

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 699**

**Representatives Seitz, Galonski**

**Cosponsors: Representatives Hillyer, Schmidt, Ray, Smith, K., Sheehy, Addison,  
Upchurch**

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**A BILL**

To amend sections 109.11, 109.57, 109.71, 109.73, 1  
109.75, 109.79, 109.801, 149.43, 307.93, 313.10, 2  
341.42, 753.32, 2151.34, 2151.358, 2746.02, 3  
2903.214, 2907.05, 2923.12, 2923.125, 2923.128, 4  
2923.1213, 2923.16, 2925.11, 2925.12, 2925.14, 5  
2925.141, 2929.01, 2929.13, 2929.14, 2929.20, 6  
2929.34, 2930.03, 2930.06, 2930.16, 2939.21, 7  
2941.1413, 2945.71, 2945.73, 2951.041, 2953.25, 8  
2953.31, 2953.32, 2953.34, 2953.38, 2953.52, 9  
2953.521, 2953.57, 2953.58, 2953.59, 2953.61, 10  
2967.04, 2967.12, 2967.132, 2967.193, 2967.26, 11  
2967.271, 2967.28, 3113.31, 3770.021, 4301.69, 12  
4506.01, 4510.04, 4511.19, 4511.21, 4723.28, 13  
4729.16, 4729.56, 4729.57, 4729.96, 4730.25, 14  
4731.22, 4734.31, 4752.09, 4759.07, 4760.13, 15  
4761.09, 4762.13, 4774.13, 4778.14, 5120.035, 16  
5120.66, 5139.45, 5149.101, and 5149.38; to 17  
amend, for the purpose of adopting new section 18  
numbers as indicated in parentheses, sections 19  
2953.37 (2953.35), 2953.38 (2953.36), 2953.52 20  
(2953.33), and 2953.56 (2953.37); to enact 21  
sections 109.772, 109.773, and 5139.101; and to 22

repeal sections 2953.321, 2953.33, 2953.35, 23  
2953.36, 2953.51, 2953.53, 2953.54, 2953.55, and 24  
2967.19 of the Revised Code to modify various 25  
aspects of the law regarding crimes and 26  
corrections, correctional officers and 27  
employees, coroner records, inmate internet 28  
access, civil protection orders, delinquent 29  
child adjudications, youthful offender parole 30  
review, OVI and other traffic offenses, and 31  
criminal record sealing and expungement. 32

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

**Section 1.** That sections 109.11, 109.57, 109.71, 109.73, 33  
109.75, 109.79, 109.801, 149.43, 307.93, 313.10, 341.42, 753.32, 34  
2151.34, 2151.358, 2746.02, 2903.214, 2907.05, 2923.12, 35  
2923.125, 2923.128, 2923.1213, 2923.16, 2925.11, 2925.12, 36  
2925.14, 2925.141, 2929.01, 2929.13, 2929.14, 2929.20, 2929.34, 37  
2930.03, 2930.06, 2930.16, 2939.21, 2941.1413, 2945.71, 2945.73, 38  
2951.041, 2953.25, 2953.31, 2953.32, 2953.34, 2953.38, 2953.52, 39  
2953.521, 2953.57, 2953.58, 2953.59, 2953.61, 2967.04, 2967.12, 40  
2967.132, 2967.193, 2967.26, 2967.271, 2967.28, 3113.31, 41  
3770.021, 4301.69, 4506.01, 4510.04, 4511.19, 4511.21, 4723.28, 42  
4729.16, 4729.56, 4729.57, 4729.96, 4730.25, 4731.22, 4734.31, 43  
4752.09, 4759.07, 4760.13, 4761.09, 4762.13, 4774.13, 4778.14, 44  
5120.035, 5120.66, 5139.45, 5149.101, and 5149.38 be amended; 45  
sections 2953.37 (2953.35), 2953.38 (2953.36), 2953.52 46  
(2953.33), and 2953.56 (2953.37) be amended for the purpose of 47  
adopting new section numbers as indicated in parentheses; and 48  
sections 109.772, 109.773, and 5139.101 of the Revised Code be 49

enacted to read as follows: 50

**Sec. 109.11.** There is hereby created in the state treasury 51  
the attorney general reimbursement fund that shall be used for 52  
the expenses of the office of the attorney general in providing 53  
legal services and other services on behalf of the state. Except 54  
as otherwise provided in this division, all amounts received by 55  
the attorney general as reimbursement for legal services and 56  
other services that have been rendered to other state agencies 57  
shall be paid into the state treasury to the credit of the 58  
attorney general reimbursement fund. All amounts awarded by a 59  
court to the attorney general for attorney's fees, investigation 60  
costs, expert witness fees, fines, and all other costs and fees 61  
associated with representation provided by the attorney general 62  
and all amounts awarded to the attorney general by a court shall 63  
be paid into the state treasury to the credit of the attorney 64  
general reimbursement fund. All amounts paid into the state 65  
treasury under division ~~(C) (3)~~ (D) (3) of section 2953.32 of the 66  
Revised Code and that are required under that division to be 67  
credited to the attorney general reimbursement fund shall be 68  
credited to the fund, and the amounts so credited shall be used 69  
by the bureau of criminal identification and investigation for 70  
expenses related to the sealing or expungement of records. 71

**Sec. 109.57.** (A) (1) The superintendent of the bureau of 72  
criminal identification and investigation shall procure from 73  
wherever procurable and file for record photographs, pictures, 74  
descriptions, fingerprints, measurements, and other information 75  
that may be pertinent of all persons who have been convicted of 76  
committing within this state a felony, any crime constituting a 77  
misdemeanor on the first offense and a felony on subsequent 78  
offenses, or any misdemeanor described in division (A) (1) (a), 79  
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 80

of all children under eighteen years of age who have been 81  
adjudicated delinquent children for committing within this state 82  
an act that would be a felony or an offense of violence if 83  
committed by an adult or who have been convicted of or pleaded 84  
guilty to committing within this state a felony or an offense of 85  
violence, and of all well-known and habitual criminals. The 86  
person in charge of any county, multicounty, municipal, 87  
municipal-county, or multicounty-municipal jail or workhouse, 88  
community-based correctional facility, halfway house, 89  
alternative residential facility, or state correctional 90  
institution and the person in charge of any state institution 91  
having custody of a person suspected of having committed a 92  
felony, any crime constituting a misdemeanor on the first 93  
offense and a felony on subsequent offenses, or any misdemeanor 94  
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 95  
section 109.572 of the Revised Code or having custody of a child 96  
under eighteen years of age with respect to whom there is 97  
probable cause to believe that the child may have committed an 98  
act that would be a felony or an offense of violence if 99  
committed by an adult shall furnish such material to the 100  
superintendent of the bureau. Fingerprints, photographs, or 101  
other descriptive information of a child who is under eighteen 102  
years of age, has not been arrested or otherwise taken into 103  
custody for committing an act that would be a felony or an 104  
offense of violence who is not in any other category of child 105  
specified in this division, if committed by an adult, has not 106  
been adjudicated a delinquent child for committing an act that 107  
would be a felony or an offense of violence if committed by an 108  
adult, has not been convicted of or pleaded guilty to committing 109  
a felony or an offense of violence, and is not a child with 110  
respect to whom there is probable cause to believe that the 111  
child may have committed an act that would be a felony or an 112

offense of violence if committed by an adult shall not be 113  
procured by the superintendent or furnished by any person in 114  
charge of any county, multicounty, municipal, municipal-county, 115  
or multicounty-municipal jail or workhouse, community-based 116  
correctional facility, halfway house, alternative residential 117  
facility, or state correctional institution, except as 118  
authorized in section 2151.313 of the Revised Code. 119

(2) Every clerk of a court of record in this state, other 120  
than the supreme court or a court of appeals, shall send to the 121  
superintendent of the bureau a weekly report containing a 122  
summary of each case involving a felony, involving any crime 123  
constituting a misdemeanor on the first offense and a felony on 124  
subsequent offenses, involving a misdemeanor described in 125  
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 126  
of the Revised Code, or involving an adjudication in a case in 127  
which a child under eighteen years of age was alleged to be a 128  
delinquent child for committing an act that would be a felony or 129  
an offense of violence if committed by an adult. The clerk of 130  
the court of common pleas shall include in the report and 131  
summary the clerk sends under this division all information 132  
described in divisions (A) (2) (a) to (f) of this section 133  
regarding a case before the court of appeals that is served by 134  
that clerk. The summary shall be written on the standard forms 135  
furnished by the superintendent pursuant to division (B) of this 136  
section and shall include the following information: 137

(a) The incident tracking number contained on the standard 138  
forms furnished by the superintendent pursuant to division (B) 139  
of this section; 140

(b) The style and number of the case; 141

(c) The date of arrest, offense, summons, or arraignment; 142

(d) The date that the person was convicted of or pleaded 143  
guilty to the offense, adjudicated a delinquent child for 144  
committing the act that would be a felony or an offense of 145  
violence if committed by an adult, found not guilty of the 146  
offense, or found not to be a delinquent child for committing an 147  
act that would be a felony or an offense of violence if 148  
committed by an adult, the date of an entry dismissing the 149  
charge, an entry declaring a mistrial of the offense in which 150  
the person is discharged, an entry finding that the person or 151  
child is not competent to stand trial, or an entry of a nolle 152  
prosequi, or the date of any other determination that 153  
constitutes final resolution of the case; 154

(e) A statement of the original charge with the section of 155  
the Revised Code that was alleged to be violated; 156

(f) If the person or child was convicted, pleaded guilty, 157  
or was adjudicated a delinquent child, the sentence or terms of 158  
probation imposed or any other disposition of the offender or 159  
the delinquent child. 160

If the offense involved the disarming of a law enforcement 161  
officer or an attempt to disarm a law enforcement officer, the 162  
clerk shall clearly state that fact in the summary, and the 163  
superintendent shall ensure that a clear statement of that fact 164  
is placed in the bureau's records. 165

(3) The superintendent shall cooperate with and assist 166  
sheriffs, chiefs of police, and other law enforcement officers 167  
in the establishment of a complete system of criminal 168  
identification and in obtaining fingerprints and other means of 169  
identification of all persons arrested on a charge of a felony, 170  
any crime constituting a misdemeanor on the first offense and a 171  
felony on subsequent offenses, or a misdemeanor described in 172

division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 173  
of the Revised Code and of all children under eighteen years of 174  
age arrested or otherwise taken into custody for committing an 175  
act that would be a felony or an offense of violence if 176  
committed by an adult. The superintendent also shall file for 177  
record the fingerprint impressions of all persons confined in a 178  
county, multicounty, municipal, municipal-county, or 179  
multicounty-municipal jail or workhouse, community-based 180  
correctional facility, halfway house, alternative residential 181  
facility, or state correctional institution for the violation of 182  
state laws and of all children under eighteen years of age who 183  
are confined in a county, multicounty, municipal, municipal- 184  
county, or multicounty-municipal jail or workhouse, community- 185  
based correctional facility, halfway house, alternative 186  
residential facility, or state correctional institution or in 187  
any facility for delinquent children for committing an act that 188  
would be a felony or an offense of violence if committed by an 189  
adult, and any other information that the superintendent may 190  
receive from law enforcement officials of the state and its 191  
political subdivisions. 192

(4) The superintendent shall carry out Chapter 2950. of 193  
the Revised Code with respect to the registration of persons who 194  
are convicted of or plead guilty to a sexually oriented offense 195  
or a child-victim oriented offense and with respect to all other 196  
duties imposed on the bureau under that chapter. 197

(5) The bureau shall perform centralized recordkeeping 198  
functions for criminal history records and services in this 199  
state for purposes of the national crime prevention and privacy 200  
compact set forth in section 109.571 of the Revised Code and is 201  
the criminal history record repository as defined in that 202  
section for purposes of that compact. The superintendent or the 203

superintendent's designee is the compact officer for purposes of 204  
that compact and shall carry out the responsibilities of the 205  
compact officer specified in that compact. 206

(6) The superintendent shall, upon request, assist a 207  
county coroner in the identification of a deceased person 208  
through the use of fingerprint impressions obtained pursuant to 209  
division (A)(1) of this section or collected pursuant to section 210  
109.572 or 311.41 of the Revised Code. 211

(B) The superintendent shall prepare and furnish to every 212  
county, multicounty, municipal, municipal-county, or 213  
multicounty-municipal jail or workhouse, community-based 214  
correctional facility, halfway house, alternative residential 215  
facility, or state correctional institution and to every clerk 216  
of a court in this state specified in division (A)(2) of this 217  
section standard forms for reporting the information required 218  
under division (A) of this section. The standard forms that the 219  
superintendent prepares pursuant to this division may be in a 220  
tangible format, in an electronic format, or in both tangible 221  
formats and electronic formats. 222

(C)(1) The superintendent may operate a center for 223  
electronic, automated, or other data processing for the storage 224  
and retrieval of information, data, and statistics pertaining to 225  
criminals and to children under eighteen years of age who are 226  
adjudicated delinquent children for committing an act that would 227  
be a felony or an offense of violence if committed by an adult, 228  
criminal activity, crime prevention, law enforcement, and 229  
criminal justice, and may establish and operate a statewide 230  
communications network to be known as the Ohio law enforcement 231  
gateway to gather and disseminate information, data, and 232  
statistics for the use of law enforcement agencies and for other 233



uses specified in this division. The superintendent may gather, 234  
store, retrieve, and disseminate information, data, and 235  
statistics that pertain to children who are under eighteen years 236  
of age and that are gathered pursuant to sections 109.57 to 237  
109.61 of the Revised Code together with information, data, and 238  
statistics that pertain to adults and that are gathered pursuant 239  
to those sections. 240

(2) The superintendent or the superintendent's designee 241  
shall gather information of the nature described in division (C) 242  
(1) of this section that pertains to the offense and delinquency 243  
history of a person who has been convicted of, pleaded guilty 244  
to, or been adjudicated a delinquent child for committing a 245  
sexually oriented offense or a child-victim oriented offense for 246  
inclusion in the state registry of sex offenders and child- 247  
victim offenders maintained pursuant to division (A) (1) of 248  
section 2950.13 of the Revised Code and in the internet database 249  
operated pursuant to division (A) (13) of that section and for 250  
possible inclusion in the internet database operated pursuant to 251  
division (A) (11) of that section. 252

(3) In addition to any other authorized use of 253  
information, data, and statistics of the nature described in 254  
division (C) (1) of this section, the superintendent or the 255  
superintendent's designee may provide and exchange the 256  
information, data, and statistics pursuant to the national crime 257  
prevention and privacy compact as described in division (A) (5) 258  
of this section. 259

(4) The Ohio law enforcement gateway shall contain the 260  
name, confidential address, and telephone number of program 261  
participants in the address confidentiality program established 262  
under sections 111.41 to 111.47 of the Revised Code. 263

(5) The attorney general may adopt rules under Chapter 264  
119. of the Revised Code establishing guidelines for the 265  
operation of and participation in the Ohio law enforcement 266  
gateway. The rules may include criteria for granting and 267  
restricting access to information gathered and disseminated 268  
through the Ohio law enforcement gateway. The attorney general 269  
shall adopt rules under Chapter 119. of the Revised Code that 270  
grant access to information in the gateway regarding an address 271  
confidentiality program participant under sections 111.41 to 272  
111.47 of the Revised Code to only chiefs of police, village 273  
marshals, county sheriffs, county prosecuting attorneys, and a 274  
designee of each of these individuals. The attorney general 275  
shall permit the state medical board and board of nursing to 276  
access and view, but not alter, information gathered and 277  
disseminated through the Ohio law enforcement gateway. 278

The attorney general may appoint a steering committee to 279  
advise the attorney general in the operation of the Ohio law 280  
enforcement gateway that is comprised of persons who are 281  
representatives of the criminal justice agencies in this state 282  
that use the Ohio law enforcement gateway and is chaired by the 283  
superintendent or the superintendent's designee. 284

(D) (1) The following are not public records under section 285  
149.43 of the Revised Code: 286

(a) Information and materials furnished to the 287  
superintendent pursuant to division (A) of this section; 288

(b) Information, data, and statistics gathered or 289  
disseminated through the Ohio law enforcement gateway pursuant 290  
to division (C) (1) of this section; 291

(c) Information and materials furnished to any board or 292

person under division (F) or (G) of this section. 293

(2) The superintendent or the superintendent's designee 294  
shall gather and retain information so furnished under division 295  
(A) of this section that pertains to the offense and delinquency 296  
history of a person who has been convicted of, pleaded guilty 297  
to, or been adjudicated a delinquent child for committing a 298  
sexually oriented offense or a child-victim oriented offense for 299  
the purposes described in division (C) (2) of this section. 300

(E) (1) The attorney general shall adopt rules, in 301  
accordance with Chapter 119. of the Revised Code and subject to 302  
division (E) (2) of this section, setting forth the procedure by 303  
which a person may receive or release information gathered by 304  
the superintendent pursuant to division (A) of this section. A 305  
reasonable fee may be charged for this service. If a temporary 306  
employment service submits a request for a determination of 307  
whether a person the service plans to refer to an employment 308  
position has been convicted of or pleaded guilty to an offense 309  
listed or described in division (A) (1), (2), or (3) of section 310  
109.572 of the Revised Code, the request shall be treated as a 311  
single request and only one fee shall be charged. 312

(2) Except as otherwise provided in this division or 313  
division (E) (3) or (4) of this section, a rule adopted under 314  
division (E) (1) of this section may provide only for the release 315  
of information gathered pursuant to division (A) of this section 316  
that relates to the conviction of a person, or a person's plea 317  
of guilty to, a criminal offense or to the arrest of a person as 318  
provided in division (E) (3) of this section. The superintendent 319  
shall not release, and the attorney general shall not adopt any 320  
rule under division (E) (1) of this section that permits the 321  
release of, any information gathered pursuant to division (A) of 322

this section that relates to an adjudication of a child as a 323  
delinquent child, or that relates to a criminal conviction of a 324  
person under eighteen years of age if the person's case was 325  
transferred back to a juvenile court under division (B) (2) or 326  
(3) of section 2152.121 of the Revised Code and the juvenile 327  
court imposed a disposition or serious youthful offender 328  
disposition upon the person under either division, unless either 329  
of the following applies with respect to the adjudication or 330  
conviction: 331

(a) The adjudication or conviction was for a violation of 332  
section 2903.01 or 2903.02 of the Revised Code. 333

(b) The adjudication or conviction was for a sexually 334  
oriented offense, the juvenile court was required to classify 335  
the child a juvenile offender registrant for that offense under 336  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 337  
classification has not been removed, and the records of the 338  
adjudication or conviction have not been sealed or expunged 339  
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 340  
pursuant to section ~~2952.32~~ 2953.32 of the Revised Code. 341

(3) A rule adopted under division (E) (1) of this section 342  
may provide for the release of information gathered pursuant to 343  
division (A) of this section that relates to the arrest of a 344  
person who is eighteen years of age or older when the person has 345  
not been convicted as a result of that arrest if any of the 346  
following applies: 347

(a) The arrest was made outside of this state. 348

(b) A criminal action resulting from the arrest is 349  
pending, and the superintendent confirms that the criminal 350  
action has not been resolved at the time the criminal records 351

check is performed. 352

(c) The bureau cannot reasonably determine whether a 353  
criminal action resulting from the arrest is pending, and not 354  
more than one year has elapsed since the date of the arrest. 355

(4) A rule adopted under division (E)(1) of this section 356  
may provide for the release of information gathered pursuant to 357  
division (A) of this section that relates to an adjudication of 358  
a child as a delinquent child if not more than five years have 359  
elapsed since the date of the adjudication, the adjudication was 360  
for an act that would have been a felony if committed by an 361  
adult, the records of the adjudication have not been sealed or 362  
expunged pursuant to sections 2151.355 to 2151.358 of the 363  
Revised Code, and the request for information is made under 364  
division (F) of this section or under section 109.572 of the 365  
Revised Code. In the case of an adjudication for a violation of 366  
the terms of community control or supervised release, the five- 367  
year period shall be calculated from the date of the 368  
adjudication to which the community control or supervised 369  
release pertains. 370

(F)(1) As used in division (F)(2) of this section, "head 371  
start agency" means an entity in this state that has been 372  
approved to be an agency for purposes of subchapter II of the 373  
"Community Economic Development Act," 95 Stat. 489 (1981), 42 374  
U.S.C.A. 9831, as amended. 375

(2)(a) In addition to or in conjunction with any request 376  
that is required to be made under section 109.572, 2151.86, 377  
3301.32, 3301.541, division (C) of section 3310.58, or section 378  
3319.39, 3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 379  
5153.111 of the Revised Code or that is made under section 380  
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 381

board of education of any school district; the director of 382  
developmental disabilities; any county board of developmental 383  
disabilities; any provider or subcontractor as defined in 384  
section 5123.081 of the Revised Code; the chief administrator of 385  
any chartered nonpublic school; the chief administrator of a 386  
registered private provider that is not also a chartered 387  
nonpublic school; the chief administrator of any home health 388  
agency; the chief administrator of or person operating any child 389  
day-care center, type A family day-care home, or type B family 390  
day-care home licensed under Chapter 5104. of the Revised Code; 391  
the chief administrator of any head start agency; the executive 392  
director of a public children services agency; a private company 393  
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 394  
the Revised Code; or an employer described in division (J) (2) of 395  
section 3327.10 of the Revised Code may request that the 396  
superintendent of the bureau investigate and determine, with 397  
respect to any individual who has applied for employment in any 398  
position after October 2, 1989, or any individual wishing to 399  
apply for employment with a board of education may request, with 400  
regard to the individual, whether the bureau has any information 401  
gathered under division (A) of this section that pertains to 402  
that individual. On receipt of the request, subject to division 403  
(E) (2) of this section, the superintendent shall determine 404  
whether that information exists and, upon request of the person, 405  
board, or entity requesting information, also shall request from 406  
the federal bureau of investigation any criminal records it has 407  
pertaining to that individual. The superintendent or the 408  
superintendent's designee also may request criminal history 409  
records from other states or the federal government pursuant to 410  
the national crime prevention and privacy compact set forth in 411  
section 109.571 of the Revised Code. Within thirty days of the 412  
date that the superintendent receives a request, subject to 413

division (E) (2) of this section, the superintendent shall send 414  
to the board, entity, or person a report of any information that 415  
the superintendent determines exists, including information 416  
contained in records that have been sealed under section 2953.32 417  
of the Revised Code, and, within thirty days of its receipt, 418  
subject to division (E) (2) of this section, shall send the 419  
board, entity, or person a report of any information received 420  
from the federal bureau of investigation, other than information 421  
the dissemination of which is prohibited by federal law. 422

(b) When a board of education or a registered private 423  
provider is required to receive information under this section 424  
as a prerequisite to employment of an individual pursuant to 425  
division (C) of section 3310.58 or section 3319.39 of the 426  
Revised Code, it may accept a certified copy of records that 427  
were issued by the bureau of criminal identification and 428  
investigation and that are presented by an individual applying 429  
for employment with the district in lieu of requesting that 430  
information itself. In such a case, the board shall accept the 431  
certified copy issued by the bureau in order to make a photocopy 432  
of it for that individual's employment application documents and 433  
shall return the certified copy to the individual. In a case of 434  
that nature, a district or provider only shall accept a 435  
certified copy of records of that nature within one year after 436  
the date of their issuance by the bureau. 437

(c) Notwithstanding division (F) (2) (a) of this section, in 438  
the case of a request under section 3319.39, 3319.391, or 439  
3327.10 of the Revised Code only for criminal records maintained 440  
by the federal bureau of investigation, the superintendent shall 441  
not determine whether any information gathered under division 442  
(A) of this section exists on the person for whom the request is 443  
made. 444

(3) The state board of education may request, with respect 445  
to any individual who has applied for employment after October 446  
2, 1989, in any position with the state board or the department 447  
of education, any information that a school district board of 448  
education is authorized to request under division (F) (2) of this 449  
section, and the superintendent of the bureau shall proceed as 450  
if the request has been received from a school district board of 451  
education under division (F) (2) of this section. 452

(4) When the superintendent of the bureau receives a 453  
request for information under section 3319.291 of the Revised 454  
Code, the superintendent shall proceed as if the request has 455  
been received from a school district board of education and 456  
shall comply with divisions (F) (2) (a) and (c) of this section. 457

(G) In addition to or in conjunction with any request that 458  
is required to be made under section 3712.09, 3721.121, or 459  
3740.11 of the Revised Code with respect to an individual who 460  
has applied for employment in a position that involves providing 461  
direct care to an older adult or adult resident, the chief 462  
administrator of a home health agency, hospice care program, 463  
home licensed under Chapter 3721. of the Revised Code, or adult 464  
day-care program operated pursuant to rules adopted under 465  
section 3721.04 of the Revised Code may request that the 466  
superintendent of the bureau investigate and determine, with 467  
respect to any individual who has applied after January 27, 468  
1997, for employment in a position that does not involve 469  
providing direct care to an older adult or adult resident, 470  
whether the bureau has any information gathered under division 471  
(A) of this section that pertains to that individual. 472

In addition to or in conjunction with any request that is 473  
required to be made under section 173.27 of the Revised Code 474



with respect to an individual who has applied for employment in 475  
a position that involves providing ombudsman services to 476  
residents of long-term care facilities or recipients of 477  
community-based long-term care services, the state long-term 478  
care ombudsman, the director of aging, a regional long-term care 479  
ombudsman program, or the designee of the ombudsman, director, 480  
or program may request that the superintendent investigate and 481  
determine, with respect to any individual who has applied for 482  
employment in a position that does not involve providing such 483  
ombudsman services, whether the bureau has any information 484  
gathered under division (A) of this section that pertains to 485  
that applicant. 486

In addition to or in conjunction with any request that is 487  
required to be made under section 173.38 of the Revised Code 488  
with respect to an individual who has applied for employment in 489  
a direct-care position, the chief administrator of a provider, 490  
as defined in section 173.39 of the Revised Code, may request 491  
that the superintendent investigate and determine, with respect 492  
to any individual who has applied for employment in a position 493  
that is not a direct-care position, whether the bureau has any 494  
information gathered under division (A) of this section that 495  
pertains to that applicant. 496

In addition to or in conjunction with any request that is 497  
required to be made under section 3712.09 of the Revised Code 498  
with respect to an individual who has applied for employment in 499  
a position that involves providing direct care to a pediatric 500  
respite care patient, the chief administrator of a pediatric 501  
respite care program may request that the superintendent of the 502  
bureau investigate and determine, with respect to any individual 503  
who has applied for employment in a position that does not 504  
involve providing direct care to a pediatric respite care 505

patient, whether the bureau has any information gathered under 506  
division (A) of this section that pertains to that individual. 507

On receipt of a request under this division, the 508  
superintendent shall determine whether that information exists 509  
and, on request of the individual requesting information, shall 510  
also request from the federal bureau of investigation any 511  
criminal records it has pertaining to the applicant. The 512  
superintendent or the superintendent's designee also may request 513  
criminal history records from other states or the federal 514  
government pursuant to the national crime prevention and privacy 515  
compact set forth in section 109.571 of the Revised Code. Within 516  
thirty days of the date a request is received, subject to 517  
division (E) (2) of this section, the superintendent shall send 518  
to the requester a report of any information determined to 519  
exist, including information contained in records that have been 520  
sealed under section 2953.32 of the Revised Code, and, within 521  
thirty days of its receipt, shall send the requester a report of 522  
any information received from the federal bureau of 523  
investigation, other than information the dissemination of which 524  
is prohibited by federal law. 525

(H) Information obtained by a government entity or person 526  
under this section is confidential and shall not be released or 527  
disseminated. 528

(I) The superintendent may charge a reasonable fee for 529  
providing information or criminal records under division (F) (2) 530  
or (G) of this section. 531

(J) As used in this section: 532

(1) "Pediatric respite care program" and "pediatric care 533  
patient" have the same meanings as in section 3712.01 of the 534

Revised Code.	535
(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.	536 537 538
(3) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	539 540 541 542 543 544
<b>Sec. 109.71.</b> There is hereby created in the office of the attorney general the Ohio peace officer training commission. The commission shall consist of nine members appointed by the governor with the advice and consent of the senate and selected as follows: one member representing the public; two members who are incumbent sheriffs; two members who are incumbent chiefs of police; one member from the bureau of criminal identification and investigation; one member from the state highway patrol; one member who is the special agent in charge of a field office of the federal bureau of investigation in this state; and one member from the department of education, trade and industrial education services, law enforcement training.	545 546 547 548 549 550 551 552 553 554 555 556
This section does not confer any arrest authority or any ability or authority to detain a person, write or issue any citation, or provide any disposition alternative, as granted under Chapter 2935. of the Revised Code.	557 558 559 560
Pursuant to division (A) (9) of section 101.82 of the Revised Code, the commission is exempt from the requirements of sections 101.82 to 101.87 of the Revised Code.	561 562 563

As used in sections 109.71 to 109.801 of the Revised Code:	564
(A) "Peace officer" means:	565
(1) A deputy sheriff, marshal, deputy marshal, member of the organized police department of a township or municipal corporation, member of a township police district or joint police district police force, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, or township constable, who is commissioned and employed as a peace officer by a political subdivision of this state or by a metropolitan housing authority, and whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws of this state, ordinances of a municipal corporation, resolutions of a township, or regulations of a board of county commissioners or board of township trustees, or any of those laws, ordinances, resolutions, or regulations;	566 567 568 569 570 571 572 573 574 575 576 577 578 579
(2) A police officer who is employed by a railroad company and appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code;	580 581 582
(3) Employees of the department of taxation engaged in the enforcement of Chapter 5743. of the Revised Code and designated by the tax commissioner for peace officer training for purposes of the delegation of investigation powers under section 5743.45 of the Revised Code;	583 584 585 586 587
(4) An undercover drug agent;	588
(5) Enforcement agents of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	589 590 591
(6) An employee of the department of natural resources who	592

is a natural resources law enforcement staff officer designated 593  
pursuant to section 1501.013, a natural resources officer 594  
appointed pursuant to section 1501.24, a forest-fire 595  
investigator appointed pursuant to section 1503.09, or a 596  
wildlife officer designated pursuant to section 1531.13 of the 597  
Revised Code; 598

(7) An employee of a park district who is designated 599  
pursuant to section 511.232 or 1545.13 of the Revised Code; 600

(8) An employee of a conservancy district who is 601  
designated pursuant to section 6101.75 of the Revised Code; 602

(9) A police officer who is employed by a hospital that 603  
employs and maintains its own proprietary police department or 604  
security department, and who is appointed and commissioned by 605  
the secretary of state pursuant to sections 4973.17 to 4973.22 606  
of the Revised Code; 607

(10) Veterans' homes police officers designated under 608  
section 5907.02 of the Revised Code; 609

(11) A police officer who is employed by a qualified 610  
nonprofit corporation police department pursuant to section 611  
1702.80 of the Revised Code; 612

(12) A state university law enforcement officer appointed 613  
under section 3345.04 of the Revised Code or a person serving as 614  
a state university law enforcement officer on a permanent basis 615  
on June 19, 1978, who has been awarded a certificate by the 616  
executive director of the Ohio peace officer training commission 617  
attesting to the person's satisfactory completion of an approved 618  
state, county, municipal, or department of natural resources 619  
peace officer basic training program; 620

(13) A special police officer employed by the department 621

of mental health and addiction services pursuant to section 622  
5119.08 of the Revised Code or the department of developmental 623  
disabilities pursuant to section 5123.13 of the Revised Code; 624

(14) A member of a campus police department appointed 625  
under section 1713.50 of the Revised Code; 626

(15) A member of a police force employed by a regional 627  
transit authority under division (Y) of section 306.35 of the 628  
Revised Code; 629

(16) Investigators appointed by the auditor of state 630  
pursuant to section 117.091 of the Revised Code and engaged in 631  
the enforcement of Chapter 117. of the Revised Code; 632

(17) A special police officer designated by the 633  
superintendent of the state highway patrol pursuant to section 634  
5503.09 of the Revised Code or a person who was serving as a 635  
special police officer pursuant to that section on a permanent 636  
basis on October 21, 1997, and who has been awarded a 637  
certificate by the executive director of the Ohio peace officer 638  
training commission attesting to the person's satisfactory 639  
completion of an approved state, county, municipal, or 640  
department of natural resources peace officer basic training 641  
program; 642

(18) A special police officer employed by a port authority 643  
under section 4582.04 or 4582.28 of the Revised Code or a person 644  
serving as a special police officer employed by a port authority 645  
on a permanent basis on May 17, 2000, who has been awarded a 646  
certificate by the executive director of the Ohio peace officer 647  
training commission attesting to the person's satisfactory 648  
completion of an approved state, county, municipal, or 649  
department of natural resources peace officer basic training 650

program; 651

(19) A special police officer employed by a municipal 652  
corporation who has been awarded a certificate by the executive 653  
director of the Ohio peace officer training commission for 654  
satisfactory completion of an approved peace officer basic 655  
training program and who is employed on a permanent basis on or 656  
after March 19, 2003, at a municipal airport, or other municipal 657  
air navigation facility, that has scheduled operations, as 658  
defined in section 119.3 of Title 14 of the Code of Federal 659  
Regulations, 14 C.F.R. 119.3, as amended, and that is required 660  
to be under a security program and is governed by aviation 661  
security rules of the transportation security administration of 662  
the United States department of transportation as provided in 663  
Parts 1542. and 1544. of Title 49 of the Code of Federal 664  
Regulations, as amended; 665

