of age but less than eighteen years 15467  
of age residing with the foster caregiver or prospective foster 15468  
caregiver has been convicted of or pleaded guilty to any of the 15469  
following or has been adjudicated to be a delinquent child for 15470  
committing an act that if committed by an adult would have 15471  
constituted such a violation: 15472

(1) A violation of section 2903.01, 2903.02, 2903.03, 15473  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 15474  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 15475  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 15476  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 15477  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 15478  
2919.22, 2919.24, 2919.25, 2923.12, ~~2923.13~~ 2923.13, 2923.161, 15479  
2925.02, 2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, 15480

or 3716.11 of the Revised Code, a violation of section 2905.04 15481  
of the Revised Code as it existed prior to July 1, 1996, a 15482  
violation of section 2919.23 of the Revised Code that would have 15483  
been a violation of section 2905.04 of the Revised Code as it 15484  
existed prior to July 1, 1996, had the violation been committed 15485  
prior to that date, a violation of section 2925.11, 2925.111, or 15486  
2925.112 of the Revised Code that is not a minor drug possession 15487  
offense, a violation of section 2923.01 of the Revised Code that 15488  
involved an attempt to commit aggravated murder or murder, an 15489  
OVI or OVUAC violation if the person previously was convicted of 15490  
or pleaded guilty to one or more OVI or OVUAC violations within 15491  
the three years immediately preceding the current violation, or 15492  
felonious sexual penetration in violation of former section 15493  
2907.12 of the Revised Code; 15494

(2) An offense that would be a felony if committed by an 15495  
adult and the court determined that the child, if an adult, 15496  
would be guilty of a specification found in section 2941.141, 15497  
2941.144, or 2941.145 of the Revised Code or in another section 15498  
of the Revised Code that relates to the possession or use of a 15499  
firearm, as defined in section 2923.11 of the Revised Code, 15500  
during the commission of the act for which the child was 15501  
adjudicated a delinquent child; 15502

(3) A violation of an existing or former law of this 15503  
state, any other state, or the United States that is 15504  
substantially equivalent to any of the offenses described in 15505  
division (A) (1) or (2) of this section. 15506

(B) If a recommending agency learns that a foster 15507  
caregiver has failed to comply with division (A) of this 15508  
section, it shall notify the department of job and family 15509  
services and the department shall revoke the foster caregiver's 15510

foster home certificate. 15511

(C) As used in this section, "OVI or OVUAC violation" 15512  
means a violation of section 4511.19 of the Revised Code or a 15513  
violation of an existing or former law of this state, any other 15514  
state, or the United States that is substantially equivalent to 15515  
section 4511.19 of the Revised Code. 15516

**Sec. 5119.36.** (A) A community mental health services 15517  
provider applicant or community addiction services provider 15518  
applicant that seeks certification of its certifiable services 15519  
and supports shall submit an application to the director of 15520  
mental health and addiction services. On receipt of the 15521  
application, the director may conduct an on-site review and 15522  
shall evaluate the applicant to determine whether its 15523  
certifiable services and supports satisfy the standards 15524  
established by rules adopted under this section. The director 15525  
shall make the evaluation, and, if the director conducts an on- 15526  
site review of the applicant, may make the review, in 15527  
cooperation with a board of alcohol, drug addiction, and mental 15528  
health services that seeks to contract with the applicant under 15529  
section 340.036 of the Revised Code. 15530

(B) Subject to section 5119.361 of the Revised Code, the 15531  
director shall determine whether the certifiable services and 15532  
supports of a community mental health services provider 15533  
applicant or community addiction services provider applicant 15534  
satisfy the standards for certification. If the director 15535  
determines that an applicant's certifiable services and supports 15536  
satisfy the standards for certification and the applicant has 15537  
paid the fee required by this section, the director shall 15538  
certify the certifiable services and supports. 15539

No community mental health services provider shall be 15540

eligible to receive for its certifiable services and supports 15541  
any state funds, federal funds, or funds administered by a board 15542  
of alcohol, drug addiction, and mental health services, unless 15543  
those certifiable services and supports have been certified by 15544  
the director. 15545

No person or government entity subject to section 5119.35 15546  
of the Revised Code or any other community addiction services 15547  
provider shall be eligible to receive for its services described 15548  
in that section or its other certifiable services and supports 15549  
any state funds, federal funds, or funds administered by a board 15550  
of alcohol, drug addiction, and mental health services, unless 15551  
those services or other certifiable services and supports have 15552  
been certified by the director. 15553

(C) If the director determines that a community mental 15554  
health services provider applicant's or a community addiction 15555  
services provider applicant's certifiable services and supports 15556  
do not satisfy the standards for certification, the director 15557  
shall identify the areas of noncompliance, specify what action 15558  
is necessary to satisfy the standards, and may offer technical 15559  
assistance to the applicant and to a board of alcohol, drug 15560  
addiction, and mental health services so that the board may 15561  
assist the applicant in satisfying the standards. The director 15562  
shall give the applicant a reasonable time within which to 15563  
demonstrate that its certifiable services and supports satisfy 15564  
the standards or to bring them into compliance with the 15565  
standards. If the director concludes that the certifiable 15566  
services and supports continue to fail to satisfy the standards, 15567  
the director may request that the board reallocate any funds for 15568  
the certifiable services and supports the applicant was to 15569  
provide to another community mental health services provider or 15570  
community addiction services provider whose certifiable services 15571

and supports satisfy the standards. If the board does not 15572  
reallocate such funds in a reasonable period of time, the 15573  
director may withhold state and federal funds for the 15574  
certifiable services and supports and allocate those funds 15575  
directly to a community mental health services provider or 15576  
community addiction services provider whose certifiable services 15577  
and supports satisfy the standards. 15578

(D) Each community mental health services provider 15579  
applicant or community addiction services provider applicant 15580  
seeking certification of its certifiable services and supports 15581  
under this section shall pay a fee for the certification 15582  
required by this section, unless the applicant is exempt under 15583  
rules adopted under this section. Fees shall be paid into the 15584  
state treasury to the credit of the sale of goods and services 15585  
fund created pursuant to section 5119.45 of the Revised Code. 15586

(E) The director shall adopt rules in accordance with 15587  
Chapter 119. of the Revised Code to implement this section. The 15588  
rules shall do all of the following: 15589

(1) Subject to section 340.034 of the Revised Code, 15590  
specify the types of recovery supports that are required to be 15591  
certified under this section; 15592

(2) Establish certification standards for certifiable 15593  
services and supports that are consistent with nationally 15594  
recognized applicable standards and facilitate participation in 15595  
federal assistance programs. The rules shall include as 15596  
certification standards only requirements that improve the 15597  
quality of certifiable services and supports or the health and 15598  
safety of persons receiving certifiable services and supports. 15599  
The standards shall address at a minimum all of the following: 15600

(a) Reporting major unusual incidents to the director;	15601
(b) Procedures for applicants for and persons receiving certifiable services and supports to file grievances and complaints;	15602 15603 15604
(c) Seclusion;	15605
(d) Restraint;	15606
(e) Requirements regarding the physical facilities in which certifiable services and supports are provided;	15607 15608
(f) Requirements with regard to health, safety, adequacy, and cultural specificity and sensitivity;	15609 15610
(g) Standards for evaluating certifiable services and supports;	15611 15612
(h) Standards and procedures for granting full, probationary, and interim certification of the certifiable services and supports of a community mental health services provider applicant or community addiction services provider applicant;	15613 15614 15615 15616 15617
(i) Standards and procedures for revoking the certification of a community mental health services provider's or community addiction services provider's certifiable services and supports that do not continue to meet the minimum standards established pursuant to this section;	15618 15619 15620 15621 15622
(j) The limitations to be placed on a provider whose certifiable services and supports are granted probationary or interim certification;	15623 15624 15625
(k) Development of written policies addressing the rights of persons receiving certifiable services and supports,	15626 15627

including all of the following:	15628
(i) The right to a copy of the written policies addressing the rights of persons receiving certifiable services and supports;	15629 15630 15631
(ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;	15632 15633
(iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;	15634 15635 15636 15637
(iv) The right to have a client rights officer provided by the provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised Code if the person is committed to the provider or board.	15638 15639 15640 15641 15642
(3) Establish the process for certification of certifiable services and supports;	15643 15644
(4) Set the amount of certification review fees;	15645
(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds.	15646 15647
(F) The director may issue an order suspending admissions to a community addiction services provider that provides overnight accommodations if the director finds either of the following:	15648 15649 15650 15651
(1) The provider's certifiable services and supports are not in compliance with rules adopted under this section;	15652 15653
(2) The provider has been cited for more than one	15654

violation of statutes or rules during any previous certification 15655  
period of the provider. 15656