(20) A police officer who is employed by an owner or 666  
operator of an amusement park that has an average yearly 667  
attendance in excess of six hundred thousand guests and that 668  
employs and maintains its own proprietary police department or 669  
security department, and who is appointed and commissioned by a 670  
judge of the appropriate municipal court or county court 671  
pursuant to section 4973.17 of the Revised Code; 672

(21) A police officer who is employed by a bank, savings 673  
and loan association, savings bank, credit union, or association 674  
of banks, savings and loan associations, savings banks, or 675  
credit unions, who has been appointed and commissioned by the 676  
secretary of state pursuant to sections 4973.17 to 4973.22 of 677  
the Revised Code, and who has been awarded a certificate by the 678  
executive director of the Ohio peace officer training commission 679  
attesting to the person's satisfactory completion of a state, 680

county, municipal, or department of natural resources peace officer basic training program; 681  
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(22) An investigator, as defined in section 109.541 of the Revised Code, of the bureau of criminal identification and investigation who is commissioned by the superintendent of the bureau as a special agent for the purpose of assisting law enforcement officers or providing emergency assistance to peace officers pursuant to authority granted under that section; 683  
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(23) A state fire marshal law enforcement officer appointed under section 3737.22 of the Revised Code or a person serving as a state fire marshal law enforcement officer on a permanent basis on or after July 1, 1982, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program; 689  
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(24) A gaming agent employed under section 3772.03 of the Revised Code; 698  
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(25) An employee of the state board of pharmacy designated by the executive director of the board pursuant to section 4729.04 of the Revised Code to investigate violations of Chapters 2925., 3715., 3719., 3796., 4729., and 4752. of the Revised Code and rules adopted thereunder. 700  
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(B) "Undercover drug agent" has the same meaning as in division (B)(2) of section 109.79 of the Revised Code. 705  
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(C) "Crisis intervention training" means training in the use of interpersonal and communication skills to most effectively and sensitively interview victims of rape. 707  
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(D) "Missing children" has the same meaning as in section 2901.30 of the Revised Code.	710 711
(E) "Tactical medical professional" means an EMT, EMT-basic, AEMT, EMT-I, paramedic, nurse, or physician who is trained and certified in a nationally recognized tactical medical training program that is equivalent to "tactical combat casualty care" (TCCC) and "tactical emergency medical support" (TEMS) and who functions in the tactical or austere environment while attached to a law enforcement agency of either this state or a political subdivision of this state.	712 713 714 715 716 717 718 719
(F) "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code and "EMT" and "AEMT" have the same meanings as in section 4765.011 of the Revised Code.	720 721 722 723
(G) "Nurse" means any of the following:	724
(1) Any person who is licensed to practice nursing as a registered nurse by the board of nursing;	725 726
(2) Any certified nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, or certified nurse-midwife who holds a certificate of authority issued by the board of nursing under Chapter 4723. of the Revised Code;	727 728 729 730
(3) Any person who is licensed to practice nursing as a licensed practical nurse by the board of nursing pursuant to Chapter 4723. of the Revised Code.	731 732 733
(H) "Physician" means a person who is licensed pursuant to Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	734 735 736
<u>(I) "County correctional officer" has the same meaning as</u>	737

in section 341.41 of the Revised Code. 738

**Sec. 109.73.** (A) The Ohio peace officer training 739  
commission shall recommend rules to the attorney general with 740  
respect to all of the following: 741

(1) The approval, or revocation of approval, of peace 742  
officer training schools administered by the state, counties, 743  
municipal corporations, public school districts, technical 744  
college districts, and the department of natural resources; 745

(2) Minimum courses of study, attendance requirements, and 746  
equipment and facilities to be required at approved state, 747  
county, municipal, and department of natural resources peace 748  
officer training schools; 749

(3) Minimum qualifications for instructors at approved 750  
state, county, municipal, and department of natural resources 751  
peace officer training schools; 752

(4) The requirements of minimum basic training that peace 753  
officers appointed to probationary terms shall complete before 754  
being eligible for permanent appointment, which requirements 755  
shall include training in the handling of the offense of 756  
domestic violence, other types of domestic violence-related 757  
offenses and incidents, and protection orders and consent 758  
agreements issued or approved under section 2919.26 or 3113.31 759  
of the Revised Code; crisis intervention training; and training 760  
in the handling of missing children and child abuse and neglect 761  
cases; and training in handling violations of section 2905.32 of 762  
the Revised Code; and the time within which such basic training 763  
shall be completed following appointment to a probationary term; 764

(5) The requirements of minimum basic training that peace 765  
officers not appointed for probationary terms but appointed on 766

other than a permanent basis shall complete in order to be 767  
eligible for continued employment or permanent appointment, 768  
which requirements shall include training in the handling of the 769  
offense of domestic violence, other types of domestic violence- 770  
related offenses and incidents, and protection orders and 771  
consent agreements issued or approved under section 2919.26 or 772  
3113.31 of the Revised Code, crisis intervention training, and 773  
training in the handling of missing children and child abuse and 774  
neglect cases, and training in handling violations of section 775  
2905.32 of the Revised Code, and the time within which such 776  
basic training shall be completed following appointment on other 777  
than a permanent basis; 778

(6) Categories or classifications of advanced in-service 779  
training programs for peace officers, including programs in the 780  
handling of the offense of domestic violence, other types of 781  
domestic violence-related offenses and incidents, and protection 782  
orders and consent agreements issued or approved under section 783  
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 784  
and in the handling of missing children and child abuse and 785  
neglect cases, and in handling violations of section 2905.32 of 786  
the Revised Code, and minimum courses of study and attendance 787  
requirements with respect to such categories or classifications; 788

(7) Permitting persons, who are employed as members of a 789  
campus police department appointed under section 1713.50 of the 790  
Revised Code; who are employed as police officers by a qualified 791  
nonprofit corporation police department pursuant to section 792  
1702.80 of the Revised Code; who are appointed and commissioned 793  
as bank, savings and loan association, savings bank, credit 794  
union, or association of banks, savings and loan associations, 795  
savings banks, or credit unions police officers, as railroad 796  
police officers, or as hospital police officers pursuant to 797

sections 4973.17 to 4973.22 of the Revised Code; or who are 798  
appointed and commissioned as amusement park police officers 799  
pursuant to section 4973.17 of the Revised Code, to attend 800  
approved peace officer training schools, including the Ohio 801  
peace officer training academy, and to receive certificates of 802  
satisfactory completion of basic training programs, if the 803  
private college or university that established the campus police 804  
department; qualified nonprofit corporation police department; 805  
bank, savings and loan association, savings bank, credit union, 806  
or association of banks, savings and loan associations, savings 807  
banks, or credit unions; railroad company; hospital; or 808  
amusement park sponsoring the police officers pays the entire 809  
cost of the training and certification and if trainee vacancies 810  
are available; 811

(8) Permitting undercover drug agents to attend approved 812  
peace officer training schools, other than the Ohio peace 813  
officer training academy, and to receive certificates of 814  
satisfactory completion of basic training programs, if, for each 815  
undercover drug agent, the county, township, or municipal 816  
corporation that employs that undercover drug agent pays the 817  
entire cost of the training and certification; 818

(9) (a) The requirements for basic training programs for 819  
bailiffs and deputy bailiffs of courts of record of this state 820  
and for criminal investigators employed by the state public 821  
defender that those persons shall complete before they may carry 822  
a firearm while on duty; 823

(b) The requirements for any training received by a 824  
bailiff or deputy bailiff of a court of record of this state or 825  
by a criminal investigator employed by the state public defender 826  
prior to June 6, 1986, that is to be considered equivalent to 827

the training described in division (A) (9) (a) of this section.	828
(10) Establishing minimum qualifications and requirements for certification for dogs utilized by law enforcement agencies;	829 830
(11) Establishing minimum requirements for certification of persons who are employed as correction officers in a full-service jail, five-day facility, or eight-hour holding facility or who provide correction services in such a jail or facility;	831 832 833 834
(12) Establishing requirements for the training of humane society agents under section 1717.061 of the Revised Code, including, without limitation, a requirement that the agents receive instruction on traditional animal husbandry methods and training techniques, including customary owner-performed practices;	835 836 837 838 839 840
(13) Permitting tactical medical professionals to attend approved peace officer training schools, including the Ohio peace officer training academy, to receive training of the type described in division (A) (14) of this section and to receive certificates of satisfactory completion of training programs described in that division;	841 842 843 844 845 846
(14) The requirements for training programs that tactical medical professionals shall complete to qualify them to carry firearms while on duty under section 109.771 of the Revised Code, which requirements shall include at least the firearms training specified in division (A) of section 109.748 of the Revised Code;	847 848 849 850 851 852
(15) Procedures and requirements for a portion of basic training that peace officers complete in proper interactions with civilians during traffic stops and other in-person encounters as specified in division (B) (4) of section 109.803 of	853 854 855 856

the Revised Code and including the topics of instruction listed 857  
for active duty peace officers under divisions (B) (4) (a) to (d) 858  
of that section; 859

(16) Permitting county correctional officers to attend 860  
approved peace officer training schools, including the Ohio 861  
peace officer training academy, to receive training of the type 862  
described in division (A) (17) of this section, and to receive 863  
certificates of satisfactory completion of basic training 864  
programs described in that division; 865

(17) The requirements for basic training programs that 866  
county correctional officers shall complete to qualify them to 867  
carry firearms while on duty under section 109.772 of the 868  
Revised Code, which requirements shall include the firearms 869  
training specified in section 109.773 of the Revised Code. 870

(B) The commission shall appoint an executive director, 871  
with the approval of the attorney general, who shall hold office 872  
during the pleasure of the commission. The executive director 873  
shall perform such duties assigned by the commission. The 874  
executive director shall receive a salary fixed pursuant to 875  
Chapter 124. of the Revised Code and reimbursement for expenses 876  
within the amounts available by appropriation. The executive 877  
director may appoint officers, employees, agents, and 878  
consultants as the executive director considers necessary, 879  
prescribe their duties, and provide for reimbursement of their 880  
expenses within the amounts available for reimbursement by 881  
appropriation and with the approval of the commission. 882

(C) The commission may do all of the following: 883

(1) Recommend studies, surveys, and reports to be made by 884  
the executive director regarding the carrying out of the 885

objectives and purposes of sections 109.71 to 109.77 of the Revised Code; 886  
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(2) Visit and inspect any peace officer training school that has been approved by the executive director or for which application for approval has been made; 888  
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(3) Make recommendations, from time to time, to the executive director, the attorney general, and the general assembly regarding the carrying out of the purposes of sections 109.71 to 109.77 of the Revised Code; 891  
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(4) Report to the attorney general from time to time, and to the governor and the general assembly at least annually, concerning the activities of the commission; 895  
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(5) Establish fees for the services the commission offers under sections 109.71 to 109.79 of the Revised Code, including, but not limited to, fees for training, certification, and testing; 898  
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(6) Perform such other acts as are necessary or appropriate to carry out the powers and duties of the commission as set forth in sections 109.71 to 109.77 of the Revised Code. 902  
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(D) In establishing the requirements, under division (A) (12) of this section, the commission may consider any portions of the curriculum for instruction on the topic of animal husbandry practices, if any, of the Ohio state university college of veterinary medicine. No person or entity that fails to provide instruction on traditional animal husbandry methods and training techniques, including customary owner-performed practices, shall qualify to train a humane society agent for appointment under section 1717.06 of the Revised Code. 905  
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**Sec. 109.75.** The executive director of the Ohio peace 914

officer training commission, on behalf of the commission, shall 915  
have the following powers and duties, which shall be exercised 916  
with the general advice of the commission and only in accordance 917  
with section 109.751 of the Revised Code and the rules adopted 918  
pursuant to that section, and with the rules adopted by the 919  
attorney general pursuant to sections 109.74, 109.741, 109.742, 920  
and 109.743 of the Revised Code: 921

(A) To approve peace officer training schools and firearms 922  
requalification programs administered by the state, counties, 923  
municipal corporations, and the department of natural resources, 924  
to issue certificates of approval to approved schools, and to 925  
revoke an approval or certificate; 926

(B) To certify, as qualified, instructors at approved 927  
peace officer training schools, to issue appropriate 928  
certificates to these instructors, and to revoke for good cause 929  
shown certificates of these instructors; 930

(C) To certify, as qualified, commanders at approved peace 931  
officer training schools, to issue appropriate certificates to 932  
these commanders, and to revoke for good cause shown 933  
certificates of these commanders. As used in this division, 934  
"commander" means the director or other head of an approved 935  
peace officer training school. 936

(D) To certify peace officers and sheriffs who have 937  
satisfactorily completed basic training programs and to issue 938  
appropriate certificates to these peace officers and sheriffs; 939

(E) To cause studies and surveys to be made relating to 940  
the establishment, operation, and approval of state, county, and 941  
municipal peace officer training schools; 942

(F) To consult and cooperate with state, county, and 943



municipal peace officer training schools for the development of	944
advanced in-service training programs for peace officers;	945
(G) To consult and cooperate with universities, colleges,	946
and institutes for the development of specialized courses of	947
study in the state for peace officers in police science and	948
police administration;	949
(H) To consult and cooperate with other departments and	950
agencies of the state and federal government concerned with	951
peace officer training;	952
(I) To perform any other acts that may be necessary or	953
appropriate to carry out the executive director's powers and	954
duties as set forth in sections 109.71 to 109.77 of the Revised	955
Code;	956
(J) To report to the commission at each regular meeting of	957
the commission and at any other times that the commission may	958
require;	959
(K) To certify persons who have satisfactorily completed	960
approved training programs for correction officers in full-	961
service jails, five-day facilities, or eight-hour holding	962
facilities or approved training programs for others who provide	963
correction services in those jails or facilities and to issue	964
appropriate certificates to those persons;	965
(L) To maintain any records associated with the powers and	966
duties set forth in this section. Certification examinations,	967
either before or after completion, are not public records for	968
purposes of section 149.43 of the Revised Code, but the results	969
of such examinations are public records under that section;	970
(M) To certify tactical medical professionals who have	971
satisfactorily completed approved training programs that qualify	972

them to carry firearms while on duty under section 109.771 of 973  
the Revised Code and to issue appropriate certificates to such 974  
professionals; 975

(N) To certify county correctional officers who have 976  
satisfactorily completed approved basic training programs that 977  
qualify them to carry firearms while on duty under section 978  
109.772 of the Revised Code and to issue appropriate 979  
certificates to such county correctional officers. 980

**Sec. 109.772.** (A) A county correctional officer may carry 981  
firearms while on duty in the same manner, to the same extent, 982  
and in the same areas as a law enforcement officer of the law 983  
enforcement agency with jurisdiction over the place at which the 984  
county jail, county workhouse, minimum security jail, joint city 985  
and county workhouse, municipal-county correctional center, 986  
multicounty-municipal correctional center, municipal-county jail 987  
or workhouse, or multicounty-municipal jail or workhouse is 988  
located, if all of the following apply: 989

(1) The person in charge of the county jail, county 990  
workhouse, minimum security jail, joint city and county 991  
workhouse, municipal-county correctional center, multicounty- 992  
municipal correctional center, municipal-county jail or 993  
workhouse, or multicounty-municipal jail or workhouse has 994  
specifically authorized the county correctional officer to carry 995  
firearms while on duty. 996

(2) The county correctional officer has done or received 997  
one of the following: 998

(a) The county correctional officer has been awarded a 999  
certificate by the executive director of the Ohio peace officer 1000  
training commission, which certificate attests to satisfactory 1001

completion of an approved state, county, or municipal basic 1002  
training program or a program at the Ohio peace officer training 1003  
academy that qualifies the county correctional officer to carry 1004  
firearms while on duty and that conforms to the rules adopted 1005  
under section 109.773 of the Revised Code. 1006

(b) Prior to or during employment as a county correctional 1007  
officer and prior to the effective date of this section, the 1008  
county correctional officer has successfully completed a 1009  
firearms training program, other than one described in division 1010  
(A) (2) (a) of this section, that was approved by the Ohio peace 1011  
officer training commission. 1012

(B) A county correctional officer to whom division (A) of 1013  
this section applies and who is carrying one or more firearms 1014  
under authority of that division has protection from potential 1015  
civil or criminal liability for any conduct occurring while 1016  
carrying the firearm or firearms to the same extent as a law 1017  
enforcement officer of the law enforcement agency with 1018  
jurisdiction over the place at which the county jail, county 1019  
workhouse, minimum security jail, joint city and county 1020  
workhouse, municipal-county correctional center, multicounty- 1021  
municipal correctional center, municipal-county jail or 1022  
workhouse, or multicounty-municipal jail or workhouse is located 1023  
has such protection. 1024

**Sec. 109.773.** The attorney general shall adopt, in 1025  
accordance with Chapter 119. or pursuant to section 109.74 of 1026  
the Revised Code, rules authorizing and governing the attendance 1027  
of county correctional officers at approved peace officer 1028  
training schools, including the Ohio peace officer training 1029  
academy, to receive training to qualify them to carry firearms 1030  
while on duty under section 109.771 of the Revised Code, and the 1031

certification of the county correctional officers upon their 1032  
satisfactory completion of training programs providing that 1033  
training. 1034

**Sec. 109.79.** (A) The Ohio peace officer training 1035  
commission shall establish and conduct a training school for law 1036  
enforcement officers of any political subdivision of the state 1037  
or of the state public defender's office. The school shall be 1038  
known as the Ohio peace officer training academy. No bailiff or 1039  
deputy bailiff of a court of record of this state and no 1040  
criminal investigator employed by the state public defender 1041  
shall be permitted to attend the academy for training unless the 1042  
employing court of the bailiff or deputy bailiff or the state 1043  
public defender, whichever is applicable, has authorized the 1044  
bailiff, deputy bailiff, or investigator to attend the academy. 1045

The Ohio peace officer training commission shall develop 1046  
the training program, which shall include courses in both the 1047  
civil and criminal functions of law enforcement officers, a 1048  
course in crisis intervention with six or more hours of 1049  
training, training in the handling of missing children and child 1050  
abuse and neglect cases, and training on companion animal 1051  
encounters and companion animal behavior, and shall establish 1052  
rules governing qualifications for admission to the academy. The 1053  
commission may require competitive examinations to determine 1054  
fitness of prospective trainees, so long as the examinations or 1055  
other criteria for admission to the academy are consistent with 1056  
the provisions of Chapter 124. of the Revised Code. 1057

The Ohio peace officer training commission shall determine 1058  
tuition costs sufficient in the aggregate to pay the costs of 1059  
operating the academy. Tuition paid by a political subdivision 1060  
of the state or by the state public defender's office shall be 1061

deposited into the state treasury to the credit of the peace 1062  
officer training academy fee fund, which is hereby established. 1063  
The attorney general shall use money in the fund to pay costs 1064  
associated with operation of the academy. The costs of acquiring 1065  
and equipping the academy shall be paid from appropriations made 1066  
by the general assembly to the Ohio peace officer training 1067  
commission for that purpose, from gifts or grants received for 1068  
that purpose, or from fees for goods related to the academy. 1069

The Ohio peace officer training commission shall create a 1070  
gaming-related curriculum for gaming agents. The Ohio peace 1071  
officer training commission shall use money distributed to the 1072  
Ohio peace officer training academy from the Ohio law 1073  
enforcement training fund to first support the academy's 1074  
training programs for gaming agents and gaming-related 1075  
curriculum. The Ohio peace officer training commission may 1076  
utilize existing training programs in other states that 1077  
specialize in training gaming agents. 1078

The law enforcement officers, during the period of their 1079  
training, shall receive compensation as determined by the 1080  
political subdivision that sponsors them or, if the officer is a 1081  
criminal investigator employed by the state public defender, as 1082  
determined by the state public defender. The political 1083  
subdivision may pay the tuition costs of the law enforcement 1084  
officers they sponsor and the state public defender may pay the 1085  
tuition costs of criminal investigators of that office who 1086  
attend the academy. 1087

If trainee vacancies exist, the academy may train and 1088  
issue certificates of satisfactory completion to peace officers 1089  
who are employed by a campus police department pursuant to 1090  
section 1713.50 of the Revised Code, by a qualified nonprofit 1091

corporation police department pursuant to section 1702.80 of the 1092  
Revised Code, or by a railroad company, who are amusement park 1093  
police officers appointed and commissioned by a judge of the 1094  
appropriate municipal court or county court pursuant to section 1095  
4973.17 of the Revised Code, or who are bank, savings and loan 1096  
association, savings bank, credit union, or association of 1097  
banks, savings and loan associations, savings banks, or credit 1098  
unions, or hospital police officers appointed and commissioned 1099  
by the secretary of state pursuant to sections 4973.17 to 1100  
4973.22 of the Revised Code, provided that no such officer shall 1101  
be trained at the academy unless the officer meets the 1102  
qualifications established for admission to the academy and the 1103  
qualified nonprofit corporation police department; bank, savings 1104  
and loan association, savings bank, credit union, or association 1105  
of banks, savings and loan associations, savings banks, or 1106  
credit unions; railroad company; hospital; or amusement park or 1107  
the private college or university that established the campus 1108  
police department prepays the entire cost of the training. A 1109  
qualified nonprofit corporation police department; bank, savings 1110  
and loan association, savings bank, credit union, or association 1111  
of banks, savings and loan associations, savings banks, or 1112  
credit unions; railroad company; hospital; or amusement park or 1113  
a private college or university that has established a campus 1114  
police department is not entitled to reimbursement from the 1115  
state for any amount paid for the cost of training the bank, 1116  
savings and loan association, savings bank, credit union, or 1117  
association of banks, savings and loan associations, savings 1118  
banks, or credit unions peace officers; the railroad company's 1119  
peace officers; or the peace officers of the qualified nonprofit 1120  
corporation police department, campus police department, 1121  
hospital, or amusement park. 1122

The academy shall permit investigators employed by the 1123  
state medical board to take selected courses that the board 1124  
determines are consistent with its responsibilities for initial 1125  
and continuing training of investigators as required under 1126  
sections 4730.26 and 4731.05 of the Revised Code. The board 1127  
shall pay the entire cost of training that investigators receive 1128  
at the academy. 1129

The academy shall permit tactical medical professionals to 1130  
attend training courses at the academy that are designed to 1131  
qualify the professionals to carry firearms while on duty under 1132  
section 109.771 of the Revised Code and that provide training 1133  
comparable to training mandated under the rules required by 1134  
division (A) of section 109.748 of the Revised Code. The 1135  
executive director of the Ohio peace officer training commission 1136  
may certify tactical medical professionals who satisfactorily 1137  
complete the training courses. The law enforcement agency served 1138  
by a tactical medical professional who attends the academy may 1139  
pay the tuition costs of the professional. 1140

The academy shall permit county correctional officers to 1141  
attend training courses at the academy that are designed to 1142  
qualify the county correctional officers to carry firearms while 1143  
on duty under section 109.772 of the Revised Code and that 1144  
provide training mandated under the rules required by section 1145  
109.773 of the Revised Code. The executive director of the Ohio 1146  
peace officer training commission may certify county 1147  
correctional officers who satisfactorily complete the training 1148  
courses. The county jail, county workhouse, minimum security 1149  
jail, joint city and county workhouse, municipal-county 1150  
correctional center, multicounty-municipal correctional center, 1151  
municipal-county jail or workhouse, or multicounty-municipal 1152  
jail or workhouse served by the county correctional officer who 1153

attends the academy may pay the tuition costs of the county 1154  
correctional officer. 1155

(B) As used in this section: 1156

(1) "Law enforcement officers" include any undercover drug 1157  
agent, any bailiff or deputy bailiff of a court of record, and 1158  
any criminal investigator who is employed by the state public 1159  
defender. 1160

(2) "Undercover drug agent" means any person who: 1161

(a) Is employed by a county, township, or municipal 1162  
corporation for the purposes set forth in division (B) (2) (b) of 1163  
this section but who is not an employee of a county sheriff's 1164  
department, of a township constable, or of the police department 1165  
of a municipal corporation or township; 1166

(b) In the course of the person's employment by a county, 1167  
township, or municipal corporation, investigates and gathers 1168  
information pertaining to persons who are suspected of violating 1169  
Chapter 2925. or 3719. of the Revised Code, and generally does 1170  
not wear a uniform in the performance of the person's duties. 1171

(3) "Crisis intervention training" has the same meaning as 1172  
in section 109.71 of the Revised Code. 1173

(4) "Missing children" has the same meaning as in section 1174  
2901.30 of the Revised Code. 1175

(5) "Companion animal" has the same meaning as in section 1176  
959.131 of the Revised Code. 1177

**Sec. 109.801.** (A) (1) Each year, any of the following 1178  
persons who are authorized to carry firearms in the course of 1179  
their official duties shall complete successfully a firearms 1180  
requalification program approved by the executive director of 1181



the Ohio peace officer training commission in accordance with 1182  
rules adopted by the attorney general pursuant to section 1183  
109.743 of the Revised Code: any peace officer, sheriff, chief 1184  
of police of an organized police department of a municipal 1185  
corporation or township, chief of police of a township police 1186  
district or joint police district police force, superintendent 1187  
of the state highway patrol, state highway patrol trooper, or 1188  
chief of police of a university or college police department; 1189  
any parole or probation officer who carries a firearm in the 1190  
course of official duties; any ~~corrections~~ county correctional 1191  
~~officer of a multicounty correctional center, or of a municipal-~~ 1192  
~~county or multicounty municipal correctional center, established~~ 1193  
~~under section 307.93 of the Revised Code who carries a firearm~~ 1194  
~~in the course of official duties;~~ the house of representatives 1195  
sergeant at arms if the house of representatives sergeant at 1196  
arms has arrest authority pursuant to division (E) (1) of section 1197  
101.311 of the Revised Code; any assistant house of 1198  
representatives sergeant at arms; the senate sergeant at arms; 1199  
any assistant senate sergeant at arms; any tactical medical 1200  
professional; or any employee of the department of youth 1201  
services who is designated pursuant to division (A) (2) of 1202  
section 5139.53 of the Revised Code as being authorized to carry 1203  
a firearm while on duty as described in that division. 1204

(2) No person listed in division (A) (1) of this section 1205  
shall carry a firearm during the course of official duties if 1206  
the person does not comply with division (A) (1) of this section. 1207

(B) The hours that a sheriff spends attending a firearms 1208  
requalification program required by division (A) of this section 1209  
are in addition to the sixteen hours of continuing education 1210  
that are required by division (E) of section 311.01 of the 1211  
Revised Code. 1212

(C) As used in this section, "firearm" has the same	1213
meaning as in section 2923.11 of the Revised Code.	1214
<b>Sec. 149.43.</b> (A) As used in this section:	1215
(1) "Public record" means records kept by any public	1216
office, including, but not limited to, state, county, city,	1217
village, township, and school district units, and records	1218
pertaining to the delivery of educational services by an	1219
alternative school in this state kept by the nonprofit or for-	1220
profit entity operating the alternative school pursuant to	1221
section 3313.533 of the Revised Code. "Public record" does not	1222
mean any of the following:	1223
(a) Medical records;	1224
(b) Records pertaining to probation and parole	1225
proceedings, to proceedings related to the imposition of	1226
community control sanctions and post-release control sanctions,	1227
or to proceedings related to determinations under section	1228
2967.271 of the Revised Code regarding the release or maintained	1229
incarceration of an offender to whom that section applies;	1230
(c) Records pertaining to actions under section 2151.85	1231
and division (C) of section 2919.121 of the Revised Code and to	1232
appeals of actions arising under those sections;	1233
(d) Records pertaining to adoption proceedings, including	1234
the contents of an adoption file maintained by the department of	1235
health under sections 3705.12 to 3705.124 of the Revised Code;	1236
(e) Information in a record contained in the putative	1237
father registry established by section 3107.062 of the Revised	1238
Code, regardless of whether the information is held by the	1239
department of job and family services or, pursuant to section	1240
3111.69 of the Revised Code, the office of child support in the	1241

department or a child support enforcement agency;	1242
(f) Records specified in division (A) of section 3107.52	1243
of the Revised Code;	1244
(g) Trial preparation records;	1245
(h) Confidential law enforcement investigatory records;	1246
(i) Records containing information that is confidential	1247
under section 2710.03 or 4112.05 of the Revised Code;	1248
(j) DNA records stored in the DNA database pursuant to	1249
section 109.573 of the Revised Code;	1250
(k) Inmate records released by the department of	1251
rehabilitation and correction to the department of youth	1252
services or a court of record pursuant to division (E) of	1253
section 5120.21 of the Revised Code;	1254
(l) Records maintained by the department of youth services	1255
pertaining to children in its custody released by the department	1256
of youth services to the department of rehabilitation and	1257
correction pursuant to section 5139.05 of the Revised Code;	1258
(m) Intellectual property records;	1259
(n) Donor profile records;	1260
(o) Records maintained by the department of job and family	1261
services pursuant to section 3121.894 of the Revised Code;	1262
(p) Designated public service worker residential and	1263
familial information;	1264
(q) In the case of a county hospital operated pursuant to	1265
Chapter 339. of the Revised Code or a municipal hospital	1266
operated pursuant to Chapter 749. of the Revised Code,	1267
information that constitutes a trade secret, as defined in	1268

section 1333.61 of the Revised Code;	1269
(r) Information pertaining to the recreational activities	1270
of a person under the age of eighteen;	1271
(s) In the case of a child fatality review board acting	1272
under sections 307.621 to 307.629 of the Revised Code or a	1273
review conducted pursuant to guidelines established by the	1274
director of health under section 3701.70 of the Revised Code,	1275
records provided to the board or director, statements made by	1276
board members during meetings of the board or by persons	1277
participating in the director's review, and all work products of	1278
the board or director, and in the case of a child fatality	1279
review board, child fatality review data submitted by the board	1280
to the department of health or a national child death review	1281
database, other than the report prepared pursuant to division	1282
(A) of section 307.626 of the Revised Code;	1283
(t) Records provided to and statements made by the	1284
executive director of a public children services agency or a	1285
prosecuting attorney acting pursuant to section 5153.171 of the	1286
Revised Code other than the information released under that	1287
section;	1288
(u) Test materials, examinations, or evaluation tools used	1289
in an examination for licensure as a nursing home administrator	1290
that the board of executives of long-term services and supports	1291
administers under section 4751.15 of the Revised Code or	1292
contracts under that section with a private or government entity	1293
to administer;	1294
(v) Records the release of which is prohibited by state or	1295
federal law;	1296
(w) Proprietary information of or relating to any person	1297

that is submitted to or compiled by the Ohio venture capital	1298
authority created under section 150.01 of the Revised Code;	1299
(x) Financial statements and data any person submits for	1300
any purpose to the Ohio housing finance agency or the	1301
controlling board in connection with applying for, receiving, or	1302
accounting for financial assistance from the agency, and	1303
information that identifies any individual who benefits directly	1304
or indirectly from financial assistance from the agency;	1305
(y) Records listed in section 5101.29 of the Revised Code;	1306
(z) Discharges recorded with a county recorder under	1307
section 317.24 of the Revised Code, as specified in division (B)	1308
(2) of that section;	1309
(aa) Usage information including names and addresses of	1310
specific residential and commercial customers of a municipally	1311
owned or operated public utility;	1312
(bb) Records described in division (C) of section 187.04	1313
of the Revised Code that are not designated to be made available	1314
to the public as provided in that division;	1315
(cc) Information and records that are made confidential,	1316
privileged, and not subject to disclosure under divisions (B)	1317
and (C) of section 2949.221 of the Revised Code;	1318
(dd) Personal information, as defined in section 149.45 of	1319
the Revised Code;	1320
(ee) The confidential name, address, and other personally	1321
identifiable information of a program participant in the address	1322
confidentiality program established under sections 111.41 to	1323
111.47 of the Revised Code, including the contents of any	1324
application for absent voter's ballots, absent voter's ballot	1325

identification envelope statement of voter, or provisional 1326  
ballot affirmation completed by a program participant who has a 1327  
confidential voter registration record, and records or portions 1328  
of records pertaining to that program that identify the number 1329  
of program participants that reside within a precinct, ward, 1330  
township, municipal corporation, county, or any other geographic 1331  
area smaller than the state. As used in this division, 1332  
"confidential address" and "program participant" have the 1333  
meaning defined in section 111.41 of the Revised Code. 1334

(ff) Orders for active military service of an individual 1335  
serving or with previous service in the armed forces of the 1336  
United States, including a reserve component, or the Ohio 1337  
organized militia, except that, such order becomes a public 1338  
record on the day that is fifteen years after the published date 1339  
or effective date of the call to order; 1340

(gg) The name, address, contact information, or other 1341  
personal information of an individual who is less than eighteen 1342  
years of age that is included in any record related to a traffic 1343  
accident involving a school vehicle in which the individual was 1344  
an occupant at the time of the accident; 1345

(hh) Protected health information, as defined in 45 C.F.R. 1346  
160.103, that is in a claim for payment for a health care 1347  
product, service, or procedure, as well as any other health 1348  
claims data in another document that reveals the identity of an 1349  
individual who is the subject of the data or could be used to 1350  
reveal that individual's identity; 1351

(ii) Any depiction by photograph, film, videotape, or 1352  
printed or digital image under either of the following 1353  
circumstances: 1354