(G) The department of mental health and addiction services 15657  
shall maintain a current list of community addiction services 15658  
providers and shall provide a copy of the list to a judge of a 15659  
court of common pleas who requests a copy for the use of the 15660  
judge under division ~~(H)~~ (P) of section 2925.03 or a related 15661  
provision of section 2925.031 or 2925.032 of the Revised Code. 15662  
The list shall identify each provider by its name, its address, 15663  
and the county in which it is located. 15664

(H) No person shall represent in any manner that a 15665  
community mental health services provider's or community 15666  
addiction services provider's certifiable services and supports 15667  
are certified by the director if the certifiable services and 15668  
supports are not so certified at the time the representation is 15669  
made. 15670

**Sec. 5119.37.** (A) (1) (a) Except as provided in division (A) 15671  
(1) (b) of this section, no person or government entity shall 15672  
operate an opioid treatment program requiring certification, as 15673  
certification is defined in 42 C.F.R. 8.2, unless the person or 15674  
government entity is a community addiction services provider and 15675  
the program is licensed under this section. 15676

(b) Division (A) (1) (a) of this section does not apply to a 15677  
program operated by the United States department of veterans 15678  
affairs. 15679

(2) No community addiction services provider licensed 15680  
under this section shall operate an opioid treatment program in 15681  
a manner inconsistent with this section and the rules adopted 15682  
under it. 15683

(B) A community addiction services provider seeking a license to operate an opioid treatment program shall apply to the department of mental health and addiction services. The department shall review all applications received.

(C) The department may issue a license to operate an opioid treatment program to a community addiction services provider only if all of the following apply:

(1) During the three-year period immediately preceding the date of application, the provider or any owner, sponsor, medical director, administrator, or principal of the provider has been in good standing to operate an opioid treatment program in all other locations where the provider or such other person has been operating a similar program, as evidenced by both of the following:

(a) Not having been denied a license, certificate, or similar approval to operate an opioid treatment program by this state or another jurisdiction;

(b) Not having been the subject of any of the following in this state or another jurisdiction:

(i) An action that resulted in the suspension or revocation of the license, certificate, or similar approval of the provider or other person;

(ii) A voluntary relinquishment, withdrawal, or other action taken by the provider or other person to avoid suspension or revocation of the license, certificate, or similar approval;

(iii) A disciplinary action that was based, in whole or in part, on the provider or other person engaging in the inappropriate prescribing, dispensing, administering, personally furnishing, diverting, storing, supplying, compounding, or

selling of a controlled substance or other dangerous drug. 15713

(2) It affirmatively appears to the department that the 15714  
provider is adequately staffed and equipped to operate an opioid 15715  
treatment program. 15716

(3) It affirmatively appears to the department that the 15717  
provider will operate an opioid treatment program in strict 15718  
compliance with all laws relating to drug abuse and the rules 15719  
adopted by the department. 15720

(4) Except as provided in division (D) of this section and 15721  
section 5119.371 of the Revised Code, if the provider is seeking 15722  
an initial license for a particular location, the proposed 15723  
opioid treatment program is not located on a parcel of real 15724  
estate that is within a radius of five hundred linear feet of 15725  
the boundaries of a parcel of real estate having situated on it 15726  
a public or private school, child day-care center licensed under 15727  
Chapter 5104. of the Revised Code, or child-serving agency 15728  
regulated by the department under this chapter. 15729

(5) The provider meets any additional requirements 15730  
established by the department in rules adopted under division 15731  
(F) of this section. 15732

(D) The department may waive the requirement of division 15733  
(C) (4) of this section if it receives, from each public or 15734  
private school, child day-care center, or child-serving agency 15735  
that is within the five hundred linear feet radius described in 15736  
that division, a letter of support for the location. The 15737  
department shall determine whether a letter of support is 15738  
satisfactory for purposes of waiving the requirement. 15739

(E) A license to operate an opioid treatment program shall 15740  
expire one year from the date of issuance. Licenses may be 15741

renewed. 15742

(F) The department shall establish procedures and adopt 15743  
rules for licensing, inspection, and supervision of community 15744  
addiction services providers that operate an opioid treatment 15745  
program. The rules shall establish standards for the control, 15746  
storage, furnishing, use, dispensing, and administering of 15747  
medications used in medication-assisted treatment; prescribe 15748  
minimum standards for the operation of the opioid treatment 15749  
program component of the provider's operations; and comply with 15750  
federal laws and regulations. 15751

All rules adopted under this division shall be adopted in 15752  
accordance with Chapter 119. of the Revised Code. All actions 15753  
taken by the department regarding the licensing of providers to 15754  
operate opioid treatment programs shall be conducted in 15755  
accordance with Chapter 119. of the Revised Code, except as 15756  
provided in division (L) of this section. 15757

(G) (1) The department shall inspect all community 15758  
addiction services providers licensed to operate an opioid 15759  
treatment program. Inspections shall be conducted at least 15760  
annually and may be conducted more frequently. 15761

In addition, the department may inspect any provider or 15762  
other person that it reasonably believes to be operating an 15763  
opioid treatment program without a license issued under this 15764  
section. 15765

(2) When conducting an inspection, the department may do 15766  
both of the following: 15767

(a) Examine and copy all records, accounts, and other 15768  
documents relating to the provider's or other person's 15769  
operations, including records pertaining to patients or clients; 15770

(b) Conduct interviews with any individual employed by or 15771  
contracted or otherwise associated with the provider or person, 15772  
including an administrator, staff person, patient, or client. 15773

(3) No person or government entity shall interfere with a 15774  
state or local government official acting on behalf of the 15775  
department while conducting an inspection. 15776

(H) A community addiction services provider shall not 15777  
administer or dispense methadone in a tablet, powder, or 15778  
intravenous form. Methadone shall be administered or dispensed 15779  
only in a liquid form intended for ingestion. 15780

A community addiction services provider shall not 15781  
administer or dispense a medication used in medication-assisted 15782  
treatment for pain or other medical reasons. 15783

(I) As used in this division, "program sponsor" means a 15784  
person who assumes responsibility for the operation and 15785  
employees of the opioid treatment program component of a 15786  
community addiction services provider's operations. 15787

A community addiction services provider shall not employ 15788  
an individual who receives a medication used in medication- 15789  
assisted treatment from that provider. A provider shall not 15790  
permit an individual to act as a program sponsor, medical 15791  
director, or director of the provider if the individual is 15792  
receiving that medication from any community addiction services 15793  
provider. 15794

(J) The department may issue orders to ensure compliance 15795  
with all laws relating to drug abuse and the rules adopted under 15796  
this section. Subject to section 5119.27 of the Revised Code, 15797  
the department may hold hearings, require the production of 15798  
relevant matter, compel testimony, issue subpoenas, and make 15799

adjudications. Upon failure of a person without lawful excuse to 15800  
obey a subpoena or to produce relevant matter, the department 15801  
may apply to a court of common pleas for an order compelling 15802  
compliance. 15803

(K) The department may refuse to issue, or may withdraw or 15804  
revoke, a license to operate an opioid treatment program. A 15805  
license may be refused if a community addiction services 15806  
provider does not meet the requirements of division (C) of this 15807  
section. A license may be withdrawn at any time the department 15808  
determines that the provider no longer meets the requirements 15809  
for receiving the license. A license may be revoked in 15810  
accordance with division (L) of this section. 15811

Once a license is issued under this section, the 15812  
department shall not consider the requirement of division (C) (4) 15813  
of this section in determining whether to renew, withdraw, or 15814  
revoke the license or whether to reissue the license as a result 15815  
of a change in ownership. 15816