(i) The depiction is that of a victim of an offense the 1355  
release of which would be, to a reasonable person of ordinary 1356  
sensibilities, an offensive and objectionable intrusion into the 1357  
victim's expectation of bodily privacy and integrity. 1358

(ii) The depiction captures or depicts the victim of a 1359  
sexually oriented offense, as defined in section 2950.01 of the 1360  
Revised Code, at the actual occurrence of that offense. 1361

(jj) Restricted portions of a body-worn camera or 1362  
dashboard camera recording; 1363

(kk) In the case of a fetal-infant mortality review board 1364  
acting under sections 3707.70 to 3707.77 of the Revised Code, 1365  
records, documents, reports, or other information presented to 1366  
the board or a person abstracting such materials on the board's 1367  
behalf, statements made by review board members during board 1368  
meetings, all work products of the board, and data submitted by 1369  
the board to the department of health or a national infant death 1370  
review database, other than the report prepared pursuant to 1371  
section 3707.77 of the Revised Code. 1372

(ll) Records, documents, reports, or other information 1373  
presented to the pregnancy-associated mortality review board 1374  
established under section 3738.01 of the Revised Code, 1375  
statements made by board members during board meetings, all work 1376  
products of the board, and data submitted by the board to the 1377  
department of health, other than the biennial reports prepared 1378  
under section 3738.08 of the Revised Code; 1379

(mm) Except as otherwise provided in division (A) (1) (oo) 1380  
of this section, telephone numbers for a victim, as defined in 1381  
section 2930.01 of the Revised Code or a witness to a crime that 1382  
are listed on any law enforcement record or report. 1383

(nn) A preneed funeral contract, as defined in section 1384  
4717.01 of the Revised Code, and contract terms and personally 1385  
identifying information of a preneed funeral contract, that is 1386  
contained in a report submitted by or for a funeral home to the 1387  
board of embalmers and funeral directors under division (C) of 1388  
section 4717.13, division (J) of section 4717.31, or section 1389  
4717.41 of the Revised Code. 1390

(oo) Telephone numbers for a party to a motor vehicle 1391  
accident subject to the requirements of section 5502.11 of the 1392  
Revised Code that are listed on any law enforcement record or 1393  
report, except that the telephone numbers described in this 1394  
division are not excluded from the definition of "public record" 1395  
under this division on and after the thirtieth day after the 1396  
occurrence of the motor vehicle accident. 1397

A record that is not a public record under division (A) (1) 1398  
of this section and that, under law, is permanently retained 1399  
becomes a public record on the day that is seventy-five years 1400  
after the day on which the record was created, except for any 1401  
record protected by the attorney-client privilege, a trial 1402  
preparation record as defined in this section, a statement 1403  
prohibiting the release of identifying information signed under 1404  
section 3107.083 of the Revised Code, a denial of release form 1405  
filed pursuant to section 3107.46 of the Revised Code, or any 1406  
record that is exempt from release or disclosure under section 1407  
149.433 of the Revised Code. If the record is a birth 1408  
certificate and a biological parent's name redaction request 1409  
form has been accepted under section 3107.391 of the Revised 1410  
Code, the name of that parent shall be redacted from the birth 1411  
certificate before it is released under this paragraph. If any 1412  
other section of the Revised Code establishes a time period for 1413  
disclosure of a record that conflicts with the time period 1414



specified in this section, the time period in the other section 1415  
prevails. 1416

(2) "Confidential law enforcement investigatory record" 1417  
means any record that pertains to a law enforcement matter of a 1418  
criminal, quasi-criminal, civil, or administrative nature, but 1419  
only to the extent that the release of the record would create a 1420  
high probability of disclosure of any of the following: 1421

(a) The identity of a suspect who has not been charged 1422  
with the offense to which the record pertains, or of an 1423  
information source or witness to whom confidentiality has been 1424  
reasonably promised; 1425

(b) Information provided by an information source or 1426  
witness to whom confidentiality has been reasonably promised, 1427  
which information would reasonably tend to disclose the source's 1428  
or witness's identity; 1429

(c) Specific confidential investigatory techniques or 1430  
procedures or specific investigatory work product; 1431

(d) Information that would endanger the life or physical 1432  
safety of law enforcement personnel, a crime victim, a witness, 1433  
or a confidential information source. 1434

(3) "Medical record" means any document or combination of 1435  
documents, except births, deaths, and the fact of admission to 1436  
or discharge from a hospital, that pertains to the medical 1437  
history, diagnosis, prognosis, or medical condition of a patient 1438  
and that is generated and maintained in the process of medical 1439  
treatment. 1440

(4) "Trial preparation record" means any record that 1441  
contains information that is specifically compiled in reasonable 1442  
anticipation of, or in defense of, a civil or criminal action or 1443

proceeding, including the independent thought processes and 1444  
personal trial preparation of an attorney. 1445

(5) "Intellectual property record" means a record, other 1446  
than a financial or administrative record, that is produced or 1447  
collected by or for faculty or staff of a state institution of 1448  
higher learning in the conduct of or as a result of study or 1449  
research on an educational, commercial, scientific, artistic, 1450  
technical, or scholarly issue, regardless of whether the study 1451  
or research was sponsored by the institution alone or in 1452  
conjunction with a governmental body or private concern, and 1453  
that has not been publicly released, published, or patented. 1454

(6) "Donor profile record" means all records about donors 1455  
or potential donors to a public institution of higher education 1456  
except the names and reported addresses of the actual donors and 1457  
the date, amount, and conditions of the actual donation. 1458

(7) "Designated public service worker" means a peace 1459  
officer, parole officer, probation officer, bailiff, prosecuting 1460  
attorney, assistant prosecuting attorney, correctional employee, 1461  
county or multicounty corrections officer, community-based 1462  
correctional facility employee, designated Ohio national guard 1463  
member, protective services worker, youth services employee, 1464  
firefighter, EMT, medical director or member of a cooperating 1465  
physician advisory board of an emergency medical service 1466  
organization, state board of pharmacy employee, investigator of 1467  
the bureau of criminal identification and investigation, 1468  
emergency service telecommunicator, forensic mental health 1469  
provider, mental health evaluation provider, regional 1470  
psychiatric hospital employee, judge, magistrate, or federal law 1471  
enforcement officer. 1472

(8) "Designated public service worker residential and 1473

familial information" means any information that discloses any 1474  
of the following about a designated public service worker: 1475

(a) The address of the actual personal residence of a 1476  
designated public service worker, except for the following 1477  
information: 1478

(i) The address of the actual personal residence of a 1479  
prosecuting attorney or judge; and 1480

(ii) The state or political subdivision in which a 1481  
designated public service worker resides. 1482

(b) Information compiled from referral to or participation 1483  
in an employee assistance program; 1484

(c) The social security number, the residential telephone 1485  
number, any bank account, debit card, charge card, or credit 1486  
card number, or the emergency telephone number of, or any 1487  
medical information pertaining to, a designated public service 1488  
worker; 1489

(d) The name of any beneficiary of employment benefits, 1490  
including, but not limited to, life insurance benefits, provided 1491  
to a designated public service worker by the designated public 1492  
service worker's employer; 1493

(e) The identity and amount of any charitable or 1494  
employment benefit deduction made by the designated public 1495  
service worker's employer from the designated public service 1496  
worker's compensation, unless the amount of the deduction is 1497  
required by state or federal law; 1498

(f) The name, the residential address, the name of the 1499  
employer, the address of the employer, the social security 1500  
number, the residential telephone number, any bank account, 1501

debit card, charge card, or credit card number, or the emergency 1502  
telephone number of the spouse, a former spouse, or any child of 1503  
a designated public service worker; 1504

(g) A photograph of a peace officer who holds a position 1505  
or has an assignment that may include undercover or plain 1506  
clothes positions or assignments as determined by the peace 1507  
officer's appointing authority. 1508

(9) As used in divisions (A) (7) and (15) to (17) of this 1509  
section: 1510

"Peace officer" has the meaning defined in section 109.71 1511  
of the Revised Code and also includes the superintendent and 1512  
troopers of the state highway patrol; it does not include the 1513  
sheriff of a county or a supervisory employee who, in the 1514  
absence of the sheriff, is authorized to stand in for, exercise 1515  
the authority of, and perform the duties of the sheriff. 1516

"Correctional employee" means any employee of the 1517  
department of rehabilitation and correction who in the course of 1518  
performing the employee's job duties has or has had contact with 1519  
inmates and persons under supervision. 1520

"County or multicounty corrections officer" means any 1521  
corrections officer employed by any county or multicounty 1522  
correctional facility. 1523

"Designated Ohio national guard member" means a member of 1524  
the Ohio national guard who is participating in duties related 1525  
to remotely piloted aircraft, including, but not limited to, 1526  
pilots, sensor operators, and mission intelligence personnel, 1527  
duties related to special forces operations, or duties related 1528  
to cybersecurity, and is designated by the adjutant general as a 1529  
designated public service worker for those purposes. 1530

"Protective services worker" means any employee of a 1531  
county agency who is responsible for child protective services, 1532  
child support services, or adult protective services. 1533

"Youth services employee" means any employee of the 1534  
department of youth services who in the course of performing the 1535  
employee's job duties has or has had contact with children 1536  
committed to the custody of the department of youth services. 1537

"Firefighter" means any regular, paid or volunteer, member 1538  
of a lawfully constituted fire department of a municipal 1539  
corporation, township, fire district, or village. 1540

"EMT" means EMTs-basic, EMTs-I, and paramedics that 1541  
provide emergency medical services for a public emergency 1542  
medical service organization. "Emergency medical service 1543  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 1544  
meanings defined in section 4765.01 of the Revised Code. 1545

"Investigator of the bureau of criminal identification and 1546  
investigation" has the meaning defined in section 2903.11 of the 1547  
Revised Code. 1548

"Emergency service telecommunicator" has the meaning 1549  
defined in section 4742.01 of the Revised Code. 1550

"Forensic mental health provider" means any employee of a 1551  
community mental health service provider or local alcohol, drug 1552  
addiction, and mental health services board who, in the course 1553  
of the employee's duties, has contact with persons committed to 1554  
a local alcohol, drug addiction, and mental health services 1555  
board by a court order pursuant to section 2945.38, 2945.39, 1556  
2945.40, or 2945.402 of the Revised Code. 1557

"Mental health evaluation provider" means an individual 1558  
who, under Chapter 5122. of the Revised Code, examines a 1559

respondent who is alleged to be a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code, and reports to the probate court the respondent's mental condition.

"Regional psychiatric hospital employee" means any employee of the department of mental health and addiction services who, in the course of performing the employee's duties, has contact with patients committed to the department of mental health and addiction services by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.

"Federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code.

(10) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing

that person to participate in any recreational activity 1589  
conducted or sponsored by a public office or to use or obtain 1590  
admission privileges to any recreational facility owned or 1591  
operated by a public office. 1592

(11) "Community control sanction" has the meaning defined 1593  
in section 2929.01 of the Revised Code. 1594

(12) "Post-release control sanction" has the meaning 1595  
defined in section 2967.01 of the Revised Code. 1596

(13) "Redaction" means obscuring or deleting any 1597  
information that is exempt from the duty to permit public 1598  
inspection or copying from an item that otherwise meets the 1599  
definition of a "record" in section 149.011 of the Revised Code. 1600

(14) "Designee," "elected official," and "future official" 1601  
have the meanings defined in section 109.43 of the Revised Code. 1602

(15) "Body-worn camera" means a visual and audio recording 1603  
device worn on the person of a correctional employee or peace 1604  
officer while the correctional employee or peace officer is 1605  
engaged in the performance of ~~the peace officer's official~~ 1606  
duties. 1607

(16) "Dashboard camera" means a visual and audio recording 1608  
device mounted on a peace officer's vehicle or vessel that is 1609  
used while the peace officer is engaged in the performance of 1610  
the peace officer's duties. 1611

(17) "Restricted portions of a body-worn camera or 1612  
dashboard camera recording" means any visual or audio portion of 1613  
a body-worn camera or dashboard camera recording that shows, 1614  
communicates, or discloses any of the following: 1615

(a) The image or identity of a child or information that 1616

could lead to the identification of a child who is a primary 1617  
subject of the recording when the department of rehabilitation 1618  
and correction or the law enforcement agency knows or has reason 1619  
to know the person is a child based on the department's or law 1620  
enforcement agency's records or the content of the recording; 1621

(b) The death of a person or a deceased person's body, 1622  
unless the death was caused by a correctional employee or peace 1623  
officer or, subject to division (H) (1) of this section, the 1624  
consent of the decedent's executor or administrator has been 1625  
obtained; 1626

(c) The death of a correctional employee, peace officer, 1627  
firefighter, paramedic, or other first responder, occurring 1628  
while the decedent was engaged in the performance of official 1629  
duties, unless, subject to division (H) (1) of this section, the 1630  
consent of the decedent's executor or administrator has been 1631  
obtained; 1632

(d) Grievous bodily harm, unless the injury was effected 1633  
by a correctional employee or peace officer or, subject to 1634  
division (H) (1) of this section, the consent of the injured 1635  
person or the injured person's guardian has been obtained; 1636

(e) An act of severe violence against a person that 1637  
results in serious physical harm to the person, unless the act 1638  
and injury was effected by a correctional employee or peace 1639  
officer or, subject to division (H) (1) of this section, the 1640  
consent of the injured person or the injured person's guardian 1641  
has been obtained; 1642

(f) Grievous bodily harm to a correctional employee, peace 1643  
officer, firefighter, paramedic, or other first responder, 1644  
occurring while the injured person was engaged in the 1645



performance of official duties, unless, subject to division (H) 1646  
(1) of this section, the consent of the injured person or the 1647  
injured person's guardian has been obtained; 1648

(g) An act of severe violence resulting in serious 1649  
physical harm against a correctional employee, peace officer, 1650  
firefighter, paramedic, or other first responder, occurring 1651  
while the injured person was engaged in the performance of 1652  
official duties, unless, subject to division (H) (1) of this 1653  
section, the consent of the injured person or the injured 1654  
person's guardian has been obtained; 1655

(h) A person's nude body, unless, subject to division (H) 1656  
(1) of this section, the person's consent has been obtained; 1657

(i) Protected health information, the identity of a person 1658  
in a health care facility who is not the subject of a law 1659  
enforcement encounter, or any other information in a health care 1660  
facility that could identify a person who is not the subject of 1661  
a law enforcement encounter; 1662

(j) Information that could identify the alleged victim of 1663  
a sex offense, menacing by stalking, or domestic violence; 1664

(k) Information, that does not constitute a confidential 1665  
law enforcement investigatory record, that could identify a 1666  
person who provides sensitive or confidential information to a 1667  
correctional employee or a law enforcement agency when the 1668  
disclosure of the person's identity or the information provided 1669  
could reasonably be expected to threaten or endanger the safety 1670  
or property of the person or another person; 1671

(l) Personal information of a person who is not arrested, 1672  
cited, charged, or issued a written warning by a peace officer; 1673

(m) Proprietary police contingency plans or tactics that 1674

are intended to prevent crime and maintain public order and safety; 1675  
1676

(n) A personal conversation unrelated to work between peace officers or between a peace officer and an employee of a law enforcement agency; 1677  
1678  
1679

(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities; 1680  
1681

(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer; 1682  
1683  
1684

(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location. 1685  
1686  
1687

As used in division (A) (17) of this section: 1688

"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code. 1689  
1690

"Health care facility" has the same meaning as in section 1337.11 of the Revised Code. 1691  
1692

"Protected health information" has the same meaning as in 45 C.F.R. 160.103. 1693  
1694

"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code. 1695  
1696

"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases. 1697  
1698  
1699  
1700

"Sex offense" has the same meaning as in section 2907.10 1701

of the Revised Code. 1702

"Firefighter," "paramedic," and "first responder" have the 1703  
same meanings as in section 4765.01 of the Revised Code. 1704

(B) (1) Upon request by any person and subject to division 1705  
(B) (8) of this section, all public records responsive to the 1706  
request shall be promptly prepared and made available for 1707  
inspection to the requester at all reasonable times during 1708  
regular business hours. Subject to division (B) (8) of this 1709  
section, upon request by any person, a public office or person 1710  
responsible for public records shall make copies of the 1711  
requested public record available to the requester at cost and 1712  
within a reasonable period of time. If a public record contains 1713  
information that is exempt from the duty to permit public 1714  
inspection or to copy the public record, the public office or 1715  
the person responsible for the public record shall make 1716  
available all of the information within the public record that 1717  
is not exempt. When making that public record available for 1718  
public inspection or copying that public record, the public 1719  
office or the person responsible for the public record shall 1720  
notify the requester of any redaction or make the redaction 1721  
plainly visible. A redaction shall be deemed a denial of a 1722  
request to inspect or copy the redacted information, except if 1723  
federal or state law authorizes or requires a public office to 1724  
make the redaction. 1725

(2) To facilitate broader access to public records, a 1726  
public office or the person responsible for public records shall 1727  
organize and maintain public records in a manner that they can 1728  
be made available for inspection or copying in accordance with 1729  
division (B) of this section. A public office also shall have 1730  
available a copy of its current records retention schedule at a 1731

location readily available to the public. If a requester makes 1732  
an ambiguous or overly broad request or has difficulty in making 1733  
a request for copies or inspection of public records under this 1734  
section such that the public office or the person responsible 1735  
for the requested public record cannot reasonably identify what 1736  
public records are being requested, the public office or the 1737  
person responsible for the requested public record may deny the 1738  
request but shall provide the requester with an opportunity to 1739  
revise the request by informing the requester of the manner in 1740  
which records are maintained by the public office and accessed 1741  
in the ordinary course of the public office's or person's 1742  
duties. 1743

(3) If a request is ultimately denied, in part or in 1744  
whole, the public office or the person responsible for the 1745  
requested public record shall provide the requester with an 1746  
explanation, including legal authority, setting forth why the 1747  
request was denied. If the initial request was provided in 1748  
writing, the explanation also shall be provided to the requester 1749  
in writing. The explanation shall not preclude the public office 1750  
or the person responsible for the requested public record from 1751  
relying upon additional reasons or legal authority in defending 1752  
an action commenced under division (C) of this section. 1753

(4) Unless specifically required or authorized by state or 1754  
federal law or in accordance with division (B) of this section, 1755  
no public office or person responsible for public records may 1756  
limit or condition the availability of public records by 1757  
requiring disclosure of the requester's identity or the intended 1758  
use of the requested public record. Any requirement that the 1759  
requester disclose the requester's identity or the intended use 1760  
of the requested public record constitutes a denial of the 1761  
request. 1762

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester's identity or the intended use, and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person requests a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require the requester to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the requester under this division. The public office or the person responsible for the public record shall permit the requester to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the requester makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the requester. Nothing in this section requires a public office or person responsible for the public record to allow the requester of a copy of the public record to make the copies of the public

record. 1794

(7) (a) Upon a request made in accordance with division (B) 1795  
of this section and subject to division (B) (6) of this section, 1796  
a public office or person responsible for public records shall 1797  
transmit a copy of a public record to any person by United 1798  
States mail or by any other means of delivery or transmission 1799  
within a reasonable period of time after receiving the request 1800  
for the copy. The public office or person responsible for the 1801  
public record may require the person making the request to pay 1802  
in advance the cost of postage if the copy is transmitted by 1803  
United States mail or the cost of delivery if the copy is 1804  
transmitted other than by United States mail, and to pay in 1805  
advance the costs incurred for other supplies used in the 1806  
mailing, delivery, or transmission. 1807

(b) Any public office may adopt a policy and procedures 1808  
that it will follow in transmitting, within a reasonable period 1809  
of time after receiving a request, copies of public records by 1810  
United States mail or by any other means of delivery or 1811  
transmission pursuant to division (B) (7) of this section. A 1812  
public office that adopts a policy and procedures under division 1813  
(B) (7) of this section shall comply with them in performing its 1814  
duties under that division. 1815

(c) In any policy and procedures adopted under division 1816  
(B) (7) of this section: 1817

(i) A public office may limit the number of records 1818  
requested by a person that the office will physically deliver by 1819  
United States mail or by another delivery service to ten per 1820  
month, unless the person certifies to the office in writing that 1821  
the person does not intend to use or forward the requested 1822  
records, or the information contained in them, for commercial 1823

purposes; 1824

(ii) A public office that chooses to provide some or all 1825  
of its public records on a web site that is fully accessible to 1826  
and searchable by members of the public at all times, other than 1827  
during acts of God outside the public office's control or 1828  
maintenance, and that charges no fee to search, access, 1829  
download, or otherwise receive records provided on the web site, 1830  
may limit to ten per month the number of records requested by a 1831  
person that the office will deliver in a digital format, unless 1832  
the requested records are not provided on the web site and 1833  
unless the person certifies to the office in writing that the 1834  
person does not intend to use or forward the requested records, 1835  
or the information contained in them, for commercial purposes. 1836

(iii) For purposes of division (B) (7) of this section, 1837  
"commercial" shall be narrowly construed and does not include 1838  
reporting or gathering news, reporting or gathering information 1839  
to assist citizen oversight or understanding of the operation or 1840  
activities of government, or nonprofit educational research. 1841

(8) A public office or person responsible for public 1842  
records is not required to permit a person who is incarcerated 1843  
pursuant to a criminal conviction or a juvenile adjudication to 1844  
inspect or to obtain a copy of any public record concerning a 1845  
criminal investigation or prosecution or concerning what would 1846  
be a criminal investigation or prosecution if the subject of the 1847  
investigation or prosecution were an adult, unless the request 1848  
to inspect or to obtain a copy of the record is for the purpose 1849  
of acquiring information that is subject to release as a public 1850  
record under this section and the judge who imposed the sentence 1851  
or made the adjudication with respect to the person, or the 1852  
judge's successor in office, finds that the information sought 1853

in the public record is necessary to support what appears to be 1854  
a justiciable claim of the person. 1855

(9) (a) Upon written request made and signed by a 1856  
journalist, a public office, or person responsible for public 1857  
records, having custody of the records of the agency employing a 1858  
specified designated public service worker shall disclose to the 1859  
journalist the address of the actual personal residence of the 1860  
designated public service worker and, if the designated public 1861  
service worker's spouse, former spouse, or child is employed by 1862  
a public office, the name and address of the employer of the 1863  
designated public service worker's spouse, former spouse, or 1864  
child. The request shall include the journalist's name and title 1865  
and the name and address of the journalist's employer and shall 1866  
state that disclosure of the information sought would be in the 1867  
public interest. 1868

(b) Division (B) (9) (a) of this section also applies to 1869  
journalist requests for: 1870

(i) Customer information maintained by a municipally owned 1871  
or operated public utility, other than social security numbers 1872  
and any private financial information such as credit reports, 1873  
payment methods, credit card numbers, and bank account 1874  
information; 1875

(ii) Information about minors involved in a school vehicle 1876  
accident as provided in division (A) (1) (gg) of this section, 1877  
other than personal information as defined in section 149.45 of 1878  
the Revised Code. 1879

(c) As used in division (B) (9) of this section, 1880  
"journalist" means a person engaged in, connected with, or 1881  
employed by any news medium, including a newspaper, magazine, 1882



press association, news agency, or wire service, a radio or 1883  
television station, or a similar medium, for the purpose of 1884  
gathering, processing, transmitting, compiling, editing, or 1885  
disseminating information for the general public. 1886

(10) Upon a request made by a victim, victim's attorney, 1887  
or victim's representative, as that term is used in section 1888  
2930.02 of the Revised Code, a public office or person 1889  
responsible for public records shall transmit a copy of a 1890  
depiction of the victim as described in division (A) (1) (ii) of 1891  
this section to the victim, victim's attorney, or victim's 1892  
representative. 1893

(C) (1) If a person allegedly is aggrieved by the failure 1894  
of a public office or the person responsible for public records 1895  
to promptly prepare a public record and to make it available to 1896  
the person for inspection in accordance with division (B) of 1897  
this section or by any other failure of a public office or the 1898  
person responsible for public records to comply with an 1899  
obligation in accordance with division (B) of this section, the 1900  
person allegedly aggrieved may do only one of the following, and 1901  
not both: 1902

(a) File a complaint with the clerk of the court of claims 1903  
or the clerk of the court of common pleas under section 2743.75 1904  
of the Revised Code; 1905

(b) Commence a mandamus action to obtain a judgment that 1906  
orders the public office or the person responsible for the 1907  
public record to comply with division (B) of this section, that 1908  
awards court costs and reasonable attorney's fees to the person 1909  
that instituted the mandamus action, and, if applicable, that 1910  
includes an order fixing statutory damages under division (C) (2) 1911  
of this section. The mandamus action may be commenced in the 1912

court of common pleas of the county in which division (B) of 1913  
this section allegedly was not complied with, in the supreme 1914  
court pursuant to its original jurisdiction under Section 2 of 1915  
Article IV, Ohio Constitution, or in the court of appeals for 1916  
the appellate district in which division (B) of this section 1917  
allegedly was not complied with pursuant to its original 1918  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1919

(2) If a requester transmits a written request by hand 1920  
delivery, electronic submission, or certified mail to inspect or 1921  
receive copies of any public record in a manner that fairly 1922  
describes the public record or class of public records to the 1923  
public office or person responsible for the requested public 1924  
records, except as otherwise provided in this section, the 1925  
requester shall be entitled to recover the amount of statutory 1926  
damages set forth in this division if a court determines that 1927  
the public office or the person responsible for public records 1928  
failed to comply with an obligation in accordance with division 1929  
(B) of this section. 1930

The amount of statutory damages shall be fixed at one 1931  
hundred dollars for each business day during which the public 1932  
office or person responsible for the requested public records 1933  
failed to comply with an obligation in accordance with division 1934  
(B) of this section, beginning with the day on which the 1935  
requester files a mandamus action to recover statutory damages, 1936  
up to a maximum of one thousand dollars. The award of statutory 1937  
damages shall not be construed as a penalty, but as compensation 1938  
for injury arising from lost use of the requested information. 1939  
The existence of this injury shall be conclusively presumed. The 1940  
award of statutory damages shall be in addition to all other 1941  
remedies authorized by this section. 1942

The court may reduce an award of statutory damages or not 1943  
award statutory damages if the court determines both of the 1944  
following: 1945

(a) That, based on the ordinary application of statutory 1946  
law and case law as it existed at the time of the conduct or 1947  
threatened conduct of the public office or person responsible 1948  
for the requested public records that allegedly constitutes a 1949  
failure to comply with an obligation in accordance with division 1950  
(B) of this section and that was the basis of the mandamus 1951  
action, a well-informed public office or person responsible for 1952  
the requested public records reasonably would believe that the 1953  
conduct or threatened conduct of the public office or person 1954  
responsible for the requested public records did not constitute 1955  
a failure to comply with an obligation in accordance with 1956  
division (B) of this section; 1957

(b) That a well-informed public office or person 1958  
responsible for the requested public records reasonably would 1959  
believe that the conduct or threatened conduct of the public 1960  
office or person responsible for the requested public records 1961  
would serve the public policy that underlies the authority that 1962  
is asserted as permitting that conduct or threatened conduct. 1963

(3) In a mandamus action filed under division (C)(1) of 1964  
this section, the following apply: 1965

(a) (i) If the court orders the public office or the person 1966  
responsible for the public record to comply with division (B) of 1967  
this section, the court shall determine and award to the relator 1968  
all court costs, which shall be construed as remedial and not 1969  
punitive. 1970

(ii) If the court makes a determination described in 1971

division (C) (3) (b) (iii) of this section, the court shall 1972  
determine and award to the relator all court costs, which shall 1973  
be construed as remedial and not punitive. 1974

(b) If the court renders a judgment that orders the public 1975  
office or the person responsible for the public record to comply 1976  
with division (B) of this section or if the court determines any 1977  
of the following, the court may award reasonable attorney's fees 1978  
to the relator, subject to division (C) (4) of this section: 1979

(i) The public office or the person responsible for the 1980  
public records failed to respond affirmatively or negatively to 1981  
the public records request in accordance with the time allowed 1982  
under division (B) of this section. 1983

(ii) The public office or the person responsible for the 1984  
public records promised to permit the relator to inspect or 1985  
receive copies of the public records requested within a 1986  
specified period of time but failed to fulfill that promise 1987  
within that specified period of time. 1988

(iii) The public office or the person responsible for the 1989  
public records acted in bad faith when the office or person 1990  
voluntarily made the public records available to the relator for 1991  
the first time after the relator commenced the mandamus action, 1992  
but before the court issued any order concluding whether or not 1993  
the public office or person was required to comply with division 1994  
(B) of this section. No discovery may be conducted on the issue 1995  
of the alleged bad faith of the public office or person 1996  
responsible for the public records. This division shall not be 1997  
construed as creating a presumption that the public office or 1998  
the person responsible for the public records acted in bad faith 1999  
when the office or person voluntarily made the public records 2000  
available to the relator for the first time after the relator 2001

commenced the mandamus action, but before the court issued any order described in this division. 2002  
2003

(c) The court shall not award attorney's fees to the relator if the court determines both of the following: 2004  
2005

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section; 2006  
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(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct. 2018  
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(4) All of the following apply to any award of reasonable attorney's fees awarded under division (C) (3) (b) of this section: 2024  
2025  
2026

(a) The fees shall be construed as remedial and not punitive. 2027  
2028

(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was 2029  
2030

made available to the relator and the fees described in division 2031  
(C) (4) (c) of this section. 2032

(c) Reasonable attorney's fees shall include reasonable 2033  
fees incurred to produce proof of the reasonableness and amount 2034  
of the fees and to otherwise litigate entitlement to the fees. 2035

(d) The court may reduce the amount of fees awarded if the 2036  
court determines that, given the factual circumstances involved 2037  
with the specific public records request, an alternative means 2038  
should have been pursued to more effectively and efficiently 2039  
resolve the dispute that was subject to the mandamus action 2040  
filed under division (C) (1) of this section. 2041

(5) If the court does not issue a writ of mandamus under 2042  
division (C) of this section and the court determines at that 2043  
time that the bringing of the mandamus action was frivolous 2044  
conduct as defined in division (A) of section 2323.51 of the 2045  
Revised Code, the court may award to the public office all court 2046  
costs, expenses, and reasonable attorney's fees, as determined 2047  
by the court. 2048

(D) Chapter 1347. of the Revised Code does not limit the 2049  
provisions of this section. 2050

(E) (1) To ensure that all employees of public offices are 2051  
appropriately educated about a public office's obligations under 2052  
division (B) of this section, all elected officials or their 2053  
appropriate designees shall attend training approved by the 2054  
attorney general as provided in section 109.43 of the Revised 2055  
Code. A future official may satisfy the requirements of this 2056  
division by attending the training before taking office, 2057  
provided that the future official may not send a designee in the 2058  
future official's place. 2059

(2) All public offices shall adopt a public records policy 2060  
in compliance with this section for responding to public records 2061  
requests. In adopting a public records policy under this 2062  
division, a public office may obtain guidance from the model 2063  
public records policy developed and provided to the public 2064  
office by the attorney general under section 109.43 of the 2065  
Revised Code. Except as otherwise provided in this section, the 2066  
policy may not limit the number of public records that the 2067  
public office will make available to a single person, may not 2068  
limit the number of public records that it will make available 2069  
during a fixed period of time, and may not establish a fixed 2070  
period of time before it will respond to a request for 2071  
inspection or copying of public records, unless that period is 2072  
less than eight hours. 2073

The public office shall distribute the public records 2074  
policy adopted by the public office under this division to the 2075  
employee of the public office who is the records custodian or 2076  
records manager or otherwise has custody of the records of that 2077  
office. The public office shall require that employee to 2078  
acknowledge receipt of the copy of the public records policy. 2079  
The public office shall create a poster that describes its 2080  
public records policy and shall post the poster in a conspicuous 2081  
place in the public office and in all locations where the public 2082  
office has branch offices. The public office may post its public 2083  
records policy on the internet web site of the public office if 2084  
the public office maintains an internet web site. A public 2085  
office that has established a manual or handbook of its general 2086  
policies and procedures for all employees of the public office 2087  
shall include the public records policy of the public office in 2088  
the manual or handbook. 2089

(F) (1) The bureau of motor vehicles may adopt rules 2090

pursuant to Chapter 119. of the Revised Code to reasonably limit 2091  
the number of bulk commercial special extraction requests made 2092  
by a person for the same records or for updated records during a 2093  
calendar year. The rules may include provisions for charges to 2094  
be made for bulk commercial special extraction requests for the 2095  
actual cost of the bureau, plus special extraction costs, plus 2096  
ten per cent. The bureau may charge for expenses for redacting 2097  
information, the release of which is prohibited by law. 2098

(2) As used in division (F)(1) of this section: 2099

(a) "Actual cost" means the cost of depleted supplies, 2100  
records storage media costs, actual mailing and alternative 2101  
delivery costs, or other transmitting costs, and any direct 2102  
equipment operating and maintenance costs, including actual 2103  
costs paid to private contractors for copying services. 2104

(b) "Bulk commercial special extraction request" means a 2105  
request for copies of a record for information in a format other 2106  
than the format already available, or information that cannot be 2107  
extracted without examination of all items in a records series, 2108  
class of records, or database by a person who intends to use or 2109  
forward the copies for surveys, marketing, solicitation, or 2110  
resale for commercial purposes. "Bulk commercial special 2111  
extraction request" does not include a request by a person who 2112  
gives assurance to the bureau that the person making the request 2113  
does not intend to use or forward the requested copies for 2114  
surveys, marketing, solicitation, or resale for commercial 2115  
purposes. 2116