(L) If the department finds reasonable cause to believe 15817  
that a community addiction services provider licensed under this 15818  
section is in violation of any state or federal law or rule 15819  
relating to drug abuse, the department may issue an order 15820  
immediately revoking the license, subject to division (M) of 15821  
this section. The department shall set a date not more than 15822  
fifteen days later than the date of the order of revocation for 15823  
a hearing on the continuation or cancellation of the revocation. 15824  
For good cause, the department may continue the hearing on 15825  
application of any interested party. In conducting hearings, the 15826  
department has all the authority and power set forth in division 15827  
(J) of this section. Following the hearing, the department shall 15828  
either confirm or cancel the revocation. The hearing shall be 15829

conducted in accordance with Chapter 119. of the Revised Code, 15830  
except that the provider shall not be permitted to operate an 15831  
opioid treatment program pending the hearing or pending any 15832  
appeal from an adjudication made as a result of the hearing. 15833  
Notwithstanding any provision of Chapter 119. of the Revised 15834  
Code to the contrary, a court shall not stay or suspend any 15835  
order of revocation issued by the department under this division 15836  
pending judicial appeal. 15837

(M) The department shall not revoke a license to operate 15838  
an opioid treatment program unless all clients receiving 15839  
medication used in medication-assisted treatment from the 15840  
community addiction services provider are provided adequate 15841  
substitute medication or treatment. For purposes of this 15842  
division, the department may transfer the clients to other 15843  
providers licensed to operate opioid treatment programs or 15844  
replace any or all of the administrators and staff of the 15845  
provider with representatives of the department who shall 15846  
continue on a provisional basis the opioid treatment component 15847  
of the provider's operations. 15848

(N) Each time the department receives an application from 15849  
a community addiction services provider for a license to operate 15850  
an opioid treatment program, issues or refuses to issue a 15851  
license, or withdraws or revokes a license, the department shall 15852  
notify the board of alcohol, drug addiction, and mental health 15853  
services of each alcohol, drug addiction, and mental health 15854  
service district in which the provider operates. 15855

(O) Whenever it appears to the department from files, upon 15856  
complaint, or otherwise, that a community addiction services 15857  
provider has engaged in any practice declared to be illegal or 15858  
prohibited by section 3719.61 of the Revised Code, or any other 15859

state or federal laws or regulations relating to drug abuse, or 15860  
when the department believes it to be in the best interest of 15861  
the public and necessary for the protection of the citizens of 15862  
the state, the department may request criminal proceedings by 15863  
laying before the prosecuting attorney of the proper county any 15864  
evidence of criminality which may come to its knowledge. 15865

(P) The department shall maintain a current list of 15866  
community addiction services providers licensed by the 15867  
department under this section and shall provide a copy of the 15868  
current list to a judge of a court of common pleas who requests 15869  
a copy for the use of the judge under division ~~(H)~~ (P) of section 15870  
2925.03 or a related provision of section 2925.031 or 2925.032 15871  
of the Revised Code. The list of licensed community addiction 15872  
services providers shall identify each licensed provider by its 15873  
name, its address, and the county in which it is located. 15874

**Sec. 5120.53.** (A) If a treaty between the United States 15875  
and a foreign country provides for the transfer or exchange, 15876  
from one of the signatory countries to the other signatory 15877  
country, of convicted offenders who are citizens or nationals of 15878  
the other signatory country, the governor, subject to and in 15879  
accordance with the terms of the treaty, may authorize the 15880  
director of rehabilitation and correction to allow the transfer 15881  
or exchange of convicted offenders and to take any action 15882  
necessary to initiate participation in the treaty. If the 15883  
governor grants the director the authority described in this 15884  
division, the director may take the necessary action to initiate 15885  
participation in the treaty and, subject to and in accordance 15886  
with division (B) of this section and the terms of the treaty, 15887  
may allow the transfer or exchange to a foreign country that has 15888  
signed the treaty of any convicted offender who is a citizen or 15889  
national of that signatory country. 15890

(B) (1) No convicted offender who is serving a term of imprisonment in this state for aggravated murder, murder, or a felony of the first or second degree, who is serving a mandatory prison term imposed under section 2925.03 ~~or, 2925.031,~~ 2925.032, or 2925.11 of the Revised Code in circumstances in which the court was required to impose as the mandatory prison term the maximum definite prison term or longest minimum prison term authorized for the degree of offense committed, who is serving a term of imprisonment in this state imposed for an offense committed prior to July 1, 1996, that was an aggravated felony of the first or second degree or that was aggravated trafficking in violation of division (A) (9) or (10) of section 2925.03 of the Revised Code, or who has been sentenced to death in this state shall be transferred or exchanged to another country pursuant to a treaty of the type described in division (A) of this section.

(2) If a convicted offender is serving a term of imprisonment in this state and the offender is a citizen or national of a foreign country that has signed a treaty of the type described in division (A) of this section, if the governor has granted the director of rehabilitation and correction the authority described in that division, and if the transfer or exchange of the offender is not barred by division (B) (1) of this section, the director or the director's designee may approve the offender for transfer or exchange pursuant to the treaty if the director or the designee, after consideration of the factors set forth in the rules adopted by the department under division (D) of this section and all other relevant factors, determines that the transfer or exchange of the offender is appropriate.

(C) Notwithstanding any provision of the Revised Code

regarding the parole eligibility of, or the duration or 15922  
calculation of a sentence of imprisonment imposed upon, an 15923  
offender, if a convicted offender is serving a term of 15924  
imprisonment in this state and the offender is a citizen or 15925  
national of a foreign country that has signed a treaty of the 15926  
type described in division (A) of this section, if the offender 15927  
is serving an indefinite term of imprisonment, if the offender 15928  
is barred from being transferred or exchanged pursuant to the 15929  
treaty due to the indefinite nature of the offender's term of 15930  
imprisonment, and if in accordance with division (B) (2) of this 15931  
section the director of rehabilitation and correction or the 15932  
director's designee approves the offender for transfer or 15933  
exchange pursuant to the treaty, the parole board, pursuant to 15934  
rules adopted by the director, shall set a date certain for the 15935  
release of the offender. To the extent possible, the date 15936  
certain that is set shall be reasonably proportionate to the 15937  
indefinite term of imprisonment that the offender is serving. 15938  
The date certain that is set for the release of the offender 15939  
shall be considered only for purposes of facilitating the 15940  
international transfer or exchange of the offender, shall not be 15941  
viable or actionable for any other purpose, and shall not create 15942  
any expectation or guarantee of release. If an offender for whom 15943  
a date certain for release is set under this division is not 15944  
transferred to or exchanged with the foreign country pursuant to 15945  
the treaty, the date certain is null and void, and the 15946  
offender's release shall be determined pursuant to the laws and 15947  
rules of this state pertaining to parole eligibility and the 15948  
duration and calculation of an indefinite sentence of 15949  
imprisonment. 15950

(D) If the governor, pursuant to division (A) of this 15951  
section, authorizes the director of rehabilitation and 15952

correction to allow any transfer or exchange of convicted 15953  
offenders as described in that division, the director shall 15954  
adopt rules under Chapter 119. of the Revised Code to implement 15955  
the provisions of this section. The rules shall include a rule 15956  
that requires the director or the director's designee, in 15957  
determining whether to approve a convicted offender who is 15958  
serving a term of imprisonment in this state for transfer or 15959  
exchange pursuant to a treaty of the type described in division 15960  
(A) of this section, to consider all of the following factors: 15961

(1) The nature of the offense for which the offender is 15962  
serving the term of imprisonment in this state; 15963

(2) The likelihood that, if the offender is transferred or 15964  
exchanged to a foreign country pursuant to the treaty, the 15965  
offender will serve a shorter period of time in imprisonment in 15966  
the foreign country than the offender would serve if the 15967  
offender is not transferred or exchanged to the foreign country 15968  
pursuant to the treaty; 15969

(3) The likelihood that, if the offender is transferred or 15970  
exchanged to a foreign country pursuant to the treaty, the 15971  
offender will return or attempt to return to this state after 15972  
the offender has been released from imprisonment in the foreign 15973  
country; 15974

(4) The degree of any shock to the conscience of justice 15975  
and society that will be experienced in this state if the 15976  
offender is transferred or exchanged to a foreign country 15977  
pursuant to the treaty; 15978

(5) All other factors that the department determines are 15979  
relevant to the determination. 15980