(c) "Commercial" means profit-seeking production, buying, 2117  
or selling of any good, service, or other product. 2118

(d) "Special extraction costs" means the cost of the time 2119



spent by the lowest paid employee competent to perform the task, 2120  
the actual amount paid to outside private contractors employed 2121  
by the bureau, or the actual cost incurred to create computer 2122  
programs to make the special extraction. "Special extraction 2123  
costs" include any charges paid to a public agency for computer 2124  
or records services. 2125

(3) For purposes of divisions (F) (1) and (2) of this 2126  
section, "surveys, marketing, solicitation, or resale for 2127  
commercial purposes" shall be narrowly construed and does not 2128  
include reporting or gathering news, reporting or gathering 2129  
information to assist citizen oversight or understanding of the 2130  
operation or activities of government, or nonprofit educational 2131  
research. 2132

(G) A request by a defendant, counsel of a defendant, or 2133  
any agent of a defendant in a criminal action that public 2134  
records related to that action be made available under this 2135  
section shall be considered a demand for discovery pursuant to 2136  
the Criminal Rules, except to the extent that the Criminal Rules 2137  
plainly indicate a contrary intent. The defendant, counsel of 2138  
the defendant, or agent of the defendant making a request under 2139  
this division shall serve a copy of the request on the 2140  
prosecuting attorney, director of law, or other chief legal 2141  
officer responsible for prosecuting the action. 2142

(H) (1) Any portion of a body-worn camera or dashboard 2143  
camera recording described in divisions (A) (17) (b) to (h) of 2144  
this section may be released by consent of the subject of the 2145  
recording or a representative of that person, as specified in 2146  
those divisions, only if either of the following applies: 2147

(a) The recording will not be used in connection with any 2148  
probable or pending criminal proceedings; 2149

(b) The recording has been used in connection with a 2150  
criminal proceeding that was dismissed or for which a judgment 2151  
has been entered pursuant to Rule 32 of the Rules of Criminal 2152  
Procedure, and will not be used again in connection with any 2153  
probable or pending criminal proceedings. 2154

(2) If a public office denies a request to release a 2155  
restricted portion of a body-worn camera or dashboard camera 2156  
recording, as defined in division (A)(17) of this section, any 2157  
person may file a mandamus action pursuant to this section or a 2158  
complaint with the clerk of the court of claims pursuant to 2159  
section 2743.75 of the Revised Code, requesting the court to 2160  
order the release of all or portions of the recording. If the 2161  
court considering the request determines that the filing 2162  
articulates by clear and convincing evidence that the public 2163  
interest in the recording substantially outweighs privacy 2164  
interests and other interests asserted to deny release, the 2165  
court shall order the public office to release the recording. 2166

**Sec. 307.93.** ~~(A)(1)~~ (A) The boards of county commissioners 2167  
of two or more adjacent counties may contract for the joint 2168  
establishment of a multicounty correctional center, and the 2169  
board of county commissioners of a county or the boards of two 2170  
or more counties may contract with any municipal corporation or 2171  
municipal corporations located in that county or those counties 2172  
for the joint establishment of a municipal-county or 2173  
multicounty-municipal correctional center. The center shall 2174  
augment county and, where applicable, municipal jail programs 2175  
and facilities by providing custody and rehabilitative programs 2176  
for those persons under the charge of the sheriff of any of the 2177  
contracting counties or of the officer or officers of the 2178  
contracting municipal corporation or municipal corporations 2179  
having charge of persons incarcerated in the municipal jail, 2180

workhouse, or other correctional facility who, in the opinion of 2181  
the sentencing court, need programs of custody and 2182  
rehabilitation not available at the county or municipal jail and 2183  
by providing custody and rehabilitative programs in accordance 2184  
with division (C) of this section, if applicable. The contract 2185  
may include, but need not be limited to, provisions regarding 2186  
the acquisition, construction, maintenance, repair, termination 2187  
of operations, and administration of the center. The contract 2188  
shall prescribe the manner of funding of, and debt assumption 2189  
for, the center and the standards and procedures to be followed 2190  
in the operation of the center. Except as provided in division 2191  
(G) of this section, the contracting counties and municipal 2192  
corporations shall form a corrections commission to oversee the 2193  
administration of the center. Members of the commission shall 2194  
consist of the sheriff of each participating county, a member of 2195  
the board of county commissioners of each participating county, 2196  
the chief of police of each participating municipal corporation, 2197  
and the mayor or city manager of each participating municipal 2198  
corporation. Any of the foregoing officers may appoint a 2199  
designee to serve in the officer's place on the corrections 2200  
commission. 2201

The standards and procedures prescribed under this 2202  
division shall be formulated and agreed to by the commission and 2203  
may be amended at any time during the life of the contract by 2204  
agreement of a majority of the voting members of the commission 2205  
or by other means set forth in the contract between the 2206  
contracting counties and municipal corporations. The standards 2207  
and procedures formulated by the commission and amendments to 2208  
them shall include, but need not be limited to, designation of 2209  
the person in charge of the center, designation of a fiscal 2210  
agent, the categories of employees to be employed at the center, 2211

the appointing authority of the center, and the standards of 2212  
treatment and security to be maintained at the center. The 2213  
person in charge of, and all persons employed to work at, the 2214  
center shall have all the powers of police officers that are 2215  
necessary for the proper performance of the duties and work 2216  
~~responsibilities of relating to their positions at the center,~~ 2217  
~~provided that the corrections officers of the center may carry~~ 2218  
~~firearms in the performance of those duties and responsibilities~~ 2219  
~~only in accordance with division (A) (2) of this section.~~ 2220

~~(2) The person in charge of a multicounty correctional~~ 2221  
~~center, or of a municipal county or multicounty municipal~~ 2222  
~~correctional center, may grant permission to a corrections~~ 2223  
~~officer of the center to carry firearms when required in the~~ 2224  
~~discharge of official duties if the corrections officer has~~ 2225  
~~successfully completed a basic firearm training program that is~~ 2226  
~~approved by the executive director of the Ohio peace officer~~ 2227  
~~training commission. A corrections officer who has been granted~~ 2228  
~~permission to carry firearms in the discharge of official duties~~ 2229  
~~annually shall successfully complete a firearms requalification~~ 2230  
~~program in accordance with section 109.801 of the Revised Code.~~ 2231  
~~A corrections officer may carry firearms under authority of this~~ 2232  
~~division only while the officer is acting within the scope of~~ 2233  
~~the officer's official duties.~~ 2234

(B) (1) Upon the establishment of a corrections commission 2235  
under division (A) of this section, the judges specified in this 2236  
division shall form a judicial advisory board for the purpose of 2237  
making recommendations to the corrections commission on issues 2238  
of bed allocation, expansion of the center that the corrections 2239  
commission oversees, and other issues concerning the 2240  
administration of sentences or any other matter determined to be 2241  
appropriate by the board. The judges who shall form the judicial 2242

advisory board for a corrections commission are the 2243  
administrative judge of the general division of the court of 2244  
common pleas of each county participating in the corrections 2245  
center, the presiding judge of the municipal court of each 2246  
municipal corporation participating in the corrections center, 2247  
and the presiding judge of each county court of each county 2248  
participating in the corrections center. If the number of the 2249  
foregoing members of the board is even, the county auditor or 2250  
the county auditor of the most populous county if the board 2251  
serves more than one county shall also be a member of the board. 2252  
Any of the foregoing judges may appoint a designee to serve in 2253  
the judge's place on the judicial advisory board, provided that 2254  
the designee shall be a judge of the same court as the judge who 2255  
makes the appointment. The judicial advisory board for a 2256  
corrections commission shall meet with the corrections 2257  
commission at least once each year. 2258

(2) Each board of county commissioners that enters a 2259  
contract under division (A) of this section may appoint a 2260  
building commission pursuant to section 153.21 of the Revised 2261  
Code. If any commissions are appointed, they shall function 2262  
jointly in the construction of a multicounty or multicounty- 2263  
municipal correctional center with all the powers and duties 2264  
authorized by law. 2265

(C) Prior to the acceptance for custody and rehabilitation 2266  
into a center established under this section of any persons who 2267  
are designated by the department of rehabilitation and 2268  
correction, who plead guilty to or are convicted of a felony of 2269  
the fourth or fifth degree, and who satisfy the other 2270  
requirements listed in section 5120.161 of the Revised Code, the 2271  
corrections commission of a center established under this 2272  
section shall enter into an agreement with the department of 2273

rehabilitation and correction under section 5120.161 of the Revised Code for the custody and rehabilitation in the center of persons who are designated by the department, who plead guilty to or are convicted of a felony of the fourth or fifth degree, and who satisfy the other requirements listed in that section, in exchange for a per diem fee per person. Persons incarcerated in the center pursuant to an agreement entered into under this division shall be subject to supervision and control in the manner described in section 5120.161 of the Revised Code. This division does not affect the authority of a court to directly sentence a person who is convicted of or pleads guilty to a felony to the center in accordance with section 2929.16 of the Revised Code.

(D) Pursuant to section 2929.37 of the Revised Code, each board of county commissioners and the legislative authority of each municipal corporation that enters into a contract under division (A) of this section may require a person who was convicted of an offense, who is under the charge of the sheriff of their county or of the officer or officers of the contracting municipal corporation or municipal corporations having charge of persons incarcerated in the municipal jail, workhouse, or other correctional facility, and who is confined in the multicounty, municipal-county, or multicounty-municipal correctional center as provided in that division, to reimburse the applicable county or municipal corporation for its expenses incurred by reason of the person's confinement in the center.

(E) Notwithstanding any contrary provision in this section or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the corrections commission of a center may establish a policy that complies with section 2929.38 of the Revised Code and that requires any person who is not indigent and who is confined in

the multicounty, municipal-county, or multicounty-municipal 2305  
correctional center to pay a reception fee, a fee for medical 2306  
treatment or service requested by and provided to that person, 2307  
or the fee for a random drug test assessed under division (E) of 2308  
section 341.26 of the Revised Code. 2309

(F) (1) The corrections commission of a center established 2310  
under this section may establish a commissary for the center. 2311  
The commissary may be established either in-house or by another 2312  
arrangement. If a commissary is established, all persons 2313  
incarcerated in the center shall receive commissary privileges. 2314  
A person's purchases from the commissary shall be deducted from 2315  
the person's account record in the center's business office. The 2316  
commissary shall provide for the distribution to indigent 2317  
persons incarcerated in the center of necessary hygiene articles 2318  
and writing materials. 2319

(2) If a commissary is established, the corrections 2320  
commission of a center established under this section shall 2321  
establish a commissary fund for the center. The management of 2322  
funds in the commissary fund shall be strictly controlled in 2323  
accordance with procedures adopted by the auditor of state. 2324  
Commissary fund revenue over and above operating costs and 2325  
reserve shall be considered profits. All profits from the 2326  
commissary fund shall be used to purchase supplies and equipment 2327  
for the benefit of persons incarcerated in the center and to pay 2328  
salary and benefits for employees of the center, or for any 2329  
other persons, who work in or are employed for the sole purpose 2330  
of providing service to the commissary. The corrections 2331  
commission shall adopt rules and regulations for the operation 2332  
of any commissary fund it establishes. 2333

(G) In lieu of forming a corrections commission to 2334

administer a multicounty correctional center or a municipal- 2335  
county or multicounty-municipal correctional center, the boards 2336  
of county commissioners and the legislative authorities of the 2337  
municipal corporations contracting to establish the center may 2338  
also agree to contract for the private operation and management 2339  
of the center as provided in section 9.06 of the Revised Code, 2340  
but only if the center houses only misdemeanor inmates. In 2341  
order to enter into a contract under section 9.06 of the Revised 2342  
Code, all the boards and legislative authorities establishing 2343  
the center shall approve and be parties to the contract. 2344

(H) If a person who is convicted of or pleads guilty to an 2345  
offense is sentenced to a term in a multicounty correctional 2346  
center or a municipal-county or multicounty-municipal 2347  
correctional center or is incarcerated in the center in the 2348  
manner described in division (C) of this section, or if a person 2349  
who is arrested for an offense, and who has been denied bail or 2350  
has had bail set and has not been released on bail is confined 2351  
in a multicounty correctional center or a municipal-county or 2352  
multicounty-municipal correctional center pending trial, at the 2353  
time of reception and at other times the officer, officers, or 2354  
other person in charge of the operation of the center determines 2355  
to be appropriate, the officer, officers, or other person in 2356  
charge of the operation of the center may cause the convicted or 2357  
accused offender to be examined and tested for tuberculosis, HIV 2358  
infection, hepatitis, including but not limited to hepatitis A, 2359  
B, and C, and other contagious diseases. The officer, officers, 2360  
or other person in charge of the operation of the center may 2361  
cause a convicted or accused offender in the center who refuses 2362  
to be tested or treated for tuberculosis, HIV infection, 2363  
hepatitis, including but not limited to hepatitis A, B, and C, 2364  
or another contagious disease to be tested and treated 2365



involuntarily. 2366

(I) As used in this section, "multicounty-municipal" means 2367  
more than one county and a municipal corporation, or more than 2368  
one municipal corporation and a county, or more than one 2369  
municipal corporation and more than one county. 2370

**Sec. 313.10.** (A) (1) Except as otherwise provided in this 2371  
section, the records of the coroner who has jurisdiction over 2372  
the case, including, but not limited to, the detailed 2373  
descriptions of the observations written during the progress of 2374  
an autopsy and the conclusions drawn from those observations 2375  
filed in the office of the coroner under division (A) of section 2376  
313.13 of the Revised Code, made personally by the coroner or by 2377  
anyone acting under the coroner's direction or supervision, are 2378  
public records. Those records, or transcripts or photostatic 2379  
copies of them, certified by the coroner shall be received as 2380  
evidence in any criminal or civil action or proceeding in a 2381  
court in this state, as to the facts contained in those records. 2382  
The coroner of the county where the death was pronounced shall 2383  
be responsible for the release of all public records relating to 2384  
that death. 2385

(2) Except as otherwise provided in division (D) or (E) of 2386  
this section, the following records in a coroner's office are 2387  
not public records: 2388

(a) Preliminary autopsy and investigative notes and 2389  
findings made by the coroner or by anyone acting under the 2390  
coroner's direction or supervision; 2391

(b) Photographs of a decedent made by the coroner or by 2392  
anyone acting under the coroner's direction or supervision; 2393

(c) Suicide notes; 2394

(d) Medical and psychiatric records provided to the coroner, a deputy coroner, or a representative of the coroner or a deputy coroner under section 313.091 of the Revised Code;	2395 2396 2397
(e) Records of a deceased individual that are confidential law enforcement investigatory records as defined in section 149.43 of the Revised Code;	2398 2399 2400
(f) Laboratory reports generated from the analysis of physical evidence by the coroner's laboratory that is discoverable under Criminal Rule 16.	2401 2402 2403
(3) In the coroner's discretion, photographs of a decedent may be used for medical, legal, or educational purposes.	2404 2405
(B) All records in the coroner's office that are public records are open to inspection by the public, and any person may receive a copy of any such record or part of it upon demand in writing, accompanied by payment of a record retrieval and copying fee, at the rate of twenty-five cents per page or a minimum fee of one dollar.	2406 2407 2408 2409 2410 2411
(C) (1) The coroner shall provide a copy of the full and complete records of the coroner with respect to a decedent to a person who makes a written request as the next of kin of the decedent. The following persons may make a request pursuant to this division as the next of kin of a decedent:	2412 2413 2414 2415 2416
(a) The surviving spouse of the decedent;	2417
(b) If there is no surviving spouse, or if the surviving spouse has died without having made a request pursuant to this division, any child of the decedent over eighteen years of age, with each child over eighteen years of age having an independent right to make a request pursuant to this division;	2418 2419 2420 2421 2422

(c) If there is no surviving spouse or child over eighteen years of age, or if the surviving spouse and all children over eighteen years of age have died without having made a request pursuant to this division, the parents of the decedent, with each parent having an independent right to make a request pursuant to this division;

(d) If there is no surviving spouse, child over eighteen years of age, or parents of the decedent, or if all have died without having made a request pursuant to this division, the brothers and sisters of the decedent, whether of the whole or the half blood, with each having an independent right to make a request pursuant to this division.

(2) If there is no surviving person who may make a written request as next of kin for a copy of the full and complete records of the coroner pursuant to division (C)(1) of this section, or if all next of kin of the decedent have died without having made a request pursuant to that division, the coroner shall provide a copy of the full and complete records of the coroner with respect to a decedent to the representative of the estate of the decedent who is the subject of the records upon written request made by the representative.

(D) A journalist may submit to the coroner a written request to view ~~preliminary autopsy and investigative notes and findings,~~ suicide notes, ~~or~~ photographs of the decedent made by the coroner or by anyone acting under the coroner's discretion or supervision, or preliminary autopsy and investigative notes and findings but not records of a deceased individual that are confidential law enforcement investigatory records as defined in section 149.43 of the Revised Code. The request shall include the journalist's name and title and the name and address of the

journalist's employer and state that the granting of the request 2453  
would be in the best interest of the public. If a journalist 2454  
submits a written request to the coroner to view the records 2455  
described in this division, the coroner shall grant the 2456  
journalist's request. The journalist shall not copy the 2457  
preliminary autopsy and investigative notes and findings, 2458  
suicide notes, or photographs of the decedent. 2459

(E) (1) An insurer may submit to the coroner a written 2460  
request to obtain a copy of the full and complete records of the 2461  
coroner with respect to a deceased person. The request shall 2462  
include the name of the deceased person, the type of policy to 2463  
which the written request relates, and the name and address of 2464  
the insurer. 2465

(2) If an insurer submits a written request to the coroner 2466  
to obtain a copy of records pursuant to division (E) (1) of this 2467  
section, the coroner shall grant that request. 2468

(3) Upon the granting of a written request to obtain a 2469  
copy of records by the coroner, the insurer may utilize the 2470  
records for the following purposes: 2471

(a) To investigate any first party claim or third party 2472  
claim asserted under a policy of insurance issued by the insurer 2473  
that arises from the death of the deceased person; 2474

(b) To determine coverage for any first party claim or 2475  
third party claim asserted under a policy of insurance issued by 2476  
the insurer that arises from the death of the deceased person; 2477

(c) To determine the insurer's liability for any first 2478  
party claim or third party claim asserted under a policy of 2479  
insurance issued by the insurer that arises from the death of 2480  
the deceased person. 2481

(4) Prior to the delivery of records that are the subject 2482  
of a request made pursuant to division (E) (1) of this section, 2483  
the coroner may require the insurer who submitted the written 2484  
request for the records to provide a payment to the coroner of a 2485  
record retrieval and copying fee at the rate of twenty-five 2486  
cents per page or a minimum fee of one dollar. 2487

(5) Any records produced by the coroner in response to a 2488  
written request under division (E) (1) of this section shall 2489  
remain in the care, custody, and control of the insurer and its 2490  
employees or representatives at all times. The insurer may not 2491  
release or disclose the records to any other person unless any 2492  
of the following apply: 2493

(a) The release of the records is reasonably necessary to 2494  
further a purpose described in division (E) (3) of this section. 2495

(b) A court of competent jurisdiction orders the insurer 2496  
to produce the records. 2497

(c) The insurer is required to produce the records in 2498  
response to a civil or criminal subpoena. 2499

(d) The insurer is responding to a request for the records 2500  
from a law enforcement agency, the department of insurance or a 2501  
department of insurance from another state, or another 2502  
governmental authority. 2503

(F) The coroner may contact the decedent's next of kin to 2504  
inform the next of kin that a journalist or an insurer has 2505  
submitted a written request pursuant to division (D) or (E) of 2506  
this section and whether the coroner has granted the 2507  
journalist's or the insurer's request. 2508

(G) As used in this section: 2509

(1) "Full and complete records of the coroner" includes,	2510
but is not limited to, the following:	2511
(a) The detailed descriptions of the observations written	2512
by the coroner or by anyone acting under the coroner's direction	2513
or supervision during the progress of an autopsy and the	2514
conclusions drawn from those observations that are filed in the	2515
office of the coroner under division (A) of section 313.13 of	2516
the Revised Code;	2517
(b) Preliminary autopsy and investigative notes and	2518
findings made by the coroner or by anyone acting under the	2519
coroner's direction or supervision;	2520
(c) Photographs of a decedent made by the coroner or by	2521
anyone acting under the coroner's direction or supervision;	2522
(d) Suicide notes;	2523
(e) Medical and psychiatric records provided to the	2524
coroner, a deputy coroner, or a representative of the coroner or	2525
a deputy coroner under section 313.091 of the Revised Code;	2526
(f) Records of a deceased individual that are confidential	2527
law enforcement investigatory records as defined in section	2528
149.43 of the Revised Code;	2529
(g) Laboratory reports generated from the analysis of	2530
physical evidence by the coroner's laboratory that is	2531
discoverable under Criminal Rule 16.	2532
(2) "Insurer" has the same meaning as in section 3901.07	2533
of the Revised Code.	2534
(3) "Journalist" has the same meaning as in section 149.43	2535
of the Revised Code.	2536

<b>Sec. 341.42.</b> (A) As used in this section:	2537
(1) "County correctional officer" has the same meaning as in section 341.41 of the Revised Code.	2538 2539
(2) "Computer," "computer network," "computer system," "computer services," "telecommunications service," and "information service" have the same meanings as in section 2913.01 of the Revised Code.	2540 2541 2542 2543
(3) "County correctional facility" means a county jail, county workhouse, minimum security jail, joint city and county workhouse, municipal-county correctional center, multicounty-municipal correctional center, municipal-county jail or workhouse, or multicounty-municipal jail or workhouse.	2544 2545 2546 2547 2548
(B) No county correctional officer shall provide a prisoner access to or permit a prisoner to have access to the internet through the use of a computer, computer network, computer system, computer services, telecommunications service, or information service unless both of the following apply:	2549 2550 2551 2552 2553
(1) The prisoner is <del>participating in an approved educational program with direct supervision that requires the use of the internet for training or research purposes</del> <u>accessing the internet solely for a use or purpose approved by the managing officer of that prisoner's county correctional facility or by the managing officer's designee.</u>	2554 2555 2556 2557 2558 2559
(2) The provision of and access to the internet is in accordance with rules promulgated by the department of rehabilitation and correction pursuant to section 5120.62 of the Revised Code.	2560 2561 2562 2563
(C) (1) No prisoner in a county correctional facility under the control of a county shall access the internet through the	2564 2565

use of a computer, computer network, computer system, computer 2566  
services, telecommunications service, or information service 2567  
unless both of the following apply: 2568

(a) The prisoner is ~~participating in an approved~~ 2569  
~~educational program with direct supervision that requires the~~ 2570  
~~use of the internet for training or research purposes~~accessing 2571  
the internet solely for a use or purpose approved by the 2572  
managing officer of that prisoner's county correctional facility 2573  
or by the managing officer's designee. 2574

(b) The provision of and access to the internet is in 2575  
accordance with rules promulgated by the department of 2576  
rehabilitation and correction pursuant to section 5120.62 of the 2577  
Revised Code. 2578

(2) Whoever violates division (C) (1) of this section is 2579  
guilty of improper internet access, a misdemeanor of the first 2580  
degree. 2581

**Sec. 753.32.** (A) As used in this section: 2582

(1) "Municipal correctional officer" has the same meaning 2583  
as in section 753.31 of the Revised Code. 2584

(2) "Computer," "computer network," "computer system," 2585  
"computer services," "telecommunications service," and 2586  
"information service" have the same meanings as in section 2587  
2913.01 of the Revised Code. 2588

(3) "Municipal correctional facility" means a municipal 2589  
jail, municipal workhouse, minimum security jail, joint city and 2590  
county workhouse, municipal-county correctional center, 2591  
multicounty-municipal correctional center, municipal-county jail 2592  
or workhouse, or multicounty-municipal jail or workhouse. 2593



(B) No municipal correctional officer shall provide a 2594  
prisoner access to or permit a prisoner to have access to the 2595  
internet through the use of a computer, computer network, 2596  
computer system, computer services, telecommunications service, 2597  
or information service unless both of the following apply: 2598

(1) The prisoner is ~~participating in an approved~~ 2599  
~~educational program with direct supervision that requires the~~ 2600  
~~use of the internet for training or research purposes~~accessing 2601  
the internet solely for a use or purpose approved by the 2602  
managing officer of that prisoner's municipal correctional 2603  
facility or by the managing officer's designee. 2604

(2) The provision of and access to the internet is in 2605  
accordance with rules promulgated by the department of 2606  
rehabilitation and correction pursuant to section 5120.62 of the 2607  
Revised Code. 2608

(C) (1) No prisoner in a municipal correctional facility 2609  
under the control of a municipal corporation shall access the 2610  
internet through the use of a computer, computer network, 2611  
computer system, computer services, telecommunications service, 2612  
or information service unless both of the following apply: 2613

(a) The prisoner is ~~participating in an approved~~ 2614  
~~educational program with direct supervision that requires the~~ 2615  
~~use of the internet for training or research purposes~~accessing 2616  
the internet solely for a use or purpose approved by the 2617  
managing officer of that prisoner's municipal correctional 2618  
facility or by the managing officer's designee. 2619

(b) The provision of and access to the internet is in 2620  
accordance with rules promulgated by the department of 2621  
rehabilitation and correction pursuant to section 5120.62 of the 2622

Revised Code.	2623
(2) Whoever violates division (C) (1) of this section is guilty of improper internet access, a misdemeanor of the first degree.	2624 2625 2626
<b>Sec. 2151.34.</b> (A) As used in this section:	2627
(1) "Court" means the juvenile division of the court of common pleas of the county in which the person to be protected by the protection order resides.	2628 2629 2630
(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	2631 2632 2633
(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.	2634 2635
(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	2636 2637
(5) "Petitioner" means a person who files a petition under this section and includes a person on whose behalf a petition under this section is filed.	2638 2639 2640
(6) "Respondent" means a person who is under eighteen years of age and against whom a petition is filed under this section.	2641 2642 2643
(7) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	2644 2645
(8) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code.	2646 2647
(9) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	2648 2649

(B) The court has jurisdiction over all proceedings under this section.	2650 2651
(C) (1) Any of the following persons may seek relief under this section by filing a petition with the court:	2652 2653
(a) Any person on behalf of that person;	2654
(b) Any parent or adult family or household member on behalf of any other family or household member;	2655 2656
(c) Any person who is determined by the court in its discretion as an appropriate person to seek relief under this section on behalf of any child.	2657 2658 2659
(2) The petition shall contain or state all of the following:	2660 2661
(a) An allegation that the respondent engaged in a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, committed a sexually oriented offense, or engaged in a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order, including a description of the nature and extent of the violation;	2662 2663 2664 2665 2666 2667 2668 2669
(b) If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent engaged in conduct that would cause a reasonable person to believe that the health, welfare, or safety of the person to be protected was at risk, a description of the nature and extent of that conduct, and an allegation that the respondent presents a continuing danger to the person to be protected;	2670 2671 2672 2673 2674 2675 2676 2677

(c) A request for relief under this section.	2678
(3) The court in its discretion may determine whether or not to give notice that a petition has been filed under division (C) (1) of this section on behalf of a child to any of the following:	2679 2680 2681 2682
(a) A parent of the child if the petition was filed by any person other than a parent of the child;	2683 2684
(b) Any person who is determined by the court to be an appropriate person to receive notice of the filing of the petition.	2685 2686 2687
(D) (1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day after the court is in session after the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, that the court finds necessary for the safety and protection of the person to be protected by the order. Immediate and present danger to the person to be protected by the protection order constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the person to be protected by the protection order with bodily harm or in which the respondent previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually oriented offense, or a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection	2688 2689 2690 2691 2692 2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707

order. 2708

(2) (a) If the court, after an ex parte hearing, issues a 2709  
protection order described in division (E) of this section, the 2710  
court shall schedule a full hearing for a date that is within 2711  
ten court days after the ex parte hearing. The court shall give 2712  
the respondent notice of, and an opportunity to be heard at, the 2713  
full hearing. The court also shall give notice of the full 2714  
hearing to the parent, guardian, or legal custodian of the 2715  
respondent. The court shall hold the full hearing on the date 2716  
scheduled under this division unless the court grants a 2717  
continuance of the hearing in accordance with this division. 2718  
Under any of the following circumstances or for any of the 2719  
following reasons, the court may grant a continuance of the full 2720  
hearing to a reasonable time determined by the court: 2721

(i) Prior to the date scheduled for the full hearing under 2722  
this division, the respondent has not been served with the 2723  
petition filed pursuant to this section and notice of the full 2724  
hearing. 2725

(ii) The parties consent to the continuance. 2726

(iii) The continuance is needed to allow a ~~party~~ 2727  
respondent to obtain counsel. 2728

~~(iv) The continuance is needed for other good cause.~~ 2729

(b) An ex parte order issued under this section does not 2730  
expire because of a failure to serve notice of the full hearing 2731  
upon the respondent before the date set for the full hearing 2732  
under division (D) (2) (a) of this section or because the court 2733  
grants a continuance under that division. 2734

(3) If a person who files a petition pursuant to this 2735  
section does not request an ex parte order, or if a person 2736

requests an ex parte order but the court does not issue an ex 2737  
parte order after an ex parte hearing, the court shall proceed 2738  
as in a normal civil action and grant a full hearing on the 2739  
matter. 2740

(E) (1) (a) After an ex parte or full hearing, the court may 2741  
issue any protection order, with or without bond, that contains 2742  
terms designed to ensure the safety and protection of the person 2743  
to be protected by the protection order. The court may include 2744  
within a protection order issued under this section a term 2745  
requiring that the respondent not remove, damage, hide, harm, or 2746  
dispose of any companion animal owned or possessed by the person 2747  
to be protected by the order, and may include within the order a 2748  
term authorizing the person to be protected by the order to 2749  
remove a companion animal owned by the person to be protected by 2750  
the order from the possession of the respondent. 2751

(b) After a full hearing, if the court considering a 2752  
petition that includes an allegation of the type described in 2753  
division (C) (2) (b) of this section or the court, upon its own 2754  
motion, finds upon clear and convincing evidence that the 2755  
petitioner reasonably believed that the respondent's conduct at 2756  
any time preceding the filing of the petition endangered the 2757  
health, welfare, or safety of the person to be protected and 2758  
that the respondent presents a continuing danger to the person 2759  
to be protected and if division (N) of this section does not 2760  
prohibit the issuance of an order that the respondent be 2761  
electronically monitored, the court may order that the 2762  
respondent be electronically monitored for a period of time and 2763  
under the terms and conditions that the court determines are 2764  
appropriate. Electronic monitoring shall be in addition to any 2765  
other relief granted to the petitioner. 2766

(2) (a) Any protection order issued pursuant to this 2767  
section shall be valid until a date certain but not later than 2768  
the date the respondent attains nineteen years of age. 2769

(b) Any protection order issued pursuant to this section 2770  
may be renewed in the same manner as the original order was 2771  
issued. 2772

(3) A court may not issue a protection order that requires 2773  
a petitioner to do or to refrain from doing an act that the 2774  
court may require a respondent to do or to refrain from doing 2775  
under division (E) (1) of this section unless all of the 2776  
following apply: 2777

(a) The respondent files a separate petition for a 2778  
protection order in accordance with this section. 2779

(b) The petitioner is served with notice of the 2780  
respondent's petition at least forty-eight hours before the 2781  
court holds a hearing with respect to the respondent's petition, 2782  
or the petitioner waives the right to receive this notice. 2783

(c) If the petitioner has requested an ex parte order 2784  
pursuant to division (D) of this section, the court does not 2785  
delay any hearing required by that division beyond the time 2786  
specified in that division in order to consolidate the hearing 2787  
with a hearing on the petition filed by the respondent. 2788

(d) After a full hearing at which the respondent presents 2789  
evidence in support of the request for a protection order and 2790  
the petitioner is afforded an opportunity to defend against that 2791  
evidence, the court determines that the petitioner has committed 2792  
a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2793  
2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually 2794  
oriented offense, or a violation of any municipal ordinance that 2795

is substantially equivalent to any of those offenses against the 2796  
person to be protected by the protection order issued pursuant 2797  
to division (E) (3) of this section, or has violated a protection 2798  
order issued pursuant to this section or section 2903.213 of the 2799  
Revised Code relative to the person to be protected by the 2800  
protection order issued pursuant to division (E) (3) of this 2801  
section. 2802

(4) No protection order issued pursuant to this section 2803  
shall in any manner affect title to any real property. 2804

(5) (a) A protection order issued under this section shall 2805  
clearly state that the person to be protected by the order 2806  
cannot waive or nullify by invitation or consent any requirement 2807  
in the order. 2808

(b) Division (E) (5) (a) of this section does not limit any 2809  
discretion of a court to determine that a respondent alleged to 2810  
have violated section 2919.27 of the Revised Code, violated a 2811  
municipal ordinance substantially equivalent to that section, or 2812  
committed contempt of court, which allegation is based on an 2813  
alleged violation of a protection order issued under this 2814  
section, did not commit the violation or was not in contempt of 2815  
court. 2816

(6) Any protection order issued pursuant to this section 2817  
shall include a provision that the court will automatically seal 2818  
all of the records of the proceeding in which the order is 2819  
issued on the date the respondent attains the age of nineteen 2820  
years unless the petitioner provides the court with evidence 2821  
that the respondent has not complied with all of the terms of 2822  
the protection order. The protection order shall specify the 2823  
date when the respondent attains the age of nineteen years. 2824



(F) (1) The court shall cause the delivery of a copy of any protection order that is issued under this section to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order. The court shall direct that a copy of the order be delivered to the respondent and the parent, guardian, or legal custodian of the respondent on the same day that the order is entered.