**Sec. 5153.111.** (A) (1) The executive director of a public 15981

children services agency shall request the superintendent of the 15982  
bureau of criminal identification and investigation to conduct a 15983  
criminal records check with respect to any applicant who has 15984  
applied to the agency for employment as a person responsible for 15985  
the care, custody, or control of a child. If the applicant does 15986  
not present proof that the applicant has been a resident of this 15987  
state for the five-year period immediately prior to the date 15988  
upon which the criminal records check is requested or does not 15989  
provide evidence that within that five-year period the 15990  
superintendent has requested information about the applicant 15991  
from the federal bureau of investigation in a criminal records 15992  
check, the executive director shall request that the 15993  
superintendent obtain information from the federal bureau of 15994  
investigation as a part of the criminal records check for the 15995  
applicant. If the applicant presents proof that the applicant 15996  
has been a resident of this state for that five-year period, the 15997  
executive director may request that the superintendent include 15998  
information from the federal bureau of investigation in the 15999  
criminal records check. 16000

(2) Any person required by division (A) (1) of this section 16001  
to request a criminal records check shall provide to each 16002  
applicant a copy of the form prescribed pursuant to division (C) 16003  
(1) of section 109.572 of the Revised Code, provide to each 16004  
applicant a standard impression sheet to obtain fingerprint 16005  
impressions prescribed pursuant to division (C) (2) of section 16006  
109.572 of the Revised Code, obtain the completed form and 16007  
impression sheet from each applicant, and forward the completed 16008  
form and impression sheet to the superintendent of the bureau of 16009  
criminal identification and investigation at the time the person 16010  
requests a criminal records check pursuant to division (A) (1) of 16011  
this section. 16012

(3) Any applicant who receives pursuant to division (A) (2) 16013  
of this section a copy of the form prescribed pursuant to 16014  
division (C) (1) of section 109.572 of the Revised Code and a 16015  
copy of an impression sheet prescribed pursuant to division (C) 16016  
(2) of that section and who is requested to complete the form 16017  
and provide a set of fingerprint impressions shall complete the 16018  
form or provide all the information necessary to complete the 16019  
form and shall provide the impression sheet with the impressions 16020  
of the applicant's fingerprints. If an applicant, upon request, 16021  
fails to provide the information necessary to complete the form 16022  
or fails to provide impressions of the applicant's fingerprints, 16023  
that agency shall not employ that applicant for any position for 16024  
which a criminal records check is required by division (A) (1) of 16025  
this section. 16026

(B) (1) Except as provided in rules adopted by the director 16027  
of job and family services in accordance with division (E) of 16028  
this section, no public children services agency shall employ a 16029  
person as a person responsible for the care, custody, or control 16030  
of a child if the person previously has been convicted of or 16031  
pleaded guilty to any of the following: 16032

(a) A violation of section 2903.01, 2903.02, 2903.03, 16033  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 16034  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 16035  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 16036  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 16037  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 16038  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 16039  
2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, or 16040  
3716.11 of the Revised Code, a violation of section 2905.04 of 16041  
the Revised Code as it existed prior to July 1, 1996, a 16042  
violation of section 2919.23 of the Revised Code that would have 16043

been a violation of section 2905.04 of the Revised Code as it 16044  
existed prior to July 1, 1996, had the violation occurred prior 16045  
to that date, a violation of section 2925.11, 2925.111, or 16046  
2925.112 of the Revised Code that is not a minor drug possession 16047  
offense, or felonious sexual penetration in violation of former 16048  
section 2907.12 of the Revised Code; 16049

(b) A violation of an existing or former law of this 16050  
state, any other state, or the United States that is 16051  
substantially equivalent to any of the offenses or violations 16052  
described in division (B) (1) (a) of this section. 16053

(2) A public children services agency may employ an 16054  
applicant conditionally until the criminal records check 16055  
required by this section is completed and the agency receives 16056  
the results of the criminal records check. If the results of the 16057  
criminal records check indicate that, pursuant to division (B) 16058  
(1) of this section, the applicant does not qualify for 16059  
employment, the agency shall release the applicant from 16060  
employment. 16061