(2) Upon the issuance of a protection order under this section, the court shall provide the parties to the order with the following notice orally or by form:

"NOTICE

As a result of this order, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g) (8) for the duration of this order. If you have any questions whether this law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult an attorney."

(3) All law enforcement agencies shall establish and maintain an index for the protection orders delivered to the agencies pursuant to division (F) (1) of this section. With respect to each order delivered, each agency shall note on the index the date and time that it received the order.

(4) Regardless of whether the petitioner has registered the protection order in the county in which the officer's agency has jurisdiction pursuant to division (M) of this section, any officer of a law enforcement agency shall enforce a protection order issued pursuant to this section by any court in this state in accordance with the provisions of the order, including

removing the respondent from the premises, if appropriate. 2854

(G) (1) Any proceeding under this section shall be 2855  
conducted in accordance with the Rules of Civil Procedure, 2856  
except that a protection order may be obtained under this 2857  
section with or without bond. An order issued under this 2858  
section, other than an ex parte order, that grants a protection 2859  
order, or that refuses to grant a protection order, is a final, 2860  
appealable order. The remedies and procedures provided in this 2861  
section are in addition to, and not in lieu of, any other 2862  
available civil or criminal remedies or any other available 2863  
remedies under Chapter 2151. or 2152. of the Revised Code. 2864

(2) If as provided in division (G) (1) of this section an 2865  
order issued under this section, other than an ex parte order, 2866  
refuses to grant a protection order, the court, on its own 2867  
motion, shall order that the ex parte order issued under this 2868  
section and all of the records pertaining to that ex parte order 2869  
be sealed after either of the following occurs: 2870

(a) No party has exercised the right to appeal pursuant to 2871  
Rule 4 of the Rules of Appellate Procedure. 2872

(b) All appellate rights have been exhausted. 2873

(H) The filing of proceedings under this section does not 2874  
excuse a person from filing any report or giving any notice 2875  
required by section 2151.421 of the Revised Code or by any other 2876  
law. 2877

(I) Any law enforcement agency that investigates an 2878  
alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2879  
2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged 2880  
commission of a sexually oriented offense, or an alleged 2881  
violation of a municipal ordinance that is substantially 2882

equivalent to any of those offenses shall provide information to 2883  
the victim and the family or household members of the victim 2884  
regarding the relief available under this section. 2885

(J) (1) Subject to division (J) (2) of this section and 2886  
regardless of whether a protection order is issued or a consent 2887  
agreement is approved by a court of another county or by a court 2888  
of another state, no court or unit of state or local government 2889  
shall charge the petitioner any fee, cost, deposit, or money in 2890  
connection with the filing of a petition pursuant to this 2891  
section, in connection with the filing, issuance, registration, 2892  
modification, enforcement, dismissal, withdrawal, or service of 2893  
a protection order, consent agreement, or witness subpoena or 2894  
for obtaining a certified copy of a protection order or consent 2895  
agreement. 2896

(2) Regardless of whether a protection order is issued or 2897  
a consent agreement is approved pursuant to this section, the 2898  
court may assess costs against the respondent in connection with 2899  
the filing, issuance, registration, modification, enforcement, 2900  
dismissal, withdrawal, or service of a protection order, consent 2901  
agreement, or witness subpoena or for obtaining a certified copy 2902  
of a protection order or consent agreement. 2903

(K) (1) A person who violates a protection order issued 2904  
under this section is subject to the following sanctions: 2905

(a) A delinquent child proceeding or a criminal 2906  
prosecution for a violation of section 2919.27 of the Revised 2907  
Code, if the violation of the protection order constitutes a 2908  
violation of that section; 2909

(b) Punishment for contempt of court. 2910

(2) The punishment of a person for contempt of court for 2911

violation of a protection order issued under this section does 2912  
not bar criminal prosecution of the person or a delinquent child 2913  
proceeding concerning the person for a violation of section 2914  
2919.27 of the Revised Code. However, a person punished for 2915  
contempt of court is entitled to credit for the punishment 2916  
imposed upon conviction of or adjudication as a delinquent child 2917  
for a violation of that section, and a person convicted of or 2918  
adjudicated a delinquent child for a violation of that section 2919  
shall not subsequently be punished for contempt of court arising 2920  
out of the same activity. 2921

(L) In all stages of a proceeding under this section, a 2922  
petitioner may be accompanied by a victim advocate. 2923

(M) (1) A petitioner who obtains a protection order under 2924  
this section may provide notice of the issuance or approval of 2925  
the order to the judicial and law enforcement officials in any 2926  
county other than the county in which the order is issued by 2927  
registering that order in the other county pursuant to division 2928  
(M) (2) of this section and filing a copy of the registered order 2929  
with a law enforcement agency in the other county in accordance 2930  
with that division. A person who obtains a protection order 2931  
issued by a court of another state may provide notice of the 2932  
issuance of the order to the judicial and law enforcement 2933  
officials in any county of this state by registering the order 2934  
in that county pursuant to section 2919.272 of the Revised Code 2935  
and filing a copy of the registered order with a law enforcement 2936  
agency in that county. 2937

(2) A petitioner may register a protection order issued 2938  
pursuant to this section in a county other than the county in 2939  
which the court that issued the order is located in the 2940  
following manner: 2941

(a) The petitioner shall obtain a certified copy of the 2942  
order from the clerk of the court that issued the order and 2943  
present that certified copy to the clerk of the court of common 2944  
pleas or the clerk of a municipal court or county court in the 2945  
county in which the order is to be registered. 2946

(b) Upon accepting the certified copy of the order for 2947  
registration, the clerk of the court of common pleas, municipal 2948  
court, or county court shall place an endorsement of 2949  
registration on the order and give the petitioner a copy of the 2950  
order that bears that proof of registration. 2951

(3) The clerk of each court of common pleas, municipal 2952  
court, or county court shall maintain a registry of certified 2953  
copies of protection orders that have been issued by courts in 2954  
other counties pursuant to this section and that have been 2955  
registered with the clerk. 2956

(N) If the court orders electronic monitoring of the 2957  
respondent under this section, the court shall direct the 2958  
sheriff's office or any other appropriate law enforcement agency 2959  
to install the electronic monitoring device and to monitor the 2960  
respondent. Unless the court determines that the respondent is 2961  
indigent, the court shall order the respondent to pay the cost 2962  
of the installation and monitoring of the electronic monitoring 2963  
device. If the court determines that the respondent is indigent 2964  
and subject to the maximum amount allowable to be paid in any 2965  
year from the fund and the rules promulgated by the attorney 2966  
general under section 2903.214 of the Revised Code, the cost of 2967  
the installation and monitoring of the electronic monitoring 2968  
device may be paid out of funds from the reparations fund 2969  
created pursuant to section 2743.191 of the Revised Code. The 2970  
total amount paid from the reparations fund created pursuant to 2971

section 2743.191 of the Revised Code for electronic monitoring 2972  
under this section and sections 2903.214 and 2919.27 of the 2973  
Revised Code shall not exceed three hundred thousand dollars per 2974  
year. When the total amount paid from the reparations fund in 2975  
any year for electronic monitoring under those sections equals 2976  
or exceeds three hundred thousand dollars, the court shall not 2977  
order pursuant to this section that an indigent respondent be 2978  
electronically monitored. 2979

(O) The court, in its discretion, may determine if the 2980  
respondent is entitled to court-appointed counsel in a 2981  
proceeding under this section. 2982

**Sec. 2151.358.** (A) The juvenile court shall expunge all 2983  
records sealed under section 2151.356 of the Revised Code five 2984  
years after the court issues a sealing order or upon the twenty- 2985  
third birthday of the person who is the subject of the sealing 2986  
order, whichever date is earlier. 2987

(B) Notwithstanding division (A) of this section, upon 2988  
application by the person who has had a record sealed under 2989  
section 2151.356 of the Revised Code, the juvenile court may 2990  
expunge a record sealed under section 2151.356 of the Revised 2991  
Code. In making the determination whether to expunge records, 2992  
all of the following apply: 2993

(1) The court may require a person filing an application 2994  
for expungement to submit any relevant documentation to support 2995  
the application. 2996

(2) The court may cause an investigation to be made to 2997  
determine if the person who is the subject of the proceedings 2998  
has been rehabilitated to a satisfactory degree. 2999

(3) The court shall promptly notify the prosecuting 3000

attorney of any proceedings to expunge records. 3001

(4) (a) The prosecuting attorney may file a response with 3002  
the court within thirty days of receiving notice of the 3003  
expungement proceedings. 3004

(b) If the prosecuting attorney does not file a response 3005  
with the court or if the prosecuting attorney files a response 3006  
but indicates that the prosecuting attorney does not object to 3007  
the expungement of the records, the court may order the records 3008  
of the person that are under consideration to be expunged 3009  
without conducting a hearing on the application. If the court 3010  
decides in its discretion to conduct a hearing on the 3011  
application, the court shall conduct the hearing within thirty 3012  
days after making that decision and shall give notice, by 3013  
regular mail, of the date, time, and location of the hearing to 3014  
the prosecuting attorney and to the person who is the subject of 3015  
the records under consideration. 3016

(c) If the prosecuting attorney files a response with the 3017  
court that indicates that the prosecuting attorney objects to 3018  
the expungement of the records, the court shall conduct a 3019  
hearing on the application within thirty days after the court 3020  
receives the response. The court shall give notice, by regular 3021  
mail, of the date, time, and location of the hearing to the 3022  
prosecuting attorney and to the person who is the subject of the 3023  
records under consideration. 3024

(5) After conducting a hearing in accordance with division 3025  
(B) (4) of this section or after due consideration when a hearing 3026  
is not conducted, the court may order the records of the person 3027  
that are the subject of the application to be expunged if it 3028  
finds that the person has been rehabilitated to a satisfactory 3029  
degree. In determining whether the person has been rehabilitated 3030

to a satisfactory degree, the court may consider all of the 3031  
following: 3032

- (a) The age of the person; 3033
- (b) The nature of the case; 3034
- (c) The cessation or continuation of delinquent, unruly,  
or criminal behavior; 3035  
3036
- (d) The education and employment history of the person; 3037
- (e) Any other circumstances that may relate to the 3038  
rehabilitation of the person who is the subject of the records 3039  
under consideration. 3040

(C) If the juvenile court is notified by any party in a 3041  
civil action that a civil action has been filed based on a case 3042  
the records for which are the subject of a sealing order, the 3043  
juvenile court shall not expunge a record sealed under section 3044  
2151.356 of the Revised Code until the civil action has been 3045  
resolved and is not subject to further appellate review, at 3046  
which time the records shall be expunged pursuant to division 3047  
(A) of this section. 3048

(D) (1) A juvenile court that issues a protection order or 3049  
approves a consent agreement under section 2151.34 or 3113.31 of 3050  
the Revised Code shall automatically seal all of the records of 3051  
the proceeding in which the order was issued or agreement 3052  
approved on the date the person against whom the protection 3053  
order was issued or the consent agreement approved attains the 3054  
age of nineteen years if the court determines that the person 3055  
has complied with all of the terms of the protection order or 3056  
consent agreement. 3057

(2) In a proceeding under section 2151.34 of the Revised 3058



Code, if the juvenile court does not issue any protection order 3059  
under division (E) of that section, the court shall 3060  
automatically seal all of the records in that proceeding. In a 3061  
proceeding under section 3113.31 of the Revised Code, if the 3062  
juvenile court does not issue any protection order or approve 3063  
any consent agreement under division (E) of that section, the 3064  
court shall automatically seal all of the records in that 3065  
proceeding. 3066

(3) (a) If a juvenile court that issues a protection order 3067  
or approves a consent agreement under section 2151.34 or 3113.31 3068  
of the Revised Code determines that the person against whom the 3069  
protection order was issued or the consent agreement approved 3070  
has not complied with all of the terms of the protection order 3071  
or consent agreement, the court shall consider sealing all of 3072  
the records of the proceeding in which the order was issued or 3073  
agreement approved upon the court's own motion or upon the 3074  
application of a person. The court may make the motion or the 3075  
person who is the subject of the records under consideration may 3076  
apply for an order sealing the records of the proceeding at any 3077  
time after two years after the expiration of the protection 3078  
order or consent agreement. 3079

(b) In making a determination whether to seal records 3080  
pursuant to division (D) (3) of this section, all of the 3081  
following apply: 3082

(i) The court may require a person filing an application 3083  
under division (D) (3) of this section to submit any relevant 3084  
documentation to support the application. 3085

(ii) The court shall promptly notify the victim or the 3086  
victim's attorney of any proceedings to seal records initiated 3087  
pursuant to division (D) (3) of this section. 3088

(iii) The victim or the victim's attorney may file a response with the court within thirty days of receiving notice of the sealing proceedings.

If the victim or the victim's attorney does not file a response with the court or if the victim or the victim's attorney files a response but indicates that the victim or the victim's attorney does not object to the sealing of the records, the court may order the records of the person that are under consideration to be sealed without conducting a hearing on the motion or application. If the court decides in its discretion to conduct a hearing on the motion or application, the court shall conduct the hearing within thirty days after making that decision and shall give notice, by regular mail, of the date, time, and location of the hearing to the victim or the victim's attorney and to the person who is the subject of the records under consideration.

If the victim or the victim's attorney files a response with the court that indicates that the victim or the victim's attorney objects to the sealing of the records, the court shall conduct a hearing on the motion or application within thirty days after the court receives the response. The court shall give notice, by regular mail, of the date, time, and location of the hearing to the victim or the victim's attorney and to the person who is the subject of the records under consideration.

(iv) After conducting a hearing in accordance with division (D) (3) (b) (iii) of this section or after due consideration when a hearing is not conducted, the court may order the records of the person that are the subject of the motion or application to be sealed.

(4) Inspection of the records sealed pursuant to division

- (D) (1), (2), or (3) of this section may be made only by the 3119  
following persons or for the following purposes: 3120
- (a) By a law enforcement officer or prosecutor, or the 3121  
assistants of either, to determine whether the nature and 3122  
character of the offense with which a person is to be charged 3123  
would be affected by virtue of the person's previously having 3124  
been convicted of a crime; 3125
- (b) By the parole or probation officer of the person who 3126  
is the subject of the records, for the exclusive use of the 3127  
officer in supervising the person while on parole or under a 3128  
community control sanction or a post-release control sanction, 3129  
and in making inquiries and written reports as requested by the 3130  
court or adult parole authority; 3131
- (c) Upon application by the person who is the subject of 3132  
the records, by the persons named in the application; 3133
- (d) By a law enforcement officer who was involved in the 3134  
case, for use in the officer's defense of a civil action arising 3135  
out of the officer's involvement in that case; 3136
- (e) By a prosecuting attorney or the prosecuting 3137  
attorney's assistants, to determine a defendant's eligibility to 3138  
enter a pre-trial diversion program established pursuant to 3139  
section 2935.36 of the Revised Code; 3140
- (f) By any law enforcement agency or any authorized 3141  
employee of a law enforcement agency or by the department of 3142  
rehabilitation and correction as part of a background 3143  
investigation of a person who applies for employment with the 3144  
agency as a law enforcement officer or with the department as a 3145  
corrections officer; 3146
- (g) By any law enforcement agency or any authorized 3147

employee of a law enforcement agency, for the purposes set forth 3148  
in, and in the manner provided in, division (I) of section 3149  
~~2953.321~~2953.34 of the Revised Code; 3150

(h) By the bureau of criminal identification and 3151  
investigation or any authorized employee of the bureau for the 3152  
purpose of providing information to a board or person pursuant 3153  
to division (F) or (G) of section 109.57 of the Revised Code; 3154

(i) By the bureau of criminal identification and 3155  
investigation or any authorized employee of the bureau for the 3156  
purpose of performing a criminal history records check on a 3157  
person to whom a certificate as prescribed in section 109.77 of 3158  
the Revised Code is to be awarded; 3159

(j) By the bureau of criminal identification and 3160  
investigation or any authorized employee of the bureau for the 3161  
purpose of conducting a criminal records check of an individual 3162  
pursuant to division (B) of section 109.572 of the Revised Code 3163  
that was requested pursuant to any of the sections identified in 3164  
division (B) (1) of that section; 3165

(k) By the bureau of criminal identification and 3166  
investigation, an authorized employee of the bureau, a sheriff, 3167  
or an authorized employee of a sheriff in connection with a 3168  
criminal records check described in section 311.41 of the 3169  
Revised Code; 3170

(l) By the attorney general or an authorized employee of 3171  
the attorney general or a court for purposes of determining a 3172  
person's classification pursuant to Chapter 2950. of the Revised 3173  
Code. 3174

When the nature and character of the offense with which a 3175  
person is to be charged would be affected by the information, it 3176

may be used for the purpose of charging the person with an 3177  
offense. 3178

(E) In addition to the methods of expungement provided for 3179  
in divisions (A) and (B) of this section, a person who has been 3180  
adjudicated a delinquent child for having committed an act that 3181  
would be a violation of section 2907.24, 2907.241, or 2907.25 of 3182  
the Revised Code if the child were an adult may apply to the 3183  
adjudicating court for the expungement of the record of 3184  
adjudication if the person's participation in the act was a 3185  
result of the person having been a victim of human trafficking. 3186  
The application shall be made in the same manner as an 3187  
application for expungement under section ~~2953.38~~ 2953.36 of the 3188  
Revised Code, and all of the provisions of that section shall 3189  
apply to the expungement procedure. 3190

(F) After the records have been expunged under this 3191  
section, the person who is the subject of the expunged records 3192  
properly may, and the court shall, reply that no record exists 3193  
with respect to the person upon any inquiry in the matter. 3194

**Sec. 2746.02.** A court of record of this state shall tax as 3195  
costs or otherwise require the payment of fees for the following 3196  
services rendered, as compensation for the following persons, or 3197  
as part of the sentence imposed by the court, or any other of 3198  
the following fees that are applicable in a particular case: 3199

(A) In a felony case, financial sanctions, as provided in 3200  
section 2929.18 of the Revised Code; 3201

(B) In any criminal case, the costs of prosecution, as 3202  
provided in section 2947.23 of the Revised Code; 3203

(C) In a misdemeanor case in which the offender is 3204  
sentenced to a jail term, the local detention facility is 3205

covered by a policy adopted by the facility's governing 3206  
authority requiring reimbursement for the costs of confinement, 3207  
and the offender is presented with an itemized bill pursuant to 3208  
section 2929.37 of the Revised Code for such costs, the costs of 3209  
confinement, as provided in section 2929.24 of the Revised Code; 3210

(D) In a case in which an offender is sentenced for 3211  
endangering children in violation of section 2919.22 of the 3212  
Revised Code, the costs of the offender's supervised community 3213  
service work, as provided in section 2919.22 of the Revised 3214  
Code; 3215

(E) In a case in which a defendant is charged with any of 3216  
certain sexual assault or prostitution-related offenses and is 3217  
found to be suffering from a venereal disease in an infectious 3218  
stage, the cost of medical treatment, as provided in section 3219  
2907.27 of the Revised Code; 3220

(F) In a case in which a defendant is charged with 3221  
harassment with a bodily substance, the cost of medical testing, 3222  
as provided in section 2921.38 of the Revised Code; 3223

(G) In a case in which a defendant is charged with 3224  
violating a protection order in violation of section 2919.27 of 3225  
the Revised Code or of a municipal ordinance that is 3226  
substantially similar to that section, the costs of any 3227  
evaluation and preceding examination of the defendant, as 3228  
provided in section 2919.271 of the Revised Code; 3229

(H) Presentence psychological or psychiatric reports, as 3230  
provided in section 2947.06 of the Revised Code; 3231

(I) In a criminal proceeding, the taking of a deposition 3232  
of a person who is imprisoned in a detention facility or state 3233  
correctional institution within this state or who is in the 3234

custody of the department of youth services, as provided in 3235  
section 2945.47 of the Revised Code; 3236

(J) In a case in which a person is convicted of or pleads 3237  
guilty to any offense other than a parking violation or in which 3238  
a child is found to be a delinquent child or a juvenile traffic 3239  
offender for an act that, if committed by an adult, would be an 3240  
offense other than a parking violation, additional costs and 3241  
bail, if applicable, as provided in sections 2743.70 and 3242  
2949.091 of the Revised Code, but subject to waiver as provided 3243  
in section 2949.092 of the Revised Code; 3244

(K) In a case in which a person is convicted of or pleads 3245  
guilty to a moving violation or in which a child is found to be 3246  
a juvenile traffic offender for an act which, if committed by an 3247  
adult, would be a moving violation, additional costs and bail, 3248  
if applicable, as provided in sections 2949.093 and 2949.094 of 3249  
the Revised Code, but subject to waiver as provided in section 3250  
2949.092 of the Revised Code; 3251

(L) In a case in which a defendant is convicted of 3252  
abandoning a junk vessel or outboard motor without notifying the 3253  
appropriate law enforcement officer, the cost incurred by the 3254  
state or a political subdivision in disposing of the vessel or 3255  
motor, as provided in section 1547.99 of the Revised Code; 3256

(M) The costs of electronic monitoring in the following 3257  
cases: 3258

(1) In a misdemeanor case in which the offender is 3259  
convicted of any of certain prostitution-related offenses and a 3260  
specification under section 2941.1421 of the Revised Code, as 3261  
provided in section 2929.24 of the Revised Code; 3262

(2) In a case in which the court issues a criminal 3263

protection order against a minor upon a petition alleging that 3264  
the respondent committed any of certain assault, menacing, or 3265  
trespass offenses, a sexually oriented offense, or an offense 3266  
under a municipal ordinance that is substantially equivalent to 3267  
any of those offenses, as provided in section 2151.34 of the 3268  
Revised Code; 3269

(3) In a case in which the court issues a protection order 3270  
against an adult upon a petition alleging that the respondent 3271  
committed menacing by stalking or a sexually oriented offense, 3272  
as provided in section 2903.214 of the Revised Code; 3273

(4) In a case in which an offender is convicted of 3274  
violating a protection order, as provided in section 2919.27 of 3275  
the Revised Code; 3276

(5) In a case in which the offender is convicted of any 3277  
sexually oriented offense and is a tier III sex offender/child- 3278  
victim offender relative to that offense, as provided in section 3279  
2929.13 of the Revised Code. 3280

(N) In a proceeding for post-conviction relief, a 3281  
transcript, as provided in section 2953.21 of the Revised Code; 3282

(O) In a proceeding for the sealing\_or expungement of a 3283  
conviction record, the fees provided for in section 2953.32 of 3284  
the Revised Code. 3285

**Sec. 2903.214.** (A) As used in this section: 3286

(1) "Court" means the court of common pleas of the county 3287  
in which the person to be protected by the protection order 3288  
resides. 3289

(2) "Victim advocate" means a person who provides support 3290  
and assistance for a person who files a petition under this 3291



section. 3292

(3) "Family or household member" ~~has the same meaning as~~ 3293  
~~in section 3113.31 of the Revised Code~~means any of the 3294  
following: 3295

(a) Any of the following who is residing with or has 3296  
resided with the petitioner: 3297

(i) A spouse, a person living as a spouse, or a former 3298  
spouse of the petitioner; 3299

(ii) A parent, a foster parent, or a child of the 3300  
petitioner, or another person related by consanguinity or 3301  
affinity to the petitioner; 3302

(iii) A parent or a child of a spouse, person living as a 3303  
spouse, or former spouse of the petitioner, or another person 3304  
related by consanguinity or affinity to a spouse, person living 3305  
as a spouse, or former spouse of the petitioner. 3306

(b) The natural parent of any child of whom the petitioner 3307  
is the other natural parent or is the putative other natural 3308  
parent. 3309

(4) "Person living as a spouse" means a person who is 3310  
living or has lived with the petitioner in a common law marital 3311  
relationship, who otherwise is cohabiting with the petitioner, 3312  
or who otherwise has cohabited with the petitioner within five 3313  
years prior to the date of the alleged occurrence of the act in 3314  
question. 3315

(5) "Protection order issued by a court of another state" 3316  
has the same meaning as in section 2919.27 of the Revised Code. 3317

~~(5)~~(6) "Sexually oriented offense" has the same meaning 3318  
as in section 2950.01 of the Revised Code. 3319

~~(6)~~ (7) "Electronic monitoring" has the same meaning as in 3320  
section 2929.01 of the Revised Code. 3321

~~(7)~~ (8) "Companion animal" has the same meaning as in 3322  
section 959.131 of the Revised Code. 3323

(B) The court has jurisdiction over all proceedings under 3324  
this section. 3325

(C) A person may seek relief under this section for the 3326  
person, or any parent or adult household member may seek relief 3327  
under this section on behalf of any other family or household 3328  
member, by filing a petition with the court. The petition shall 3329  
contain or state all of the following: 3330

(1) An allegation that the respondent is eighteen years of 3331  
age or older and engaged in a violation of section 2903.211 of 3332  
the Revised Code against the person to be protected by the 3333  
protection order or committed a sexually oriented offense 3334  
against the person to be protected by the protection order, 3335  
including a description of the nature and extent of the 3336  
violation; 3337

(2) If the petitioner seeks relief in the form of 3338  
electronic monitoring of the respondent, an allegation that at 3339  
any time preceding the filing of the petition the respondent 3340  
engaged in conduct that would cause a reasonable person to 3341  
believe that the health, welfare, or safety of the person to be 3342  
protected was at risk, a description of the nature and extent of 3343  
that conduct, and an allegation that the respondent presents a 3344  
continuing danger to the person to be protected; 3345

(3) A request for relief under this section. 3346

(D) (1) If a person who files a petition pursuant to this 3347  
section requests an ex parte order, the court shall hold an ex 3348

parte hearing as soon as possible after the petition is filed, 3349  
but not later than the next day that the court is in session 3350  
after the petition is filed. The court, for good cause shown at 3351  
the ex parte hearing, may enter any temporary orders, with or 3352  
without bond, that the court finds necessary for the safety and 3353  
protection of the person to be protected by the order. Immediate 3354  
and present danger to the person to be protected by the 3355  
protection order constitutes good cause for purposes of this 3356  
section. Immediate and present danger includes, but is not 3357  
limited to, situations in which the respondent has threatened 3358  
the person to be protected by the protection order with bodily 3359  
harm or in which the respondent previously has been convicted of 3360  
or pleaded guilty to a violation of section 2903.211 of the 3361  
Revised Code or a sexually oriented offense against the person 3362  
to be protected by the protection order. 3363

(2) (a) If the court, after an ex parte hearing, issues a 3364  
protection order described in division (E) of this section, the 3365  
court shall schedule a full hearing for a date that is within 3366  
ten court days after the ex parte hearing. The court shall give 3367  
the respondent notice of, and an opportunity to be heard at, the 3368  
full hearing. The court shall hold the full hearing on the date 3369  
scheduled under this division unless the court grants a 3370  
continuance of the hearing in accordance with this division. 3371  
Under any of the following circumstances or for any of the 3372  
following reasons, the court may grant a continuance of the full 3373  
hearing to a reasonable time determined by the court: 3374

(i) Prior to the date scheduled for the full hearing under 3375  
this division, the respondent has not been served with the 3376  
petition filed pursuant to this section and notice of the full 3377  
hearing. 3378

(ii) The parties consent to the continuance.	3379
(iii) The continuance is needed to allow a <del>party</del> <u>respondent</u> to obtain counsel.	3380 3381
<del>(iv) The continuance is needed for other good cause.</del>	3382
(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D) (2) (a) of this section or because the court grants a continuance under that division.	3383 3384 3385 3386 3387
(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.	3388 3389 3390 3391 3392 3393
(E) (1) (a) After an ex parte or full hearing, the court may issue any protection order, with or without bond, that contains terms designed to ensure the safety and protection of the person to be protected by the protection order, including, but not limited to, a requirement that the respondent refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member. If the court includes a requirement that the respondent refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member in the order, it also shall include in the order provisions of the type described in division (E) (5) of this section. The court may include within a protection order issued under this section a term requiring that the respondent not remove, damage, hide, harm, or dispose of any	3394 3395 3396 3397 3398 3399 3400 3401 3402 3403 3404 3405 3406 3407

companion animal owned or possessed by the person to be 3408  
protected by the order, and may include within the order a term 3409  
authorizing the person to be protected by the order to remove a 3410  
companion animal owned by the person to be protected by the 3411  
order from the possession of the respondent. 3412

(b) After a full hearing, if the court considering a 3413  
petition that includes an allegation of the type described in 3414  
division (C) (2) of this section, or the court upon its own 3415  
motion, finds upon clear and convincing evidence that the 3416  
petitioner reasonably believed that the respondent's conduct at 3417  
any time preceding the filing of the petition endangered the 3418  
health, welfare, or safety of the person to be protected and 3419  
that the respondent presents a continuing danger to the person 3420  
to be protected, the court may order that the respondent be 3421  
electronically monitored for a period of time and under the 3422  
terms and conditions that the court determines are appropriate. 3423  
Electronic monitoring shall be in addition to any other relief 3424  
granted to the petitioner. 3425

(2) (a) Any protection order issued pursuant to this 3426  
section shall be valid until a date certain but not later than 3427  
five years from the date of its issuance. 3428

(b) Any protection order issued pursuant to this section 3429  
may be renewed in the same manner as the original order was 3430  
issued. 3431

(3) A court may not issue a protection order that requires 3432  
a petitioner to do or to refrain from doing an act that the 3433  
court may require a respondent to do or to refrain from doing 3434  
under division (E) (1) of this section unless all of the 3435  
following apply: 3436

- (a) The respondent files a separate petition for a protection order in accordance with this section. 3437  
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- (b) The petitioner is served with notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice. 3439  
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- (c) If the petitioner has requested an ex parte order pursuant to division (D) of this section, the court does not delay any hearing required by that division beyond the time specified in that division in order to consolidate the hearing with a hearing on the petition filed by the respondent. 3443  
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- (d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order issued pursuant to division (E) (3) of this section, has committed a sexually oriented offense against the person to be protected by the protection order issued pursuant to division (E) (3) of this section, or has violated a protection order issued pursuant to section 2903.213 of the Revised Code relative to the person to be protected by the protection order issued pursuant to division (E) (3) of this section. 3448  
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- (4) No protection order issued pursuant to this section shall in any manner affect title to any real property. 3461  
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- (5) (a) If the court issues a protection order under this section that includes a requirement that the alleged offender refrain from entering the residence, school, business, or place 3463  
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of employment of the petitioner or a family or household member, 3466  
the order shall clearly state that the order cannot be waived or 3467  
nullified by an invitation to the alleged offender from the 3468  
complainant to enter the residence, school, business, or place 3469  
of employment or by the alleged offender's entry into one of 3470  
those places otherwise upon the consent of the petitioner or 3471  
family or household member. 3472

(b) Division (E) (5) (a) of this section does not limit any 3473  
discretion of a court to determine that an alleged offender 3474  
charged with a violation of section 2919.27 of the Revised Code, 3475  
with a violation of a municipal ordinance substantially 3476  
equivalent to that section, or with contempt of court, which 3477  
charge is based on an alleged violation of a protection order 3478  
issued under this section, did not commit the violation or was 3479  
not in contempt of court. 3480

(F) (1) The court shall cause the delivery of a copy of any 3481  
protection order that is issued under this section to the 3482  
petitioner, to the respondent, and to all law enforcement 3483  
agencies that have jurisdiction to enforce the order. The court 3484  
shall direct that a copy of the order be delivered to the 3485  
respondent on the same day that the order is entered. 3486

(2) Upon the issuance of a protection order under this 3487  
section, the court shall provide the parties to the order with 3488  
the following notice orally or by form: 3489

"NOTICE 3490

As a result of this order, it may be unlawful for you to 3491  
possess or purchase a firearm, including a rifle, pistol, or 3492  
revolver, or ammunition pursuant to federal law under 18 U.S.C. 3493  
922(g) (8) for the duration of this order. If you have any 3494

questions whether this law makes it illegal for you to possess 3495  
or purchase a firearm or ammunition, you should consult an 3496  
attorney." 3497

(3) All law enforcement agencies shall establish and 3498  
maintain an index for the protection orders delivered to the 3499  
agencies pursuant to division (F)(1) of this section. With 3500  
respect to each order delivered, each agency shall note on the 3501  
index the date and time that it received the order. 3502

(4) Regardless of whether the petitioner has registered 3503  
the protection order in the county in which the officer's agency 3504  
has jurisdiction pursuant to division (M) of this section, any 3505  
officer of a law enforcement agency shall enforce a protection 3506  
order issued pursuant to this section by any court in this state 3507  
in accordance with the provisions of the order, including 3508  
removing the respondent from the premises, if appropriate. 3509

(G)(1) Any proceeding under this section shall be 3510  
conducted in accordance with the Rules of Civil Procedure, 3511  
except that a protection order may be obtained under this 3512  
section with or without bond. An order issued under this 3513  
section, other than an ex parte order, that grants a protection 3514  
order, or that refuses to grant a protection order, is a final, 3515  
appealable order. The remedies and procedures provided in this 3516  
section are in addition to, and not in lieu of, any other 3517  
available civil or criminal remedies. 3518