(C) (1) Each public children services agency shall pay to 16062  
the bureau of criminal identification and investigation the fee 16063  
prescribed pursuant to division (C) (3) of section 109.572 of the 16064  
Revised Code for each criminal records check conducted in 16065  
accordance with that section upon the request pursuant to 16066  
division (A) (1) of this section of the executive director of the 16067  
agency. 16068

(2) A public children services agency may charge an 16069  
applicant a fee for the costs it incurs in obtaining a criminal 16070  
records check under this section. A fee charged under this 16071  
division shall not exceed the amount of fees the agency pays 16072  
under division (C) (1) of this section. If a fee is charged under 16073

this division, the agency shall notify the applicant at the time 16074  
of the applicant's initial application for employment of the 16075  
amount of the fee and that, unless the fee is paid, the agency 16076  
will not consider the applicant for employment. 16077

(D) The report of any criminal records check conducted by 16078  
the bureau of criminal identification and investigation in 16079  
accordance with section 109.572 of the Revised Code and pursuant 16080  
to a request under division (A) (1) of this section is not a 16081  
public record for the purposes of section 149.43 of the Revised 16082  
Code and shall not be made available to any person other than 16083  
the applicant who is the subject of the criminal records check 16084  
or the applicant's representative, the public children services 16085  
agency requesting the criminal records check or its 16086  
representative, and any court, hearing officer, or other 16087  
necessary individual involved in a case dealing with the denial 16088  
of employment to the applicant. 16089

(E) The director of job and family services shall adopt 16090  
rules pursuant to Chapter 119. of the Revised Code to implement 16091  
this section, including rules specifying circumstances under 16092  
which a public children services agency may hire a person who 16093  
has been convicted of an offense listed in division (B) (1) of 16094  
this section but who meets standards in regard to rehabilitation 16095  
set by the department. 16096

(F) Any person required by division (A) (1) of this section 16097  
to request a criminal records check shall inform each person, at 16098  
the time of the person's initial application for employment, 16099  
that the person is required to provide a set of impressions of 16100  
the person's fingerprints and that a criminal records check is 16101  
required to be conducted and satisfactorily completed in 16102  
accordance with section 109.572 of the Revised Code if the 16103

person comes under final consideration for appointment or 16104  
employment as a precondition to employment for that position. 16105

(G) As used in this section: 16106

(1) "Applicant" means a person who is under final 16107  
consideration for appointment or employment in a position with 16108  
the agency as a person responsible for the care, custody, or 16109  
control of a child. 16110

(2) "Criminal records check" has the same meaning as in 16111  
section 109.572 of the Revised Code. 16112

(3) "Minor drug possession offense" has the same meaning 16113  
as in section 2925.01 of the Revised Code. 16114

**Sec. 5502.13.** The department of public safety shall 16115  
maintain an investigative unit in order to conduct 16116  
investigations and other enforcement activity authorized by 16117  
Chapters 4301., 4303., 5101., 5107., and 5108. and sections 16118  
2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 2921.13, 16119  
2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 2925.111, 16120  
2925.112, 2925.13, 2927.02, and 4507.30 of the Revised Code. The 16121  
director of public safety shall appoint the employees of the 16122  
unit who are necessary, designate the activities to be performed 16123  
by those employees, and prescribe their titles and duties. 16124

**Section 4.** That existing sections 109.572, 128.04, 177.01, 16125  
2152.021, 2152.18, 2743.60, 2923.01, 2923.241, 2923.31, 2923.41, 16126  
2925.02, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 16127  
2925.23, 2925.36, 2925.37, 2925.38, 2925.42, 2925.51, 2927.21, 16128  
2929.141, 2929.18, 2929.25, 2929.34, 2933.51, 2935.36, 2951.041, 16129  
2967.18, 2967.19, 2967.28, 3301.32, 3301.541, 3313.662, 3319.31, 16130  
3319.39, 3712.09, 3719.013, 3719.21, 3719.99, 3721.121, 3734.44, 16131  
3767.01, 4112.02, 4510.17, 4729.99, 4742.03, 5103.0319, 5119.36, 16132

5119.37, 5120.53, 5153.111, and 5502.13 of the Revised Code are  
hereby repealed.

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