(2) If as provided in division (G)(1) of this section an 3519  
order issued under this section, other than an ex parte order, 3520  
refuses to grant a protection order, the court, on its own 3521  
motion, shall order that the ex parte order issued under this 3522  
section and all of the records pertaining to that ex parte order 3523  
be sealed after either of the following occurs: 3524



(a) No party has exercised the right to appeal pursuant to Rule 4 of the Rules of Appellate Procedure.	3525 3526
(b) All appellate rights have been exhausted.	3527
(H) The filing of proceedings under this section does not excuse a person from filing any report or giving any notice required by section 2151.421 of the Revised Code or by any other law.	3528 3529 3530 3531
(I) Any law enforcement agency that investigates an alleged violation of section 2903.211 of the Revised Code or an alleged commission of a sexually oriented offense shall provide information to the victim and the family or household members of the victim regarding the relief available under this section and section 2903.213 of the Revised Code.	3532 3533 3534 3535 3536 3537
(J) (1) Subject to division (J) (2) of this section and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or by a court of another state, no court or unit of state or local government shall charge the petitioner any fee, cost, deposit, or money in connection with the filing of a petition pursuant to this section, in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.	3538 3539 3540 3541 3542 3543 3544 3545 3546 3547 3548
(2) Regardless of whether a protection order is issued or a consent agreement is approved pursuant to this section, the court may assess costs against the respondent in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent	3549 3550 3551 3552 3553

agreement, or witness subpoena or for obtaining a certified copy 3554  
of a protection order or consent agreement. 3555

(K) (1) A person who violates a protection order issued 3556  
under this section is subject to the following sanctions: 3557

(a) Criminal prosecution for a violation of section 3558  
2919.27 of the Revised Code, if the violation of the protection 3559  
order constitutes a violation of that section; 3560

(b) Punishment for contempt of court. 3561

(2) The punishment of a person for contempt of court for 3562  
violation of a protection order issued under this section does 3563  
not bar criminal prosecution of the person for a violation of 3564  
section 2919.27 of the Revised Code. However, a person punished 3565  
for contempt of court is entitled to credit for the punishment 3566  
imposed upon conviction of a violation of that section, and a 3567  
person convicted of a violation of that section shall not 3568  
subsequently be punished for contempt of court arising out of 3569  
the same activity. 3570

(L) In all stages of a proceeding under this section, a 3571  
petitioner may be accompanied by a victim advocate. 3572

(M) (1) A petitioner who obtains a protection order under 3573  
this section or a protection order under section 2903.213 of the 3574  
Revised Code may provide notice of the issuance or approval of 3575  
the order to the judicial and law enforcement officials in any 3576  
county other than the county in which the order is issued by 3577  
registering that order in the other county pursuant to division 3578  
(M) (2) of this section and filing a copy of the registered order 3579  
with a law enforcement agency in the other county in accordance 3580  
with that division. A person who obtains a protection order 3581  
issued by a court of another state may provide notice of the 3582

issuance of the order to the judicial and law enforcement 3583  
officials in any county of this state by registering the order 3584  
in that county pursuant to section 2919.272 of the Revised Code 3585  
and filing a copy of the registered order with a law enforcement 3586  
agency in that county. 3587

(2) A petitioner may register a protection order issued 3588  
pursuant to this section or section 2903.213 of the Revised Code 3589  
in a county other than the county in which the court that issued 3590  
the order is located in the following manner: 3591

(a) The petitioner shall obtain a certified copy of the 3592  
order from the clerk of the court that issued the order and 3593  
present that certified copy to the clerk of the court of common 3594  
pleas or the clerk of a municipal court or county court in the 3595  
county in which the order is to be registered. 3596

(b) Upon accepting the certified copy of the order for 3597  
registration, the clerk of the court of common pleas, municipal 3598  
court, or county court shall place an endorsement of 3599  
registration on the order and give the petitioner a copy of the 3600  
order that bears that proof of registration. 3601

(3) The clerk of each court of common pleas, municipal 3602  
court, or county court shall maintain a registry of certified 3603  
copies of protection orders that have been issued by courts in 3604  
other counties pursuant to this section or section 2903.213 of 3605  
the Revised Code and that have been registered with the clerk. 3606

(N) (1) If the court orders electronic monitoring of the 3607  
respondent under this section, the court shall direct the 3608  
sheriff's office or any other appropriate law enforcement agency 3609  
to install the electronic monitoring device and to monitor the 3610  
respondent. Unless the court determines that the respondent is 3611

indigent, the court shall order the respondent to pay the cost 3612  
of the installation and monitoring of the electronic monitoring 3613  
device. If the court determines that the respondent is indigent 3614  
and subject to the maximum amount allowable to be paid in any 3615  
year from the fund and the rules promulgated by the attorney 3616  
general under division (N) (2) of this section, the cost of the 3617  
installation and monitoring of the electronic monitoring device 3618  
may be paid out of funds from the reparations fund created 3619  
pursuant to section 2743.191 of the Revised Code. The total 3620  
amount of costs for the installation and monitoring of 3621  
electronic monitoring devices paid pursuant to this division and 3622  
sections 2151.34 and 2919.27 of the Revised Code from the 3623  
reparations fund shall not exceed three hundred thousand dollars 3624  
per year. 3625

(2) The attorney general may promulgate rules pursuant to 3626  
section 111.15 of the Revised Code to govern payments made from 3627  
the reparations fund pursuant to this division and sections 3628  
2151.34 and 2919.27 of the Revised Code. The rules may include 3629  
reasonable limits on the total cost paid pursuant to this 3630  
division and sections 2151.34 and 2919.27 of the Revised Code 3631  
per respondent, the amount of the three hundred thousand dollars 3632  
allocated to each county, and how invoices may be submitted by a 3633  
county, court, or other entity. 3634

**Sec. 2907.05.** (A) No person shall have sexual contact with 3635  
another, not the spouse of the offender; cause another, not the 3636  
spouse of the offender, to have sexual contact with the 3637  
offender; or cause two or more other persons to have sexual 3638  
contact when any of the following applies: 3639

(1) The offender purposely compels the other person, or 3640  
one of the other persons, to submit by force or threat of force. 3641

(2) For the purpose of preventing resistance, the offender 3642  
substantially impairs the judgment or control of the other 3643  
person or of one of the other persons by administering any drug, 3644  
intoxicant, or controlled substance to the other person 3645  
surreptitiously or by force, threat of force, or deception. 3646

(3) The offender knows that the judgment or control of the 3647  
other person or of one of the other persons is substantially 3648  
impaired as a result of the influence of any drug or intoxicant 3649  
administered to the other person with the other person's consent 3650  
for the purpose of any kind of medical or dental examination, 3651  
treatment, or surgery. 3652

(4) The other person, or one of the other persons, is less 3653  
than thirteen years of age, whether or not the offender knows 3654  
the age of that person. 3655

(5) The ability of the other person to resist or consent 3656  
or the ability of one of the other persons to resist or consent 3657  
is substantially impaired because of a mental or physical 3658  
condition or because of advanced age, and the offender knows or 3659  
has reasonable cause to believe that the ability to resist or 3660  
consent of the other person or of one of the other persons is 3661  
substantially impaired because of a mental or physical condition 3662  
or because of advanced age. 3663

(B) No person shall knowingly touch the genitalia of 3664  
another, when the touching is not through clothing, the other 3665  
person is less than twelve years of age, whether or not the 3666  
offender knows the age of that person, and the touching is done 3667  
with an intent to abuse, humiliate, harass, degrade, or arouse 3668  
or gratify the sexual desire of any person. 3669

(C) Whoever violates this section is guilty of gross 3670

sexual imposition. 3671

(1) Except as otherwise provided in this section, gross 3672  
sexual imposition committed in violation of division (A) (1), 3673  
(2), (3), or (5) of this section is a felony of the fourth 3674  
degree. If the offender under division (A) (2) of this section 3675  
substantially impairs the judgment or control of the other 3676  
person or one of the other persons by administering any 3677  
controlled substance, as defined in section 3719.01 of the 3678  
Revised Code, to the person surreptitiously or by force, threat 3679  
of force, or deception, gross sexual imposition committed in 3680  
violation of division (A) (2) of this section is a felony of the 3681  
third degree. 3682

(2) Gross sexual imposition committed in violation of 3683  
division (A) (4) or (B) of this section is a felony of the third 3684  
degree. Except as otherwise provided in this division, for gross 3685  
sexual imposition committed in violation of division (A) (4) or 3686  
(B) of this section there is a presumption that a prison term 3687  
shall be imposed for the offense. The court shall impose on an 3688  
offender convicted of gross sexual imposition in violation of 3689  
division (A) (4) or (B) of this section a mandatory prison term, 3690  
as described in division (C) (3) of this section, for a felony of 3691  
the third degree if ~~either of the following applies:~~ 3692

~~(a) Evidence other than the testimony of the victim was~~ 3693  
~~admitted in the case corroborating the violation;~~ 3694

~~(b) The the offender previously was convicted of or~~ 3695  
~~pleaded guilty to a violation of this section, rape, the former~~ 3696  
~~offense of felonious sexual penetration, or sexual battery, and~~ 3697  
~~the victim of the previous offense was less than thirteen years~~ 3698  
~~of age.~~ 3699

(3) A mandatory prison term required under division (C) (2) 3700  
of this section shall be a definite term from the range of 3701  
prison terms provided in division (A) (3) (a) of section 2929.14 3702  
of the Revised Code for a felony of the third degree. 3703

(D) A victim need not prove physical resistance to the 3704  
offender in prosecutions under this section. 3705

(E) Evidence of specific instances of the victim's sexual 3706  
activity, opinion evidence of the victim's sexual activity, and 3707  
reputation evidence of the victim's sexual activity shall not be 3708  
admitted under this section unless it involves evidence of the 3709  
origin of semen, pregnancy, or disease, or the victim's past 3710  
sexual activity with the offender, and only to the extent that 3711  
the court finds that the evidence is material to a fact at issue 3712  
in the case and that its inflammatory or prejudicial nature does 3713  
not outweigh its probative value. 3714

Evidence of specific instances of the defendant's sexual 3715  
activity, opinion evidence of the defendant's sexual activity, 3716  
and reputation evidence of the defendant's sexual activity shall 3717  
not be admitted under this section unless it involves evidence 3718  
of the origin of semen, pregnancy, or disease, the defendant's 3719  
past sexual activity with the victim, or is admissible against 3720  
the defendant under section 2945.59 of the Revised Code, and 3721  
only to the extent that the court finds that the evidence is 3722  
material to a fact at issue in the case and that its 3723  
inflammatory or prejudicial nature does not outweigh its 3724  
probative value. 3725

(F) Prior to taking testimony or receiving evidence of any 3726  
sexual activity of the victim or the defendant in a proceeding 3727  
under this section, the court shall resolve the admissibility of 3728  
the proposed evidence in a hearing in chambers, which shall be 3729

held at or before preliminary hearing and not less than three 3730  
days before trial, or for good cause shown during the trial. 3731

(G) Upon approval by the court, the victim may be 3732  
represented by counsel in any hearing in chambers or other 3733  
proceeding to resolve the admissibility of evidence. If the 3734  
victim is indigent or otherwise is unable to obtain the services 3735  
of counsel, the court, upon request, may appoint counsel to 3736  
represent the victim without cost to the victim. 3737

**Sec. 2923.12.** (A) No person shall knowingly carry or have, 3738  
concealed on the person's person or concealed ready at hand, any 3739  
of the following: 3740

(1) A deadly weapon other than a handgun; 3741

(2) A handgun other than a dangerous ordnance; 3742

(3) A dangerous ordnance. 3743

(B) No person who has been issued a concealed handgun 3744  
license shall do any of the following: 3745

(1) If the person is stopped for a law enforcement purpose 3746  
and is carrying a concealed handgun, before or at the time a law 3747  
enforcement officer asks if the person is carrying a concealed 3748  
handgun, knowingly fail to disclose that the person then is 3749  
carrying a concealed handgun, provided that it is not a 3750  
violation of this division if the person fails to disclose that 3751  
fact to an officer during the stop and the person already has 3752  
notified another officer of that fact during the same stop; 3753

(2) If the person is stopped for a law enforcement purpose 3754  
and is carrying a concealed handgun, knowingly fail to keep the 3755  
person's hands in plain sight at any time after any law 3756  
enforcement officer begins approaching the person while stopped 3757



and before the law enforcement officer leaves, unless the 3758  
failure is pursuant to and in accordance with directions given 3759  
by a law enforcement officer; 3760

(3) If the person is stopped for a law enforcement 3761  
purpose, if the person is carrying a concealed handgun, and if 3762  
the person is approached by any law enforcement officer while 3763  
stopped, knowingly remove or attempt to remove the loaded 3764  
handgun from the holster, pocket, or other place in which the 3765  
person is carrying it, knowingly grasp or hold the loaded 3766  
handgun, or knowingly have contact with the loaded handgun by 3767  
touching it with the person's hands or fingers at any time after 3768  
the law enforcement officer begins approaching and before the 3769  
law enforcement officer leaves, unless the person removes, 3770  
attempts to remove, grasps, holds, or has contact with the 3771  
loaded handgun pursuant to and in accordance with directions 3772  
given by the law enforcement officer; 3773

(4) If the person is stopped for a law enforcement purpose 3774  
and is carrying a concealed handgun, knowingly disregard or fail 3775  
to comply with any lawful order of any law enforcement officer 3776  
given while the person is stopped, including, but not limited 3777  
to, a specific order to the person to keep the person's hands in 3778  
plain sight. 3779

(C) (1) This section does not apply to any of the 3780  
following: 3781

(a) An officer, agent, or employee of this or any other 3782  
state or the United States, or to a law enforcement officer, who 3783  
is authorized to carry concealed weapons or dangerous ordnance 3784  
or is authorized to carry handguns and is acting within the 3785  
scope of the officer's, agent's, or employee's duties; 3786

(b) Any person who is employed in this state, who is 3787  
authorized to carry concealed weapons or dangerous ordnance or 3788  
is authorized to carry handguns, and who is subject to and in 3789  
compliance with the requirements of section 109.801 of the 3790  
Revised Code, unless the appointing authority of the person has 3791  
expressly specified that the exemption provided in division (C) 3792  
(1) (b) of this section does not apply to the person; 3793

(c) A person's transportation or storage of a firearm, 3794  
other than a firearm described in divisions (G) to (M) of 3795  
section 2923.11 of the Revised Code, in a motor vehicle for any 3796  
lawful purpose if the firearm is not on the actor's person; 3797

(d) A person's storage or possession of a firearm, other 3798  
than a firearm described in divisions (G) to (M) of section 3799  
2923.11 of the Revised Code, in the actor's own home for any 3800  
lawful purpose. 3801

(2) Division (A) (2) of this section does not apply to any 3802  
person who has been issued a concealed handgun license that is 3803  
valid at the time of the alleged carrying or possession of a 3804  
handgun or who, at the time of the alleged carrying or 3805  
possession of a handgun, is an active duty member of the armed 3806  
forces of the United States and is carrying a valid military 3807  
identification card and documentation of successful completion 3808  
of firearms training that meets or exceeds the training 3809  
requirements described in division (G) (1) of section 2923.125 of 3810  
the Revised Code, unless the person knowingly is in a place 3811  
described in division (B) of section 2923.126 of the Revised 3812  
Code. 3813

(D) It is an affirmative defense to a charge under 3814  
division (A) (1) of this section of carrying or having control of 3815  
a weapon other than a handgun and other than a dangerous 3816

ordnance that the actor was not otherwise prohibited by law from 3817  
having the weapon and that any of the following applies: 3818

(1) The weapon was carried or kept ready at hand by the 3819  
actor for defensive purposes while the actor was engaged in or 3820  
was going to or from the actor's lawful business or occupation, 3821  
which business or occupation was of a character or was 3822  
necessarily carried on in a manner or at a time or place as to 3823  
render the actor particularly susceptible to criminal attack, 3824  
such as would justify a prudent person in going armed. 3825

(2) The weapon was carried or kept ready at hand by the 3826  
actor for defensive purposes while the actor was engaged in a 3827  
lawful activity and had reasonable cause to fear a criminal 3828  
attack upon the actor, a member of the actor's family, or the 3829  
actor's home, such as would justify a prudent person in going 3830  
armed. 3831

(3) The weapon was carried or kept ready at hand by the 3832  
actor for any lawful purpose and while in the actor's own home. 3833

(E) (1) No person who is charged with a violation of this 3834  
section shall be required to obtain a concealed handgun license 3835  
as a condition for the dismissal of the charge. 3836

(2) If a person is convicted of, was convicted of, pleads 3837  
guilty to, or has pleaded guilty to a violation of division (B) 3838  
(1) of this section as it existed prior to ~~the effective date of~~ 3839  
~~this amendment June 13, 2022,~~ the person may file an application 3840  
under section ~~2953.37~~ 2953.35 of the Revised Code requesting the 3841  
expungement of the record of conviction. 3842

(F) (1) Whoever violates this section is guilty of carrying 3843  
concealed weapons. Except as otherwise provided in this division 3844  
or divisions (F) (2), (6), and (7) of this section, carrying 3845

concealed weapons in violation of division (A) of this section 3846  
is a misdemeanor of the first degree. Except as otherwise 3847  
provided in this division or divisions (F) (2), (6), and (7) of 3848  
this section, if the offender previously has been convicted of a 3849  
violation of this section or of any offense of violence, if the 3850  
weapon involved is a firearm that is either loaded or for which 3851  
the offender has ammunition ready at hand, or if the weapon 3852  
involved is dangerous ordnance, carrying concealed weapons in 3853  
violation of division (A) of this section is a felony of the 3854  
fourth degree. Except as otherwise provided in divisions (F) (2) 3855  
and (6) of this section, if the offense is committed aboard an 3856  
aircraft, or with purpose to carry a concealed weapon aboard an 3857  
aircraft, regardless of the weapon involved, carrying concealed 3858  
weapons in violation of division (A) of this section is a felony 3859  
of the third degree. 3860

(2) A person shall not be arrested for a violation of 3861  
division (A) (2) of this section solely because the person does 3862  
not promptly produce a valid concealed handgun license. If a 3863  
person is arrested for a violation of division (A) (2) of this 3864  
section and is convicted of or pleads guilty to the violation, 3865  
the offender shall be punished as follows: 3866

(a) The offender shall be guilty of a minor misdemeanor if 3867  
both of the following apply: 3868

(i) Within ten days after the arrest, the offender 3869  
presents a concealed handgun license, which license was valid at 3870  
the time of the arrest, to the law enforcement agency that 3871  
employs the arresting officer. 3872

(ii) At the time of the arrest, the offender was not 3873  
knowingly in a place described in division (B) of section 3874  
2923.126 of the Revised Code. 3875

(b) The offender shall be guilty of a misdemeanor and 3876  
shall be fined five hundred dollars if all of the following 3877  
apply: 3878

(i) The offender previously had been issued a concealed 3879  
handgun license, and that license expired within the two years 3880  
immediately preceding the arrest. 3881

(ii) Within forty-five days after the arrest, the offender 3882  
presents a concealed handgun license to the law enforcement 3883  
agency that employed the arresting officer, and the offender 3884  
waives in writing the offender's right to a speedy trial on the 3885  
charge of the violation that is provided in section 2945.71 of 3886  
the Revised Code. 3887

(iii) At the time of the commission of the offense, the 3888  
offender was not knowingly in a place described in division (B) 3889  
of section 2923.126 of the Revised Code. 3890

(c) If divisions (F) (2) (a) and (b) and (F) (6) of this 3891  
section do not apply, the offender shall be punished under 3892  
division (F) (1) or (7) of this section. 3893

(3) Carrying concealed weapons in violation of division 3894  
(B) (1) of this section is a misdemeanor of the second degree. 3895

(4) Carrying concealed weapons in violation of division 3896  
(B) (2) or (4) of this section is a misdemeanor of the first 3897  
degree or, if the offender previously has been convicted of or 3898  
pleaded guilty to a violation of division (B) (2) or (4) of this 3899  
section, a felony of the fifth degree. In addition to any other 3900  
penalty or sanction imposed for a misdemeanor violation of 3901  
division (B) (2) or (4) of this section, the offender's concealed 3902  
handgun license shall be suspended pursuant to division (A) (2) 3903  
of section 2923.128 of the Revised Code. 3904

(5) Carrying concealed weapons in violation of division 3905  
(B) (3) of this section is a felony of the fifth degree. 3906

(6) If a person being arrested for a violation of division 3907  
(A) (2) of this section is an active duty member of the armed 3908  
forces of the United States and is carrying a valid military 3909  
identification card and documentation of successful completion 3910  
of firearms training that meets or exceeds the training 3911  
requirements described in division (G) (1) of section 2923.125 of 3912  
the Revised Code, and if at the time of the violation the person 3913  
was not knowingly in a place described in division (B) of 3914  
section 2923.126 of the Revised Code, the officer shall not 3915  
arrest the person for a violation of that division. If the 3916  
person is not able to promptly produce a valid military 3917  
identification card and documentation of successful completion 3918  
of firearms training that meets or exceeds the training 3919  
requirements described in division (G) (1) of section 2923.125 of 3920  
the Revised Code and if the person is not in a place described 3921  
in division (B) of section 2923.126 of the Revised Code, the 3922  
officer shall issue a citation and the offender shall be 3923  
assessed a civil penalty of not more than five hundred dollars. 3924  
The citation shall be automatically dismissed and the civil 3925  
penalty shall not be assessed if both of the following apply: 3926

(a) Within ten days after the issuance of the citation, 3927  
the offender presents a valid military identification card and 3928  
documentation of successful completion of firearms training that 3929  
meets or exceeds the training requirements described in division 3930  
(G) (1) of section 2923.125 of the Revised Code, which were both 3931  
valid at the time of the issuance of the citation to the law 3932  
enforcement agency that employs the citing officer. 3933

(b) At the time of the citation, the offender was not 3934

knowingly in a place described in division (B) of section 3935  
2923.126 of the Revised Code. 3936

(7) If a person being arrested for a violation of division 3937  
(A) (2) of this section is knowingly in a place described in 3938  
division (B) (5) of section 2923.126 of the Revised Code and is 3939  
not authorized to carry a handgun or have a handgun concealed on 3940  
the person's person or concealed ready at hand under that 3941  
division, the penalty shall be as follows: 3942

(a) Except as otherwise provided in this division, if the 3943  
person produces a valid concealed handgun license within ten 3944  
days after the arrest and has not previously been convicted or 3945  
pleaded guilty to a violation of division (A) (2) of this 3946  
section, the person is guilty of a minor misdemeanor; 3947

(b) Except as otherwise provided in this division, if the 3948  
person has previously been convicted of or pleaded guilty to a 3949  
violation of division (A) (2) of this section, the person is 3950  
guilty of a misdemeanor of the fourth degree; 3951

(c) Except as otherwise provided in this division, if the 3952  
person has previously been convicted of or pleaded guilty to two 3953  
violations of division (A) (2) of this section, the person is 3954  
guilty of a misdemeanor of the third degree; 3955

(d) Except as otherwise provided in this division, if the 3956  
person has previously been convicted of or pleaded guilty to 3957  
three or more violations of division (A) (2) of this section, or 3958  
convicted of or pleaded guilty to any offense of violence, if 3959  
the weapon involved is a firearm that is either loaded or for 3960  
which the offender has ammunition ready at hand, or if the 3961  
weapon involved is a dangerous ordnance, the person is guilty of 3962  
a misdemeanor of the second degree. 3963

(G) If a law enforcement officer stops a person to 3964  
question the person regarding a possible violation of this 3965  
section, for a traffic stop, or for any other law enforcement 3966  
purpose, if the person surrenders a firearm to the officer, 3967  
either voluntarily or pursuant to a request or demand of the 3968  
officer, and if the officer does not charge the person with a 3969  
violation of this section or arrest the person for any offense, 3970  
the person is not otherwise prohibited by law from possessing 3971  
the firearm, and the firearm is not contraband, the officer 3972  
shall return the firearm to the person at the termination of the 3973  
stop. If a court orders a law enforcement officer to return a 3974  
firearm to a person pursuant to the requirement set forth in 3975  
this division, division (B) of section 2923.163 of the Revised 3976  
Code applies. 3977

(H) For purposes of this section, "deadly weapon" or 3978  
"weapon" does not include any knife, razor, or cutting 3979  
instrument if the instrument was not used as a weapon. 3980

**Sec. 2923.125.** It is the intent of the general assembly 3981  
that Ohio concealed handgun license law be compliant with the 3982  
national instant criminal background check system, that the 3983  
bureau of alcohol, tobacco, firearms, and explosives is able to 3984  
determine that Ohio law is compliant with the national instant 3985  
criminal background check system, and that no person shall be 3986  
eligible to receive a concealed handgun license permit under 3987  
section 2923.125 or 2923.1213 of the Revised Code unless the 3988  
person is eligible lawfully to receive or possess a firearm in 3989  
the United States. 3990

(A) This section applies with respect to the application 3991  
for and issuance by this state of concealed handgun licenses 3992  
other than concealed handgun licenses on a temporary emergency 3993



basis that are issued under section 2923.1213 of the Revised Code. Upon the request of a person who wishes to obtain a concealed handgun license with respect to which this section applies or to renew a concealed handgun license with respect to which this section applies, a sheriff, as provided in division (I) of this section, shall provide to the person free of charge an application form and the web site address at which a printable version of the application form that can be downloaded and the pamphlet described in division (B) of section 109.731 of the Revised Code may be found. A sheriff shall accept a completed application form and the fee, items, materials, and information specified in divisions (B) (1) to (5) of this section at the times and in the manners described in division (I) of this section.

(B) An applicant for a concealed handgun license who is a resident of this state shall submit a completed application form and all of the material and information described in divisions (B) (1) to (6) of this section to the sheriff of the county in which the applicant resides or to the sheriff of any county adjacent to the county in which the applicant resides. An applicant for a license who resides in another state shall submit a completed application form and all of the material and information described in divisions (B) (1) to (7) of this section to the sheriff of the county in which the applicant is employed or to the sheriff of any county adjacent to the county in which the applicant is employed:

(1) (a) A nonrefundable license fee as described in either of the following:

(i) For an applicant who has been a resident of this state for five or more years, a fee of sixty-seven dollars;

(ii) For an applicant who has been a resident of this 4024  
state for less than five years or who is not a resident of this 4025  
state, but who is employed in this state, a fee of sixty-seven 4026  
dollars plus the actual cost of having a background check 4027  
performed by the federal bureau of investigation. 4028

(b) No sheriff shall require an applicant to pay for the 4029  
cost of a background check performed by the bureau of criminal 4030  
identification and investigation. 4031

(c) A sheriff shall waive the payment of the license fee 4032  
described in division (B) (1) (a) of this section in connection 4033  
with an initial or renewal application for a license that is 4034  
submitted by an applicant who is an active or reserve member of 4035  
the armed forces of the United States or has retired from or was 4036  
honorably discharged from military service in the active or 4037  
reserve armed forces of the United States, a retired peace 4038  
officer, a retired person described in division (B) (1) (b) of 4039  
section 109.77 of the Revised Code, or a retired federal law 4040  
enforcement officer who, prior to retirement, was authorized 4041  
under federal law to carry a firearm in the course of duty, 4042  
unless the retired peace officer, person, or federal law 4043  
enforcement officer retired as the result of a mental 4044  
disability. 4045

(d) The sheriff shall deposit all fees paid by an 4046  
applicant under division (B) (1) (a) of this section into the 4047  
sheriff's concealed handgun license issuance fund established 4048  
pursuant to section 311.42 of the Revised Code. The county shall 4049  
distribute the fees in accordance with section 311.42 of the 4050  
Revised Code. 4051

(2) A color photograph of the applicant that was taken 4052  
within thirty days prior to the date of the application; 4053

(3) One or more of the following competency 4054  
certifications, each of which shall reflect that, regarding a 4055  
certification described in division (B) (3) (a), (b), (c), (e), or 4056  
(f) of this section, within the three years immediately 4057  
preceding the application the applicant has performed that to 4058  
which the competency certification relates and that, regarding a 4059  
certification described in division (B) (3) (d) of this section, 4060  
the applicant currently is an active or reserve member of the 4061  
armed forces of the United States, the applicant has retired 4062  
from or was honorably discharged from military service in the 4063  
active or reserve armed forces of the United States, or within 4064  
the ten years immediately preceding the application the 4065  
retirement of the peace officer, person described in division 4066  
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 4067  
enforcement officer to which the competency certification 4068  
relates occurred: 4069

(a) An original or photocopy of a certificate of 4070  
completion of a firearms safety, training, or requalification or 4071  
firearms safety instructor course, class, or program that was 4072  
offered by or under the auspices of a national gun advocacy 4073  
organization and that complies with the requirements set forth 4074  
in division (G) of this section; 4075

(b) An original or photocopy of a certificate of 4076  
completion of a firearms safety, training, or requalification or 4077  
firearms safety instructor course, class, or program that 4078  
satisfies all of the following criteria: 4079

(i) It was open to members of the general public. 4080

(ii) It utilized qualified instructors who were certified 4081  
by a national gun advocacy organization, the executive director 4082  
of the Ohio peace officer training commission pursuant to 4083

section 109.75 or 109.78 of the Revised Code, or a governmental 4084  
official or entity of another state. 4085

(iii) It was offered by or under the auspices of a law 4086  
enforcement agency of this or another state or the United 4087  
States, a public or private college, university, or other 4088  
similar postsecondary educational institution located in this or 4089  
another state, a firearms training school located in this or 4090  
another state, or another type of public or private entity or 4091  
organization located in this or another state. 4092

(iv) It complies with the requirements set forth in 4093  
division (G) of this section. 4094

(c) An original or photocopy of a certificate of 4095  
completion of a state, county, municipal, or department of 4096  
natural resources peace officer training school that is approved 4097  
by the executive director of the Ohio peace officer training 4098  
commission pursuant to section 109.75 of the Revised Code and 4099  
that complies with the requirements set forth in division (G) of 4100  
this section, or the applicant has satisfactorily completed and 4101  
been issued a certificate of completion of a basic firearms 4102  
training program, a firearms requalification training program, 4103  
or another basic training program described in section 109.78 or 4104  
109.801 of the Revised Code that complies with the requirements 4105  
set forth in division (G) of this section; 4106

(d) A document that evidences both of the following: 4107

(i) That the applicant is an active or reserve member of 4108  
the armed forces of the United States, has retired from or was 4109  
honorably discharged from military service in the active or 4110  
reserve armed forces of the United States, is a retired trooper 4111  
of the state highway patrol, or is a retired peace officer or 4112

federal law enforcement officer described in division (B) (1) of 4113  
this section or a retired person described in division (B) (1) (b) 4114  
of section 109.77 of the Revised Code and division (B) (1) of 4115  
this section; 4116

(ii) That, through participation in the military service 4117  
or through the former employment described in division (B) (3) (d) 4118  
(i) of this section, the applicant acquired experience with 4119  
handling handguns or other firearms, and the experience so 4120  
acquired was equivalent to training that the applicant could 4121  
have acquired in a course, class, or program described in 4122  
division (B) (3) (a), (b), or (c) of this section. 4123

(e) A certificate or another similar document that 4124  
evidences satisfactory completion of a firearms training, 4125  
safety, or requalification or firearms safety instructor course, 4126  
class, or program that is not otherwise described in division 4127  
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 4128  
by an instructor who was certified by an official or entity of 4129  
the government of this or another state or the United States or 4130  
by a national gun advocacy organization, and that complies with 4131  
the requirements set forth in division (G) of this section; 4132

(f) An affidavit that attests to the applicant's 4133  
satisfactory completion of a course, class, or program described 4134  
in division (B) (3) (a), (b), (c), or (e) of this section and that 4135  
is subscribed by the applicant's instructor or an authorized 4136  
representative of the entity that offered the course, class, or 4137  
program or under whose auspices the course, class, or program 4138  
was offered; 4139

(g) A document that evidences that the applicant has 4140  
successfully completed the Ohio peace officer training program 4141  
described in section 109.79 of the Revised Code. 4142

(4) A certification by the applicant that the applicant 4143  
has read the pamphlet prepared by the Ohio peace officer 4144  
training commission pursuant to section 109.731 of the Revised 4145  
Code that reviews firearms, dispute resolution, and use of 4146  
deadly force matters. 4147

(5) A set of fingerprints of the applicant provided as 4148  
described in section 311.41 of the Revised Code through use of 4149  
an electronic fingerprint reading device or, if the sheriff to 4150  
whom the application is submitted does not possess and does not 4151  
have ready access to the use of such a reading device, on a 4152  
standard impression sheet prescribed pursuant to division (C) (2) 4153  
of section 109.572 of the Revised Code. 4154

(6) If the applicant is not a citizen or national of the 4155  
United States, the name of the applicant's country of 4156  
citizenship and the applicant's alien registration number issued 4157  
by the United States citizenship and immigration services 4158  
agency. 4159

(7) If the applicant resides in another state, adequate 4160  
proof of employment in Ohio. 4161

(C) Upon receipt of the completed application form, 4162  
supporting documentation, and, if not waived, license fee of an 4163  
applicant under this section, a sheriff, in the manner specified 4164  
in section 311.41 of the Revised Code, shall conduct or cause to 4165  
be conducted the criminal records check and the incompetency 4166  
records check described in section 311.41 of the Revised Code. 4167

(D) (1) Except as provided in division (D) (3) of this 4168  
section, within forty-five days after a sheriff's receipt of an 4169  
applicant's completed application form for a concealed handgun 4170  
license under this section, the supporting documentation, and, 4171

if not waived, the license fee, the sheriff shall make available 4172  
through the law enforcement automated data system in accordance 4173  
with division (H) of this section the information described in 4174  
that division and, upon making the information available through 4175  
the system, shall issue to the applicant a concealed handgun 4176  
license that shall expire as described in division (D) (2) (a) of 4177  
this section if all of the following apply: 4178

(a) The applicant is legally living in the United States. 4179  
For purposes of division (D) (1) (a) of this section, if a person 4180  
is absent from the United States in compliance with military or 4181  
naval orders as an active or reserve member of the armed forces 4182  
of the United States and if prior to leaving the United States 4183  
the person was legally living in the United States, the person, 4184  
solely by reason of that absence, shall not be considered to 4185  
have lost the person's status as living in the United States. 4186

(b) The applicant is at least twenty-one years of age. 4187

(c) The applicant is not a fugitive from justice. 4188

(d) The applicant is not under indictment for or otherwise 4189  
charged with a felony; an offense under Chapter 2925., 3719., or 4190  
4729. of the Revised Code that involves the illegal possession, 4191  
use, sale, administration, or distribution of or trafficking in 4192  
a drug of abuse; a misdemeanor offense of violence; or a 4193  
violation of section 2903.14 or 2923.1211 of the Revised Code. 4194

(e) Except as otherwise provided in division (D) (4) or (5) 4195  
of this section, the applicant has not been convicted of or 4196  
pleaded guilty to a felony or an offense under Chapter 2925., 4197  
3719., or 4729. of the Revised Code that involves the illegal 4198  
possession, use, sale, administration, or distribution of or 4199  
trafficking in a drug of abuse; has not been adjudicated a 4200

delinquent child for committing an act that if committed by an 4201  
adult would be a felony or would be an offense under Chapter 4202  
2925., 3719., or 4729. of the Revised Code that involves the 4203  
illegal possession, use, sale, administration, or distribution 4204  
of or trafficking in a drug of abuse; has not been convicted of, 4205  
pleaded guilty to, or adjudicated a delinquent child for 4206  
committing a violation of section 2903.13 of the Revised Code 4207  
when the victim of the violation is a peace officer, regardless 4208  
of whether the applicant was sentenced under division (C) (4) of 4209  
that section; and has not been convicted of, pleaded guilty to, 4210  
or adjudicated a delinquent child for committing any other 4211  
offense that is not previously described in this division that 4212  
is a misdemeanor punishable by imprisonment for a term exceeding 4213  
one year. 4214

(f) Except as otherwise provided in division (D) (4) or (5) 4215  
of this section, the applicant, within three years of the date 4216  
of the application, has not been convicted of or pleaded guilty 4217  
to a misdemeanor offense of violence other than a misdemeanor 4218  
violation of section 2921.33 of the Revised Code or a violation 4219  
of section 2903.13 of the Revised Code when the victim of the 4220  
violation is a peace officer, or a misdemeanor violation of 4221  
section 2923.1211 of the Revised Code; and has not been 4222  
adjudicated a delinquent child for committing an act that if 4223  
committed by an adult would be a misdemeanor offense of violence 4224  
other than a misdemeanor violation of section 2921.33 of the 4225  
Revised Code or a violation of section 2903.13 of the Revised 4226  
Code when the victim of the violation is a peace officer or for 4227  
committing an act that if committed by an adult would be a 4228  
misdemeanor violation of section 2923.1211 of the Revised Code. 4229

(g) Except as otherwise provided in division (D) (1) (e) of 4230  
this section, the applicant, within five years of the date of 4231



the application, has not been convicted of, pleaded guilty to, 4232  
or adjudicated a delinquent child for committing two or more 4233  
violations of section 2903.13 or 2903.14 of the Revised Code. 4234

(h) Except as otherwise provided in division (D) (4) or (5) 4235  
of this section, the applicant, within ten years of the date of 4236  
the application, has not been convicted of, pleaded guilty to, 4237  
or adjudicated a delinquent child for committing a violation of 4238  
section 2921.33 of the Revised Code. 4239

(i) The applicant has not been adjudicated as a mental 4240  
defective, has not been committed to any mental institution, is 4241  
not under adjudication of mental incompetence, has not been 4242  
found by a court to be a mentally ill person subject to court 4243  
order, and is not an involuntary patient other than one who is a 4244  
patient only for purposes of observation. As used in this 4245  
division, "mentally ill person subject to court order" and 4246  
"patient" have the same meanings as in section 5122.01 of the 4247  
Revised Code. 4248

(j) The applicant is not currently subject to a civil 4249  
protection order, a temporary protection order, or a protection 4250  
order issued by a court of another state. 4251

(k) The applicant certifies that the applicant desires a 4252  
legal means to carry a concealed handgun for defense of the 4253  
applicant or a member of the applicant's family while engaged in 4254  
lawful activity. 4255

(l) The applicant submits a competency certification of 4256  
the type described in division (B) (3) of this section and 4257  
submits a certification of the type described in division (B) (4) 4258  
of this section regarding the applicant's reading of the 4259  
pamphlet prepared by the Ohio peace officer training commission 4260

pursuant to section 109.731 of the Revised Code. 4261

(m) The applicant currently is not subject to a suspension 4262  
imposed under division (A) (2) of section 2923.128 of the Revised 4263  
Code of a concealed handgun license that previously was issued 4264  
to the applicant under this section or section 2923.1213 of the 4265  
Revised Code or a similar suspension imposed by another state 4266  
regarding a concealed handgun license issued by that state. 4267

(n) If the applicant resides in another state, the 4268  
applicant is employed in this state. 4269

(o) The applicant certifies that the applicant is not an 4270  
unlawful user of or addicted to any controlled substance as 4271  
defined in 21 U.S.C. 802. 4272

(p) If the applicant is not a United States citizen, the 4273  
applicant is an alien and has not been admitted to the United 4274  
States under a nonimmigrant visa, as defined in the "Immigration 4275  
and Nationality Act," 8 U.S.C. 1101(a) (26) . 4276

(q) The applicant has not been discharged from the armed 4277  
forces of the United States under dishonorable conditions. 4278

(r) The applicant certifies that the applicant has not 4279  
renounced the applicant's United States citizenship, if 4280  
applicable. 4281

(s) The applicant has not been convicted of, pleaded 4282  
guilty to, or adjudicated a delinquent child for committing a 4283  
violation of section 2919.25 of the Revised Code or a similar 4284  
violation in another state. 4285

(2) (a) A concealed handgun license that a sheriff issues 4286  
under division (D) (1) of this section shall expire five years 4287  
after the date of issuance. 4288

If a sheriff issues a license under this section, the 4289  
sheriff shall place on the license a unique combination of 4290  
letters and numbers identifying the license in accordance with 4291  
the procedure prescribed by the Ohio peace officer training 4292  
commission pursuant to section 109.731 of the Revised Code. 4293

(b) If a sheriff denies an application under this section 4294  
because the applicant does not satisfy the criteria described in 4295  
division (D)(1) of this section, the sheriff shall specify the 4296  
grounds for the denial in a written notice to the applicant. The 4297  
applicant may appeal the denial pursuant to section 119.12 of 4298  
the Revised Code in the county served by the sheriff who denied 4299  
the application. If the denial was as a result of the criminal 4300  
records check conducted pursuant to section 311.41 of the 4301  
Revised Code and if, pursuant to section 2923.127 of the Revised 4302  
Code, the applicant challenges the criminal records check 4303  
results using the appropriate challenge and review procedure 4304  
specified in that section, the time for filing the appeal 4305  
pursuant to section 119.12 of the Revised Code and this division 4306  
is tolled during the pendency of the request or the challenge 4307  
and review. 4308

(c) If the court in an appeal under section 119.12 of the 4309  
Revised Code and division (D)(2)(b) of this section enters a 4310  
judgment sustaining the sheriff's refusal to grant to the 4311  
applicant a concealed handgun license, the applicant may file a 4312  
new application beginning one year after the judgment is 4313  
entered. If the court enters a judgment in favor of the 4314  
applicant, that judgment shall not restrict the authority of a 4315  
sheriff to suspend or revoke the license pursuant to section 4316  
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 4317  
the license for any proper cause that may occur after the date 4318  
the judgment is entered. In the appeal, the court shall have 4319

full power to dispose of all costs. 4320

(3) If the sheriff with whom an application for a 4321  
concealed handgun license was filed under this section becomes 4322  
aware that the applicant has been arrested for or otherwise 4323  
charged with an offense that would disqualify the applicant from 4324  
holding the license, the sheriff shall suspend the processing of 4325  
the application until the disposition of the case arising from 4326  
the arrest or charge. 4327

(4) If an applicant has been convicted of or pleaded 4328  
guilty to an offense identified in division (D)(1)(e), (f), or 4329  
(h) of this section or has been adjudicated a delinquent child 4330  
for committing an act or violation identified in any of those 4331  
divisions, and if a court has ordered the sealing or expungement 4332  
of the records of that conviction, guilty plea, or adjudication 4333  
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 4334  
~~2953.36, or section 2953.37~~ 2953.35 of the Revised Code or the 4335  
applicant has been relieved under operation of law or legal 4336  
process from the disability imposed pursuant to section 2923.13 4337  
of the Revised Code relative to that conviction, guilty plea, or 4338  
adjudication, the sheriff with whom the application was 4339  
submitted shall not consider the conviction, guilty plea, or 4340  
adjudication in making a determination under division (D)(1) or 4341  
(F) of this section or, in relation to an application for a 4342  
concealed handgun license on a temporary emergency basis 4343  
submitted under section 2923.1213 of the Revised Code, in making 4344  
a determination under division (B)(2) of that section. 4345

(5) If an applicant has been convicted of or pleaded 4346  
guilty to a minor misdemeanor offense or has been adjudicated a 4347  
delinquent child for committing an act or violation that is a 4348  
minor misdemeanor offense, the sheriff with whom the application 4349

was submitted shall not consider the conviction, guilty plea, or 4350  
adjudication in making a determination under division (D) (1) or 4351  
(F) of this section or, in relation to an application for a 4352  
concealed handgun license on a temporary basis submitted under 4353  
section 2923.1213 of the Revised Code, in making a determination 4354  
under division (B) (2) of that section. 4355

(E) If a concealed handgun license issued under this 4356  
section is lost or is destroyed, the licensee may obtain from 4357  
the sheriff who issued that license a duplicate license upon the 4358  
payment of a fee of fifteen dollars and the submission of an 4359  
affidavit attesting to the loss or destruction of the license. 4360  
The sheriff, in accordance with the procedures prescribed in 4361  
section 109.731 of the Revised Code, shall place on the 4362  
replacement license a combination of identifying numbers 4363  
different from the combination on the license that is being 4364  
replaced. 4365

(F) (1) (a) Except as provided in division (F) (1) (b) of this 4366  
section, a licensee who wishes to renew a concealed handgun 4367  
license issued under this section may do so at any time before 4368  
the expiration date of the license or at any time after the 4369  
expiration date of the license by filing with the sheriff of the 4370  
county in which the applicant resides or with the sheriff of an 4371  
adjacent county, or in the case of an applicant who resides in 4372  
another state with the sheriff of the county that issued the 4373  
applicant's previous concealed handgun license an application 4374  
for renewal of the license obtained pursuant to division (D) of 4375  
this section, a certification by the applicant that, subsequent 4376  
to the issuance of the license, the applicant has reread the 4377  
pamphlet prepared by the Ohio peace officer training commission 4378  
pursuant to section 109.731 of the Revised Code that reviews 4379  
firearms, dispute resolution, and use of deadly force matters, 4380

and a nonrefundable license renewal fee in an amount determined 4381  
pursuant to division (F) (4) of this section unless the fee is 4382  
waived. 4383

(b) A person on active duty in the armed forces of the 4384  
United States or in service with the peace corps, volunteers in 4385  
service to America, or the foreign service of the United States 4386  
is exempt from the license requirements of this section for the 4387  
period of the person's active duty or service and for six months 4388  
thereafter, provided the person was a licensee under this 4389  
section at the time the person commenced the person's active 4390  
duty or service or had obtained a license while on active duty 4391  
or service. The spouse or a dependent of any such person on 4392  
active duty or in service also is exempt from the license 4393  
requirements of this section for the period of the person's 4394  
active duty or service and for six months thereafter, provided 4395  
the spouse or dependent was a licensee under this section at the 4396  
time the person commenced the active duty or service or had 4397  
obtained a license while the person was on active duty or 4398  
service, and provided further that the person's active duty or 4399  
service resulted in the spouse or dependent relocating outside 4400  
of this state during the period of the active duty or service. 4401  
This division does not prevent such a person or the person's 4402  
spouse or dependent from making an application for the renewal 4403  
of a concealed handgun license during the period of the person's 4404  
active duty or service. 4405

(2) A sheriff shall accept a completed renewal 4406  
application, the license renewal fee, and the information 4407  
specified in division (F) (1) of this section at the times and in 4408  
the manners described in division (I) of this section. Upon 4409  
receipt of a completed renewal application, of certification 4410  
that the applicant has reread the specified pamphlet prepared by 4411

the Ohio peace officer training commission, and of a license 4412  
renewal fee unless the fee is waived, a sheriff, in the manner 4413  
specified in section 311.41 of the Revised Code shall conduct or 4414  
cause to be conducted the criminal records check and the 4415  
incompetency records check described in section 311.41 of the 4416  
Revised Code. The sheriff shall renew the license if the sheriff 4417  
determines that the applicant continues to satisfy the 4418  
requirements described in division (D)(1) of this section, 4419  
except that the applicant is not required to meet the 4420  
requirements of division (D)(1)(1) of this section. A renewed 4421  
license shall expire five years after the date of issuance. A 4422  
renewed license is subject to division (E) of this section and 4423  
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 4424  
shall comply with divisions (D)(2) and (3) of this section when 4425  
the circumstances described in those divisions apply to a 4426  
requested license renewal. If a sheriff denies the renewal of a 4427  
concealed handgun license, the applicant may appeal the denial, 4428  
or challenge the criminal record check results that were the 4429  
basis of the denial if applicable, in the same manner as 4430  
specified in division (D)(2)(b) of this section and in section 4431  
2923.127 of the Revised Code, regarding the denial of a license 4432  
under this section. 4433

(3) A renewal application submitted pursuant to division 4434  
(F) of this section shall only require the licensee to list on 4435  
the application form information and matters occurring since the 4436  
date of the licensee's last application for a license pursuant 4437  
to division (B) or (F) of this section. A sheriff conducting the 4438  
criminal records check and the incompetency records check 4439  
described in section 311.41 of the Revised Code shall conduct 4440  
the check only from the date of the licensee's last application 4441  
for a license pursuant to division (B) or (F) of this section 4442

through the date of the renewal application submitted pursuant 4443  
to division (F) of this section. 4444

(4) An applicant for a renewal concealed handgun license 4445  
under this section shall submit to the sheriff of the county in 4446  
which the applicant resides or to the sheriff of any county 4447  
adjacent to the county in which the applicant resides, or in the 4448  
case of an applicant who resides in another state to the sheriff 4449  
of the county that issued the applicant's previous concealed 4450  
handgun license, a nonrefundable license fee as described in 4451  
either of the following: 4452

(a) For an applicant who has been a resident of this state 4453  
for five or more years, a fee of fifty dollars; 4454

(b) For an applicant who has been a resident of this state 4455  
for less than five years or who is not a resident of this state 4456  
but who is employed in this state, a fee of fifty dollars plus 4457  
the actual cost of having a background check performed by the 4458  
federal bureau of investigation. 4459

(5) The concealed handgun license of a licensee who is no 4460  
longer a resident of this state or no longer employed in this 4461  
state, as applicable, is valid until the date of expiration on 4462  
the license, and the licensee is prohibited from renewing the 4463  
concealed handgun license. 4464

(G) (1) Each course, class, or program described in 4465  
division (B) (3) (a), (b), (c), or (e) of this section shall 4466  
provide to each person who takes the course, class, or program 4467  
the web site address at which the pamphlet prepared by the Ohio 4468  
peace officer training commission pursuant to section 109.731 of 4469  
the Revised Code that reviews firearms, dispute resolution, and 4470  
use of deadly force matters may be found. Each such course, 4471



class, or program described in one of those divisions shall 4472  
include at least eight hours of training in the safe handling 4473  
and use of a firearm that shall include training, provided as 4474  
described in division (G) (3) of this section, on all of the 4475  
following: 4476

(a) The ability to name, explain, and demonstrate the 4477  
rules for safe handling of a handgun and proper storage 4478  
practices for handguns and ammunition; 4479

(b) The ability to demonstrate and explain how to handle 4480  
ammunition in a safe manner; 4481

(c) The ability to demonstrate the knowledge, skills, and 4482  
attitude necessary to shoot a handgun in a safe manner; 4483

(d) Gun handling training; 4484

(e) A minimum of two hours of in-person training that 4485  
consists of range time and live-fire training. 4486

(2) To satisfactorily complete the course, class, or 4487  
program described in division (B) (3) (a), (b), (c), or (e) of 4488  
this section, the applicant shall pass a competency examination 4489  
that shall include both of the following: 4490

(a) A written section, provided as described in division 4491  
(G) (3) of this section, on the ability to name and explain the 4492  
rules for the safe handling of a handgun and proper storage 4493  
practices for handguns and ammunition; 4494

(b) An in-person physical demonstration of competence in 4495  
the use of a handgun and in the rules for safe handling and 4496  
storage of a handgun and a physical demonstration of the 4497  
attitude necessary to shoot a handgun in a safe manner. 4498

(3) (a) Except as otherwise provided in this division, the 4499

training specified in division (G) (1) (a) of this section shall 4500  
be provided to the person receiving the training in person by an 4501  
instructor. If the training specified in division (G) (1) (a) of 4502  
this section is provided by a course, class, or program 4503  
described in division (B) (3) (a) of this section, or it is 4504  
provided by a course, class, or program described in division 4505  
(B) (3) (b), (c), or (e) of this section and the instructor is a 4506  
qualified instructor certified by a national gun advocacy 4507  
organization, the training so specified, other than the training 4508  
that requires the person receiving the training to demonstrate 4509  
handling abilities, may be provided online or as a combination 4510  
of in-person and online training, as long as the online training 4511  
includes an interactive component that regularly engages the 4512  
person. 4513

(b) Except as otherwise provided in this division, the 4514  
written section of the competency examination specified in 4515  
division (G) (2) (a) of this section shall be administered to the 4516  
person taking the competency examination in person by an 4517  
instructor. If the training specified in division (G) (1) (a) of 4518  
this section is provided to the person receiving the training by 4519  
a course, class, or program described in division (B) (3) (a) of 4520  
this section, or it is provided by a course, class, or program 4521  
described in division (B) (3) (b), (c), or (e) of this section and 4522  
the instructor is a qualified instructor certified by a national 4523  
gun advocacy organization, the written section of the competency 4524  
examination specified in division (G) (2) (a) of this section may 4525  
be administered online, as long as the online training includes 4526  
an interactive component that regularly engages the person. 4527

(4) The competency certification described in division (B) 4528  
(3) (a), (b), (c), or (e) of this section shall be dated and 4529  
shall attest that the course, class, or program the applicant 4530

successfully completed met the requirements described in 4531  
division (G) (1) of this section and that the applicant passed 4532  
the competency examination described in division (G) (2) of this 4533  
section. 4534

(H) Upon deciding to issue a concealed handgun license, 4535  
deciding to issue a replacement concealed handgun license, or 4536  
deciding to renew a concealed handgun license pursuant to this 4537  
section, and before actually issuing or renewing the license, 4538  
the sheriff shall make available through the law enforcement 4539  
automated data system all information contained on the license. 4540  
If the license subsequently is suspended under division (A) (1) 4541  
or (2) of section 2923.128 of the Revised Code, revoked pursuant 4542  
to division (B) (1) of section 2923.128 of the Revised Code, or 4543  
lost or destroyed, the sheriff also shall make available through 4544  
the law enforcement automated data system a notation of that 4545  
fact. The superintendent of the state highway patrol shall 4546  
ensure that the law enforcement automated data system is so 4547  
configured as to permit the transmission through the system of 4548  
the information specified in this division. 4549

(I) (1) A sheriff shall accept a completed application form 4550  
or renewal application, and the fee, items, materials, and 4551  
information specified in divisions (B) (1) to (5) or division (F) 4552  
of this section, whichever is applicable, and shall provide an 4553  
application form or renewal application to any person during at 4554  
least fifteen hours a week and shall provide the web site 4555  
address at which a printable version of the application form 4556  
that can be downloaded and the pamphlet described in division 4557  
(B) of section 109.731 of the Revised Code may be found at any 4558  
time, upon request. The sheriff shall post notice of the hours 4559  
during which the sheriff is available to accept or provide the 4560  
information described in this division. 4561

(2) A sheriff shall transmit a notice to the attorney general, in a manner determined by the attorney general, every time a license is issued that waived payment under division (B) (1) (c) of this section for an applicant who is an active or reserve member of the armed forces of the United States or has retired from or was honorably discharged from military service in the active or reserve armed forces of the United States. The attorney general shall monitor and inform sheriffs issuing licenses under this section when the amount of license fee payments waived and transmitted to the attorney general reach one million five hundred thousand dollars each year. Once a sheriff is informed that the payments waived reached one million five hundred thousand dollars in any year, a sheriff shall no longer waive payment of a license fee for an applicant who is an active or reserve member of the armed forces of the United States or has retired from or was honorably discharged from military service in the active or reserve armed forces of the United States for the remainder of that year.

**Sec. 2923.128.** (A) (1) (a) If a licensee holding a valid concealed handgun license is arrested for or otherwise charged with an offense described in division (D) (1) (d) of section 2923.125 of the Revised Code or with a violation of section 2923.15 of the Revised Code or becomes subject to a temporary protection order or to a protection order issued by a court of another state that is substantially equivalent to a temporary protection order, the sheriff who issued the license shall suspend it and shall comply with division (A) (3) of this section upon becoming aware of the arrest, charge, or protection order. Upon suspending the license, the sheriff also shall comply with division (H) of section 2923.125 of the Revised Code.

(b) A suspension under division (A) (1) (a) of this section

shall be considered as beginning on the date that the licensee 4593  
is arrested for or otherwise charged with an offense described 4594  
in that division or on the date the appropriate court issued the 4595  
protection order described in that division, irrespective of 4596  
when the sheriff notifies the licensee under division (A) (3) of 4597  
this section. The suspension shall end on the date on which the 4598  
charges are dismissed or the licensee is found not guilty of the 4599  
offense described in division (A) (1) (a) of this section or, 4600  
subject to division (B) of this section, on the date the 4601  
appropriate court terminates the protection order described in 4602  
that division. If the suspension so ends, the sheriff shall 4603  
return the license or temporary emergency license to the 4604  
licensee. 4605

(2) (a) If a licensee holding a valid concealed handgun 4606  
license is convicted of or pleads guilty to a misdemeanor 4607  
violation of division (B) (1), (2), or (4) of section 2923.12 of 4608  
the Revised Code or of division (E) (1), (2), (3), or (5) of 4609  
section 2923.16 of the Revised Code, except as provided in 4610  
division (A) (2) (c) of this section and subject to division (C) 4611  
of this section, the sheriff who issued the license shall 4612  
suspend it and shall comply with division (A) (3) of this section 4613  
upon becoming aware of the conviction or guilty plea. Upon 4614  
suspending the license, the sheriff also shall comply with 4615  
division (H) of section 2923.125 of the Revised Code. 4616

(b) A suspension under division (A) (2) (a) of this section 4617  
shall be considered as beginning on the date that the licensee 4618  
is convicted of or pleads guilty to the offense described in 4619  
that division, irrespective of when the sheriff notifies the 4620  
licensee under division (A) (3) of this section. If the 4621  
suspension is imposed for a misdemeanor violation of division 4622  
(B) (1) or (2) of section 2923.12 of the Revised Code or of 4623

division (E) (1), (2), or (3) of section 2923.16 of the Revised Code, it shall end on the date that is one year after the date that the licensee is convicted of or pleads guilty to that violation. If the suspension is imposed for a misdemeanor violation of division (B) (4) of section 2923.12 of the Revised Code or of division (E) (5) of section 2923.16 of the Revised Code, it shall end on the date that is two years after the date that the licensee is convicted of or pleads guilty to that violation. If the licensee's license was issued under section 2923.125 of the Revised Code and the license remains valid after the suspension ends as described in this division, when the suspension ends, the sheriff shall return the license to the licensee. If the licensee's license was issued under section 2923.125 of the Revised Code and the license expires before the suspension ends as described in this division, or if the licensee's license was issued under section 2923.1213 of the Revised Code, the licensee is not eligible to apply for a new license under section 2923.125 or 2923.1213 of the Revised Code or to renew the license under section 2923.125 of the Revised Code until after the suspension ends as described in this division.

(c) The license of a licensee who is convicted of or pleads guilty to a violation of division (B) (1) of section 2923.12 or division (E) (1) or (2) of section 2923.16 of the Revised Code shall not be suspended pursuant to division (A) (2) (a) of this section if, at the time of the stop of the licensee for a law enforcement purpose, for a traffic stop, or for a purpose defined in section 5503.34 of the Revised Code that was the basis of the violation, any law enforcement officer involved with the stop or the employee of the motor carrier enforcement unit who made the stop had actual knowledge of the licensee's

status as a licensee. 4655

(3) Upon becoming aware of an arrest, charge, or 4656  
protection order described in division (A)(1)(a) of this section 4657  
with respect to a licensee who was issued a concealed handgun 4658  
license, or a conviction of or plea of guilty to a misdemeanor 4659  
offense described in division (A)(2)(a) of this section with 4660  
respect to a licensee who was issued a concealed handgun license 4661  
and with respect to which division (A)(2)(c) of this section 4662  
does not apply, subject to division (C) of this section, the 4663  
sheriff who issued the licensee's license shall notify the 4664  
licensee, by certified mail, return receipt requested, at the 4665  
licensee's last known residence address that the license has 4666  
been suspended and that the licensee is required to surrender 4667  
the license at the sheriff's office within ten days of the date 4668  
on which the notice was mailed. If the suspension is pursuant to 4669  
division (A)(2) of this section, the notice shall identify the 4670  
date on which the suspension ends. 4671

(B)(1) A sheriff who issues a concealed handgun license to 4672  
a licensee shall revoke the license in accordance with division 4673  
(B)(2) of this section upon becoming aware that the licensee 4674  
satisfies any of the following: 4675

(a) The licensee is under twenty-one years of age. 4676

(b) Subject to division (C) of this section, at the time 4677  
of the issuance of the license, the licensee did not satisfy the 4678  
eligibility requirements of division (D)(1)(c), (d), (e), (f), 4679  
(g), or (h) of section 2923.125 of the Revised Code. 4680

(c) Subject to division (C) of this section, on or after 4681  
the date on which the license was issued, the licensee is 4682  
convicted of or pleads guilty to a violation of section 2923.15 4683

of the Revised Code or an offense described in division (D) (1) 4684  
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 4685

(d) On or after the date on which the license was issued, 4686  
the licensee becomes subject to a civil protection order or to a 4687  
protection order issued by a court of another state that is 4688  
substantially equivalent to a civil protection order. 4689

(e) The licensee knowingly carries a concealed handgun 4690  
into a place that the licensee knows is an unauthorized place 4691  
specified in division (B) of section 2923.126 of the Revised 4692  
Code. 4693

(f) On or after the date on which the license was issued, 4694  
the licensee is adjudicated as a mental defective or is 4695  
committed to a mental institution. 4696

(g) At the time of the issuance of the license, the 4697  
licensee did not meet the residency requirements described in 4698  
division (D) (1) of section 2923.125 of the Revised Code and 4699  
currently does not meet the residency requirements described in 4700  
that division. 4701

(h) Regarding a license issued under section 2923.125 of 4702  
the Revised Code, the competency certificate the licensee 4703  
submitted was forged or otherwise was fraudulent. 4704

(2) Upon becoming aware of any circumstance listed in 4705  
division (B) (1) of this section that applies to a particular 4706  
licensee who was issued a concealed handgun license, subject to 4707  
division (C) of this section, the sheriff who issued the license 4708  
to the licensee shall notify the licensee, by certified mail, 4709  
return receipt requested, at the licensee's last known residence 4710  
address that the license is subject to revocation and that the 4711  
licensee may come to the sheriff's office and contest the 4712



sheriff's proposed revocation within fourteen days of the date 4713  
on which the notice was mailed. After the fourteen-day period 4714  
and after consideration of any information that the licensee 4715  
provides during that period, if the sheriff determines on the 4716  
basis of the information of which the sheriff is aware that the 4717  
licensee is described in division (B) (1) of this section and no 4718  
longer satisfies the requirements described in division (D) (1) 4719  
of section 2923.125 of the Revised Code that are applicable to 4720  
the licensee's type of license, the sheriff shall revoke the 4721  
license, notify the licensee of that fact, and require the 4722  
licensee to surrender the license. Upon revoking the license, 4723  
the sheriff also shall comply with division (H) of section 4724  
2923.125 of the Revised Code. 4725

(C) If a sheriff who issues a concealed handgun license to 4726  
a licensee becomes aware that at the time of the issuance of the 4727  
license the licensee had been convicted of or pleaded guilty to 4728  
an offense identified in division (D) (1) (e), (f), or (h) of 4729  
section 2923.125 of the Revised Code or had been adjudicated a 4730  
delinquent child for committing an act or violation identified 4731  
in any of those divisions or becomes aware that on or after the 4732  
date on which the license was issued the licensee has been 4733  
convicted of or pleaded guilty to an offense identified in 4734  
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 4735  
shall not consider that conviction, guilty plea, or adjudication 4736  
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 4737  
(1), and (B) (2) of this section if a court has ordered the 4738  
sealing or expungement of the records of that conviction, guilty 4739  
plea, or adjudication pursuant to sections 2151.355 to 2151.358 4740  
or sections 2953.31 to ~~2953.36~~ 2953.34 of the Revised Code or 4741  
the licensee has been relieved under operation of law or legal 4742  
process from the disability imposed pursuant to section 2923.13 4743

of the Revised Code relative to that conviction, guilty plea, or  
adjudication. 4744  
4745

(D) As used in this section, "motor carrier enforcement  
unit" has the same meaning as in section 2923.16 of the Revised  
Code. 4746  
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4748

**Sec. 2923.1213.** (A) As used in this section: 4749

(1) "Evidence of imminent danger" means any of the  
following: 4750  
4751

(a) A statement sworn by the person seeking to carry a  
concealed handgun that is made under threat of perjury and that  
states that the person has reasonable cause to fear a criminal  
attack upon the person or a member of the person's family, such  
as would justify a prudent person in going armed; 4752  
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(b) A written document prepared by a governmental entity  
or public official describing the facts that give the person  
seeking to carry a concealed handgun reasonable cause to fear a  
criminal attack upon the person or a member of the person's  
family, such as would justify a prudent person in going armed.  
Written documents of this nature include, but are not limited  
to, any temporary protection order, civil protection order,  
protection order issued by another state, or other court order,  
any court report, and any report filed with or made by a law  
enforcement agency or prosecutor. 4757  
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(2) "Prosecutor" has the same meaning as in section  
2935.01 of the Revised Code. 4767  
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(B) (1) A person seeking a concealed handgun license on a  
temporary emergency basis shall submit to the sheriff of the  
county in which the person resides or, if the person usually  
resides in another state, to the sheriff of the county in which  
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the person is temporarily staying, all of the following: 4773

(a) Evidence of imminent danger to the person or a member 4774  
of the person's family; 4775

(b) A sworn affidavit that contains all of the information 4776  
required to be on the license and attesting that the person is 4777  
legally living in the United States; is at least twenty-one 4778  
years of age; is not a fugitive from justice; is not under 4779  
indictment for or otherwise charged with an offense identified 4780  
in division (D) (1) (d) of section 2923.125 of the Revised Code; 4781  
has not been convicted of or pleaded guilty to an offense, and 4782  
has not been adjudicated a delinquent child for committing an 4783  
act, identified in division (D) (1) (e) of that section and to 4784  
which division (B) (3) of this section does not apply; within 4785  
three years of the date of the submission, has not been 4786  
convicted of or pleaded guilty to an offense, and has not been 4787  
adjudicated a delinquent child for committing an act, identified 4788  
in division (D) (1) (f) of that section and to which division (B) 4789  
(3) of this section does not apply; within five years of the 4790  
date of the submission, has not been convicted of, pleaded 4791  
guilty, or adjudicated a delinquent child for committing two or 4792  
more violations identified in division (D) (1) (g) of that 4793  
section; within ten years of the date of the submission, has not 4794  
been convicted of, pleaded guilty, or adjudicated a delinquent 4795  
child for committing a violation identified in division (D) (1) 4796  
(h) of that section and to which division (B) (3) of this section 4797  
does not apply; has not been adjudicated as a mental defective, 4798  
has not been committed to any mental institution, is not under 4799  
adjudication of mental incompetence, has not been found by a 4800  
court to be a mentally ill person subject to court order, and is 4801  
not an involuntary patient other than one who is a patient only 4802  
for purposes of observation, as described in division (D) (1) (i) 4803

of that section; is not currently subject to a civil protection 4804  
order, a temporary protection order, or a protection order 4805  
issued by a court of another state, as described in division (D) 4806  
(1)(j) of that section; is not currently subject to a suspension 4807  
imposed under division (A)(2) of section 2923.128 of the Revised 4808  
Code of a concealed handgun license that previously was issued 4809  
to the person or a similar suspension imposed by another state 4810  
regarding a concealed handgun license issued by that state; is 4811  
not an unlawful user of or addicted to any controlled substance 4812  
as defined in 21 U.S.C. 802; if applicable, is an alien and has 4813  
not been admitted to the United States under a nonimmigrant 4814  
visa, as defined in the "Immigration and Nationality Act," 8 4815  
U.S.C. 1101(a)(26); has not been discharged from the armed 4816  
forces of the United States under dishonorable conditions; if 4817  
applicable, has not renounced the applicant's United States 4818  
citizenship; and has not been convicted of, pleaded guilty to, 4819  
or been adjudicated a delinquent child for committing a 4820  
violation identified in division (D)(1)(s) of section 2923.125 4821  
of the Revised Code; 4822

(c) A nonrefundable temporary emergency license fee as 4823  
described in either of the following: 4824

(i) For an applicant who has been a resident of this state 4825  
for five or more years, a fee of fifteen dollars plus the actual 4826  
cost of having a background check performed by the bureau of 4827  
criminal identification and investigation pursuant to section 4828  
311.41 of the Revised Code; 4829

(ii) For an applicant who has been a resident of this 4830  
state for less than five years or who is not a resident of this 4831  
state, but is temporarily staying in this state, a fee of 4832  
fifteen dollars plus the actual cost of having background checks 4833

performed by the federal bureau of investigation and the bureau 4834  
of criminal identification and investigation pursuant to section 4835  
311.41 of the Revised Code. 4836

(d) A set of fingerprints of the applicant provided as 4837  
described in section 311.41 of the Revised Code through use of 4838  
an electronic fingerprint reading device or, if the sheriff to 4839  
whom the application is submitted does not possess and does not 4840  
have ready access to the use of an electronic fingerprint 4841  
reading device, on a standard impression sheet prescribed 4842  
pursuant to division (C) (2) of section 109.572 of the Revised 4843  
Code. If the fingerprints are provided on a standard impression 4844  
sheet, the person also shall provide the person's social 4845  
security number to the sheriff. 4846

(2) A sheriff shall accept the evidence of imminent 4847  
danger, the sworn affidavit, the fee, and the set of 4848  
fingerprints required under division (B) (1) of this section at 4849  
the times and in the manners described in division (I) of this 4850  
section. Upon receipt of the evidence of imminent danger, the 4851  
sworn affidavit, the fee, and the set of fingerprints required 4852  
under division (B) (1) of this section, the sheriff, in the 4853  
manner specified in section 311.41 of the Revised Code, 4854  
immediately shall conduct or cause to be conducted the criminal 4855  
records check and the incompetency records check described in 4856  
section 311.41 of the Revised Code. Immediately upon receipt of 4857  
the results of the records checks, the sheriff shall review the 4858  
information and shall determine whether the criteria set forth 4859  
in divisions (D) (1) (a) to (j) and (m) to (s) of section 2923.125 4860  
of the Revised Code apply regarding the person. If the sheriff 4861  
determines that all of the criteria set forth in divisions (D) 4862  
(1) (a) to (j) and (m) to (s) of section 2923.125 of the Revised 4863  
Code apply regarding the person, the sheriff shall immediately 4864

make available through the law enforcement automated data system 4865  
all information that will be contained on the temporary 4866  
emergency license for the person if one is issued, and the 4867  
superintendent of the state highway patrol shall ensure that the 4868  
system is so configured as to permit the transmission through 4869  
the system of that information. Upon making that information 4870  
available through the law enforcement automated data system, the 4871  
sheriff shall immediately issue to the person a concealed 4872  
handgun license on a temporary emergency basis. 4873

If the sheriff denies the issuance of a license on a 4874  
temporary emergency basis to the person, the sheriff shall 4875  
specify the grounds for the denial in a written notice to the 4876  
person. The person may appeal the denial, or challenge criminal 4877  
records check results that were the basis of the denial if 4878  
applicable, in the same manners specified in division (D) (2) of 4879  
section 2923.125 and in section 2923.127 of the Revised Code, 4880  
regarding the denial of an application for a concealed handgun 4881  
license under that section. 4882

The license on a temporary emergency basis issued under 4883  
this division shall be in the form, and shall include all of the 4884  
information, described in divisions (A) (2) (a) and (d) of section 4885  
109.731 of the Revised Code, and also shall include a unique 4886  
combination of identifying letters and numbers in accordance 4887  
with division (A) (2) (c) of that section. 4888

The license on a temporary emergency basis issued under 4889  
this division is valid for ninety days and may not be renewed. A 4890  
person who has been issued a license on a temporary emergency 4891  
basis under this division shall not be issued another license on 4892  
a temporary emergency basis unless at least four years has 4893  
expired since the issuance of the prior license on a temporary 4894

emergency basis. 4895

(3) If a person seeking a concealed handgun license on a 4896  
temporary emergency basis has been convicted of or pleaded 4897  
guilty to an offense identified in division (D)(1)(e), (f), or 4898  
(h) of section 2923.125 of the Revised Code or has been 4899  
adjudicated a delinquent child for committing an act or 4900  
violation identified in any of those divisions, and if a court 4901  
has ordered the sealing or expungement of the records of that 4902  
conviction, guilty plea, or adjudication pursuant to sections 4903  
2151.355 to 2151.358 or sections 2953.31 to ~~2953.36~~ 2953.34 of 4904  
the Revised Code or the applicant has been relieved under 4905  
operation of law or legal process from the disability imposed 4906  
pursuant to section 2923.13 of the Revised Code relative to that 4907  
conviction, guilty plea, or adjudication, the conviction, guilty 4908  
plea, or adjudication shall not be relevant for purposes of the 4909  
sworn affidavit described in division (B)(1)(b) of this section, 4910  
and the person may complete, and swear to the truth of, the 4911  
affidavit as if the conviction, guilty plea, or adjudication 4912  
never had occurred. 4913

(4) The sheriff shall waive the payment pursuant to 4914  
division (B)(1)(c) of this section of the license fee in 4915  
connection with an application that is submitted by an applicant 4916  
who is a retired peace officer, a retired person described in 4917  
division (B)(1)(b) of section 109.77 of the Revised Code, or a 4918  
retired federal law enforcement officer who, prior to 4919  
retirement, was authorized under federal law to carry a firearm 4920  
in the course of duty, unless the retired peace officer, person, 4921  
or federal law enforcement officer retired as the result of a 4922  
mental disability. 4923

The sheriff shall deposit all fees paid by an applicant 4924

under division (B) (1) (c) of this section into the sheriff's 4925  
concealed handgun license issuance fund established pursuant to 4926  
section 311.42 of the Revised Code. 4927

(C) A person who holds a concealed handgun license on a 4928  
temporary emergency basis has the same right to carry a 4929  
concealed handgun as a person who was issued a concealed handgun 4930  
license under section 2923.125 of the Revised Code, and any 4931  
exceptions to the prohibitions contained in section 1547.69 and 4932  
sections 2923.12 to 2923.16 of the Revised Code for a licensee 4933  
under section 2923.125 of the Revised Code apply to a licensee 4934  
under this section. The person is subject to the same 4935  
restrictions, and to all other procedures, duties, and 4936  
sanctions, that apply to a person who carries a license issued 4937  
under section 2923.125 of the Revised Code, other than the 4938  
license renewal procedures set forth in that section. 4939

(D) A sheriff who issues a concealed handgun license on a 4940  
temporary emergency basis under this section shall not require a 4941  
person seeking to carry a concealed handgun in accordance with 4942  
this section to submit a competency certificate as a 4943  
prerequisite for issuing the license and shall comply with 4944  
division (H) of section 2923.125 of the Revised Code in regards 4945  
to the license. The sheriff shall suspend or revoke the license 4946  
in accordance with section 2923.128 of the Revised Code. In 4947  
addition to the suspension or revocation procedures set forth in 4948  
section 2923.128 of the Revised Code, the sheriff may revoke the 4949  
license upon receiving information, verifiable by public 4950  
documents, that the person is not eligible to possess a firearm 4951  
under either the laws of this state or of the United States or 4952  
that the person committed perjury in obtaining the license; if 4953  
the sheriff revokes a license under this additional authority, 4954  
the sheriff shall notify the person, by certified mail, return 4955



receipt requested, at the person's last known residence address 4956  
that the license has been revoked and that the person is 4957  
required to surrender the license at the sheriff's office within 4958  
ten days of the date on which the notice was mailed. Division 4959  
(H) of section 2923.125 of the Revised Code applies regarding 4960  
any suspension or revocation of a concealed handgun license on a 4961  
temporary emergency basis. 4962

(E) A sheriff who issues a concealed handgun license on a 4963  
temporary emergency basis under this section shall retain, for 4964  
the entire period during which the license is in effect, the 4965  
evidence of imminent danger that the person submitted to the 4966  
sheriff and that was the basis for the license, or a copy of 4967  
that evidence, as appropriate. 4968

(F) If a concealed handgun license on a temporary 4969  
emergency basis issued under this section is lost or is 4970  
destroyed, the licensee may obtain from the sheriff who issued 4971  
that license a duplicate license upon the payment of a fee of 4972  
fifteen dollars and the submission of an affidavit attesting to 4973  
the loss or destruction of the license. The sheriff, in 4974  
accordance with the procedures prescribed in section 109.731 of 4975  
the Revised Code, shall place on the replacement license a 4976  
combination of identifying numbers different from the 4977  
combination on the license that is being replaced. 4978

(G) The attorney general shall prescribe, and shall make 4979  
available to sheriffs, a standard form to be used under division 4980  
(B) of this section by a person who applies for a concealed 4981  
handgun license on a temporary emergency basis on the basis of 4982  
imminent danger of a type described in division (A) (1) (a) of 4983  
this section. The attorney general shall design the form to 4984  
enable applicants to provide the information that is required by 4985

law to be collected, and shall update the form as necessary. 4986  
Burdens or restrictions to obtaining a concealed handgun license 4987  
that are not expressly prescribed in law shall not be 4988  
incorporated into the form. The attorney general shall post a 4989  
printable version of the form on the web site of the attorney 4990  
general and shall provide the address of the web site to any 4991  
person who requests the form. 4992

(H) A sheriff who receives any fees paid by a person under 4993  
this section shall deposit all fees so paid into the sheriff's 4994  
concealed handgun license issuance expense fund established 4995  
under section 311.42 of the Revised Code. 4996

(I) A sheriff shall accept evidence of imminent danger, a 4997  
sworn affidavit, the fee, and the set of fingerprints specified 4998  
in division (B)(1) of this section at any time during normal 4999  
business hours. In no case shall a sheriff require an 5000  
appointment, or designate a specific period of time, for the 5001  
submission or acceptance of evidence of imminent danger, a sworn 5002  
affidavit, the fee, and the set of fingerprints specified in 5003  
division (B)(1) of this section, or for the provision to any 5004  
person of a standard form to be used for a person to apply for a 5005  
concealed handgun license on a temporary emergency basis. 5006

**Sec. 2923.16.** (A) No person shall knowingly discharge a 5007  
firearm while in or on a motor vehicle. 5008

(B) No person shall knowingly transport or have a loaded 5009  
firearm in a motor vehicle in such a manner that the firearm is 5010  
accessible to the operator or any passenger without leaving the 5011  
vehicle. 5012

(C) No person shall knowingly transport or have a firearm 5013  
in a motor vehicle, unless the person may lawfully possess that 5014

firearm under applicable law of this state or the United States, 5015  
the firearm is unloaded, and the firearm is carried in one of 5016  
the following ways: 5017

(1) In a closed package, box, or case; 5018

(2) In a compartment that can be reached only by leaving 5019  
the vehicle; 5020

(3) In plain sight and secured in a rack or holder made 5021  
for the purpose; 5022

(4) If the firearm is at least twenty-four inches in 5023  
overall length as measured from the muzzle to the part of the 5024  
stock furthest from the muzzle and if the barrel is at least 5025  
eighteen inches in length, either in plain sight with the action 5026  
open or the weapon stripped, or, if the firearm is of a type on 5027  
which the action will not stay open or which cannot easily be 5028  
stripped, in plain sight. 5029

(D) No person shall knowingly transport or have a loaded 5030  
handgun in a motor vehicle if, at the time of that 5031  
transportation or possession, any of the following applies: 5032

(1) The person is under the influence of alcohol, a drug 5033  
of abuse, or a combination of them. 5034

(2) The person's whole blood, blood serum or plasma, 5035  
breath, or urine contains a concentration of alcohol, a listed 5036  
controlled substance, or a listed metabolite of a controlled 5037  
substance prohibited for persons operating a vehicle, as 5038  
specified in division (A) of section 4511.19 of the Revised 5039  
Code, regardless of whether the person at the time of the 5040  
transportation or possession as described in this division is 5041  
the operator of or a passenger in the motor vehicle. 5042

(E) No person who has been issued a concealed handgun license or who is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.125 of the Revised Code, who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in section 5503.34 of the Revised Code, and who is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, shall do any of the following:

(1) Fail to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and that the person then possesses or has a loaded handgun in the motor vehicle;

(2) Fail to promptly inform the employee of the unit who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and that the person then possesses or has a loaded handgun in the commercial motor vehicle;

(3) Knowingly fail to remain in the motor vehicle while stopped or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins

approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;

(4) Knowingly have contact with the loaded handgun by touching it with the person's hands or fingers in the motor vehicle at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer;

(5) Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(F) (1) Divisions (A), (B), (C), and (E) of this section do not apply to any of the following:

(a) An officer, agent, or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's, or employee's duties;

(b) Any person who is employed in this state, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided in division (F) (1) (b) of this section does not apply to the person.

(2) Division (A) of this section does not apply to a 5102  
person if all of the following circumstances apply: 5103

(a) The person discharges a firearm from a motor vehicle 5104  
at a coyote or groundhog, the discharge is not during the deer 5105  
gun hunting season as set by the chief of the division of 5106  
wildlife of the department of natural resources, and the 5107  
discharge at the coyote or groundhog, but for the operation of 5108  
this section, is lawful. 5109

(b) The motor vehicle from which the person discharges the 5110  
firearm is on real property that is located in an unincorporated 5111  
area of a township and that either is zoned for agriculture or 5112  
is used for agriculture. 5113

(c) The person owns the real property described in 5114  
division (F) (2) (b) of this section, is the spouse or a child of 5115  
another person who owns that real property, is a tenant of 5116  
another person who owns that real property, or is the spouse or 5117  
a child of a tenant of another person who owns that real 5118  
property. 5119

(d) The person does not discharge the firearm in any of 5120  
the following manners: 5121

(i) While under the influence of alcohol, a drug of abuse, 5122  
or alcohol and a drug of abuse; 5123

(ii) In the direction of a street, highway, or other 5124  
public or private property used by the public for vehicular 5125  
traffic or parking; 5126

(iii) At or into an occupied structure that is a permanent 5127  
or temporary habitation; 5128

(iv) In the commission of any violation of law, including, 5129

but not limited to, a felony that includes, as an essential 5130  
element, purposely or knowingly causing or attempting to cause 5131  
the death of or physical harm to another and that was committed 5132  
by discharging a firearm from a motor vehicle. 5133

(3) Division (A) of this section does not apply to a 5134  
person if all of the following apply: 5135

(a) The person possesses a valid all-purpose vehicle 5136  
permit issued under section 1533.103 of the Revised Code by the 5137  
chief of the division of wildlife. 5138

(b) The person discharges a firearm at a wild quadruped or 5139  
game bird as defined in section 1531.01 of the Revised Code 5140  
during the open hunting season for the applicable wild quadruped 5141  
or game bird. 5142

(c) The person discharges a firearm from a stationary all- 5143  
purpose vehicle as defined in section 1531.01 of the Revised 5144  
Code from private or publicly owned lands or from a motor 5145  
vehicle that is parked on a road that is owned or administered 5146  
by the division of wildlife. 5147

(d) The person does not discharge the firearm in any of 5148  
the following manners: 5149

(i) While under the influence of alcohol, a drug of abuse, 5150  
or alcohol and a drug of abuse; 5151

(ii) In the direction of a street, a highway, or other 5152  
public or private property that is used by the public for 5153  
vehicular traffic or parking; 5154

(iii) At or into an occupied structure that is a permanent 5155  
or temporary habitation; 5156

(iv) In the commission of any violation of law, including, 5157

but not limited to, a felony that includes, as an essential 5158  
element, purposely or knowingly causing or attempting to cause 5159  
the death of or physical harm to another and that was committed 5160  
by discharging a firearm from a motor vehicle. 5161

(4) Divisions (B) and (C) of this section do not apply to 5162  
a person if all of the following circumstances apply: 5163

(a) At the time of the alleged violation of either of 5164  
those divisions, the person is the operator of or a passenger in 5165  
a motor vehicle. 5166

(b) The motor vehicle is on real property that is located 5167  
in an unincorporated area of a township and that either is zoned 5168  
for agriculture or is used for agriculture. 5169

(c) The person owns the real property described in 5170  
division (D) (4) (b) of this section, is the spouse or a child of 5171  
another person who owns that real property, is a tenant of 5172  
another person who owns that real property, or is the spouse or 5173  
a child of a tenant of another person who owns that real 5174  
property. 5175

(d) The person, prior to arriving at the real property 5176  
described in division (D) (4) (b) of this section, did not 5177  
transport or possess a firearm in the motor vehicle in a manner 5178  
prohibited by division (B) or (C) of this section while the 5179  
motor vehicle was being operated on a street, highway, or other 5180  
public or private property used by the public for vehicular 5181  
traffic or parking. 5182

(5) Divisions (B) and (C) of this section do not apply to 5183  
a person who transports or possesses a handgun in a motor 5184  
vehicle if, at the time of that transportation or possession, 5185  
both of the following apply: 5186



(a) The person transporting or possessing the handgun is 5187  
either carrying a valid concealed handgun license or is an 5188  
active duty member of the armed forces of the United States and 5189  
is carrying a valid military identification card and 5190  
documentation of successful completion of firearms training that 5191  
meets or exceeds the training requirements described in division 5192  
(G) (1) of section 2923.125 of the Revised Code. 5193

(b) The person transporting or possessing the handgun is 5194  
not knowingly in a place described in division (B) of section 5195  
2923.126 of the Revised Code. 5196

(6) Divisions (B) and (C) of this section do not apply to 5197  
a person if all of the following apply: 5198

(a) The person possesses a valid all-purpose vehicle 5199  
permit issued under section 1533.103 of the Revised Code by the 5200  
chief of the division of wildlife. 5201

(b) The person is on or in an all-purpose vehicle as 5202  
defined in section 1531.01 of the Revised Code or a motor 5203  
vehicle during the open hunting season for a wild quadruped or 5204  
game bird. 5205

(c) The person is on or in an all-purpose vehicle as 5206  
defined in section 1531.01 of the Revised Code on private or 5207  
publicly owned lands or on or in a motor vehicle that is parked 5208  
on a road that is owned or administered by the division of 5209  
wildlife. 5210

(7) Nothing in this section prohibits or restricts a 5211  
person from possessing, storing, or leaving a firearm in a 5212  
locked motor vehicle that is parked in the state underground 5213  
parking garage at the state capitol building or in the parking 5214  
garage at the Riffe center for government and the arts in 5215

Columbus, if the person's transportation and possession of the  
firearm in the motor vehicle while traveling to the premises or  
facility was not in violation of division (A), (B), (C), (D), or  
(E) of this section or any other provision of the Revised Code.

(G) (1) The affirmative defenses authorized in divisions  
(D) (1) and (2) of section 2923.12 of the Revised Code are  
affirmative defenses to a charge under division (B) or (C) of  
this section that involves a firearm other than a handgun.

(2) It is an affirmative defense to a charge under  
division (B) or (C) of this section of improperly handling  
firearms in a motor vehicle that the actor transported or had  
the firearm in the motor vehicle for any lawful purpose and  
while the motor vehicle was on the actor's own property,  
provided that this affirmative defense is not available unless  
the person, immediately prior to arriving at the actor's own  
property, did not transport or possess the firearm in a motor  
vehicle in a manner prohibited by division (B) or (C) of this  
section while the motor vehicle was being operated on a street,  
highway, or other public or private property used by the public  
for vehicular traffic.

(H) (1) No person who is charged with a violation of  
division (B), (C), or (D) of this section shall be required to  
obtain a concealed handgun license as a condition for the  
dismissal of the charge.

(2) (a) If a person is convicted of, was convicted of,  
pleads guilty to, or has pleaded guilty to a violation of  
division (E) of this section as it existed prior to September  
30, 2011, and if the conduct that was the basis of the violation  
no longer would be a violation of division (E) of this section  
on or after September 30, 2011, the person may file an

application under section ~~2953.37~~2953.35 of the Revised Code 5246  
requesting the expungement of the record of conviction. 5247

If a person is convicted of, was convicted of, pleads 5248  
guilty to, or has pleaded guilty to a violation of division (B) 5249  
or (C) of this section as the division existed prior to 5250  
September 30, 2011, and if the conduct that was the basis of the 5251  
violation no longer would be a violation of division (B) or (C) 5252  
of this section on or after September 30, 2011, due to the 5253  
application of division (F) (5) of this section as it exists on 5254  
and after September 30, 2011, the person may file an application 5255  
under section ~~2953.37~~2953.35 of the Revised Code requesting the 5256  
expungement of the record of conviction. 5257

(b) The attorney general shall develop a public media 5258  
advisory that summarizes the expungement procedure established 5259  
under section ~~2953.37~~2953.35 of the Revised Code and the 5260  
offenders identified in division (H) (2) (a) of this section who 5261  
are authorized to apply for the expungement. Within thirty days 5262  
after September 30, 2011, the attorney general shall provide a 5263  
copy of the advisory to each daily newspaper published in this 5264  
state and each television station that broadcasts in this state. 5265  
The attorney general may provide the advisory in a tangible 5266  
form, an electronic form, or in both tangible and electronic 5267  
forms. 5268

(I) Whoever violates this section is guilty of improperly 5269  
handling firearms in a motor vehicle. Violation of division (A) 5270  
of this section is a felony of the fourth degree. Violation of 5271  
division (C) of this section is a misdemeanor of the fourth 5272  
degree. A violation of division (D) of this section is a felony 5273  
of the fifth degree or, if the loaded handgun is concealed on 5274  
the person's person, a felony of the fourth degree. Except as 5275

otherwise provided in this division, a violation of division (E) 5276  
(1) or (2) of this section is a misdemeanor of the first degree, 5277  
and, in addition to any other penalty or sanction imposed for 5278  
the violation, the offender's concealed handgun license shall be 5279  
suspended pursuant to division (A) (2) of section 2923.128 of the 5280  
Revised Code. If at the time of the stop of the offender for a 5281  
traffic stop, for another law enforcement purpose, or for a 5282  
purpose defined in section 5503.34 of the Revised Code that was 5283  
the basis of the violation any law enforcement officer involved 5284  
with the stop or the employee of the motor carrier enforcement 5285  
unit who made the stop had actual knowledge of the offender's 5286  
status as a licensee, a violation of division (E) (1) or (2) of 5287  
this section is a minor misdemeanor, and the offender's 5288  
concealed handgun license shall not be suspended pursuant to 5289  
division (A) (2) of section 2923.128 of the Revised Code. A 5290  
violation of division (E) (4) of this section is a felony of the 5291  
fifth degree. A violation of division (E) (3) or (5) of this 5292  
section is a misdemeanor of the first degree or, if the offender 5293  
previously has been convicted of or pleaded guilty to a 5294  
violation of division (E) (3) or (5) of this section, a felony of 5295  
the fifth degree. In addition to any other penalty or sanction 5296  
imposed for a misdemeanor violation of division (E) (3) or (5) of 5297  
this section, the offender's concealed handgun license shall be 5298  
suspended pursuant to division (A) (2) of section 2923.128 of the 5299  
Revised Code. A violation of division (B) of this section is a 5300  
felony of the fourth degree. 5301

(J) If a law enforcement officer stops a motor vehicle for 5302  
a traffic stop or any other purpose, if any person in the motor 5303  
vehicle surrenders a firearm to the officer, either voluntarily 5304  
or pursuant to a request or demand of the officer, and if the 5305  
officer does not charge the person with a violation of this 5306

section or arrest the person for any offense, the person is not 5307  
otherwise prohibited by law from possessing the firearm, and the 5308  
firearm is not contraband, the officer shall return the firearm 5309  
to the person at the termination of the stop. If a court orders 5310  
a law enforcement officer to return a firearm to a person 5311  
pursuant to the requirement set forth in this division, division 5312  
(B) of section 2923.163 of the Revised Code applies. 5313

(K) As used in this section: 5314

(1) "Motor vehicle," "street," and "highway" have the same 5315  
meanings as in section 4511.01 of the Revised Code. 5316

(2) "Occupied structure" has the same meaning as in 5317  
section 2909.01 of the Revised Code. 5318

(3) "Agriculture" has the same meaning as in section 5319  
519.01 of the Revised Code. 5320

(4) "Tenant" has the same meaning as in section 1531.01 of 5321  
the Revised Code. 5322

(5) (a) "Unloaded" means, with respect to a firearm other 5323  
than a firearm described in division (K) (6) of this section, 5324  
that no ammunition is in the firearm in question, no magazine or 5325  
speed loader containing ammunition is inserted into the firearm 5326  
in question, and one of the following applies: 5327

(i) There is no ammunition in a magazine or speed loader 5328  
that is in the vehicle in question and that may be used with the 5329  
firearm in question. 5330

(ii) Any magazine or speed loader that contains ammunition 5331  
and that may be used with the firearm in question is stored in a 5332  
compartment within the vehicle in question that cannot be 5333  
accessed without leaving the vehicle or is stored in a container 5334

that provides complete and separate enclosure. 5335

(b) For the purposes of division (K) (5) (a) (ii) of this 5336  
section, a "container that provides complete and separate 5337  
enclosure" includes, but is not limited to, any of the 5338  
following: 5339

(i) A package, box, or case with multiple compartments, as 5340  
long as the loaded magazine or speed loader and the firearm in 5341  
question either are in separate compartments within the package, 5342  
box, or case, or, if they are in the same compartment, the 5343  
magazine or speed loader is contained within a separate 5344  
enclosure in that compartment that does not contain the firearm 5345  
and that closes using a snap, button, buckle, zipper, hook and 5346  
loop closing mechanism, or other fastener that must be opened to 5347  
access the contents or the firearm is contained within a 5348  
separate enclosure of that nature in that compartment that does 5349  
not contain the magazine or speed loader; 5350

(ii) A pocket or other enclosure on the person of the 5351  
person in question that closes using a snap, button, buckle, 5352  
zipper, hook and loop closing mechanism, or other fastener that 5353  
must be opened to access the contents. 5354

(c) For the purposes of divisions (K) (5) (a) and (b) of 5355  
this section, ammunition held in stripper-clips or in en-bloc 5356  
clips is not considered ammunition that is loaded into a 5357  
magazine or speed loader. 5358

(6) "Unloaded" means, with respect to a firearm employing 5359  
a percussion cap, flintlock, or other obsolete ignition system, 5360  
when the weapon is uncapped or when the priming charge is 5361  
removed from the pan. 5362

(7) "Commercial motor vehicle" has the same meaning as in 5363

division (A) of section 4506.25 of the Revised Code. 5364

(8) "Motor carrier enforcement unit" means the motor 5365  
carrier enforcement unit in the department of public safety, 5366  
division of state highway patrol, that is created by section 5367  
5503.34 of the Revised Code. 5368

(L) Divisions (K) (5) (a) and (b) of this section do not 5369  
affect the authority of a person who is carrying a valid 5370  
concealed handgun license to have one or more magazines or speed 5371  
loaders containing ammunition anywhere in a vehicle, without 5372  
being transported as described in those divisions, as long as no 5373  
ammunition is in a firearm, other than a handgun, in the vehicle 5374  
other than as permitted under any other provision of this 5375  
chapter. A person who is carrying a valid concealed handgun 5376  
license may have one or more magazines or speed loaders 5377  
containing ammunition anywhere in a vehicle without further 5378  
restriction, as long as no ammunition is in a firearm, other 5379  
than a handgun, in the vehicle other than as permitted under any 5380  
provision of this chapter. 5381

**Sec. 2925.11.** (A) No person shall knowingly obtain, 5382  
possess, or use a controlled substance or a controlled substance 5383  
analog. 5384

(B) (1) This section does not apply to any of the 5385  
following: 5386

(a) Manufacturers, licensed health professionals 5387  
authorized to prescribe drugs, pharmacists, owners of 5388  
pharmacies, and other persons whose conduct was in accordance 5389  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 5390  
4741. of the Revised Code; 5391

(b) If the offense involves an anabolic steroid, any 5392

person who is conducting or participating in a research project 5393  
involving the use of an anabolic steroid if the project has been 5394  
approved by the United States food and drug administration; 5395

(c) Any person who sells, offers for sale, prescribes, 5396  
dispenses, or administers for livestock or other nonhuman 5397  
species an anabolic steroid that is expressly intended for 5398  
administration through implants to livestock or other nonhuman 5399  
species and approved for that purpose under the "Federal Food, 5400  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 5401  
as amended, and is sold, offered for sale, prescribed, 5402  
dispensed, or administered for that purpose in accordance with 5403  
that act; 5404

(d) Any person who obtained the controlled substance 5405  
pursuant to a prescription issued by a licensed health 5406  
professional authorized to prescribe drugs if the prescription 5407  
was issued for a legitimate medical purpose and not altered, 5408  
forged, or obtained through deception or commission of a theft 5409  
offense. 5410

As used in division (B) (1) (d) of this section, "deception" 5411  
and "theft offense" have the same meanings as in section 2913.01 5412  
of the Revised Code. 5413

(2) (a) As used in division (B) (2) of this section: 5414

(i) "Community addiction services provider" has the same 5415  
meaning as in section 5119.01 of the Revised Code. 5416

(ii) "Community control sanction" and "drug treatment 5417  
program" have the same meanings as in section 2929.01 of the 5418  
Revised Code. 5419

(iii) "Health care facility" has the same meaning as in 5420  
section 2919.16 of the Revised Code. 5421



(iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree. 5422  
5423  
5424

(v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code. 5425  
5426

(vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 5427  
5428

(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code. 5429  
5430

(viii) "Qualified individual" means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section. 5431  
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(ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility. 5439  
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5441  
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(b) Subject to division (B) (2) (f) of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted, or penalized pursuant to this chapter for a minor drug possession offense or a violation of section 2925.12, division (C) (1) of section 2925.14, or section 2925.141 of the Revised Code if all of the following apply: 5443  
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(i) The evidence of the obtaining, possession, or use of the controlled substance or controlled substance analog, drug 5449  
5450

abuse instruments, or drug paraphernalia that would be the basis 5451  
of the offense was obtained as a result of the qualified 5452  
individual seeking the medical assistance or experiencing an 5453  
overdose and needing medical assistance. 5454

(ii) Subject to division (B) (2) (g) of this section, within 5455  
thirty days after seeking or obtaining the medical assistance, 5456  
the qualified individual seeks and obtains a screening and 5457  
receives a referral for treatment from a community addiction 5458  
services provider or a properly credentialed addiction treatment 5459  
professional. 5460

(iii) Subject to division (B) (2) (g) of this section, the 5461  
qualified individual who obtains a screening and receives a 5462  
referral for treatment under division (B) (2) (b) (ii) of this 5463  
section, upon the request of any prosecuting attorney, submits 5464  
documentation to the prosecuting attorney that verifies that the 5465  
qualified individual satisfied the requirements of that 5466  
division. The documentation shall be limited to the date and 5467  
time of the screening obtained and referral received. 5468

(c) If a person is found to be in violation of any 5469  
community control sanction and if the violation is a result of 5470  
either of the following, the court shall first consider ordering 5471  
the person's participation or continued participation in a drug 5472  
treatment program or mitigating the penalty specified in section 5473  
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 5474  
applicable, after which the court has the discretion either to 5475  
order the person's participation or continued participation in a 5476  
drug treatment program or to impose the penalty with the 5477  
mitigating factor specified in any of those applicable sections: 5478

(i) Seeking or obtaining medical assistance in good faith 5479  
for another person who is experiencing a drug overdose; 5480

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

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

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

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

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

(i) Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of division (B) (2) (b) of this section or with regards to any crime other than a minor drug possession offense or a violation of section 2925.12, division (C) (1) of section 2925.14, or section 2925.141

of the Revised Code committed by a person who qualifies for 5510  
protection pursuant to division (B) (2) (b) of this section ~~for a~~ 5511  
~~minor drug possession offense;~~ 5512

(ii) Limit any seizure of evidence or contraband otherwise 5513  
permitted by law; 5514

(iii) Limit or abridge the authority of a peace officer to 5515  
detain or take into custody a person in the course of an 5516  
investigation or to effectuate an arrest for any offense except 5517  
as provided in that division; 5518

(iv) Limit, modify, or remove any immunity from liability 5519  
available pursuant to law in effect prior to September 13, 2016, 5520  
to any public agency or to an employee of any public agency. 5521

(f) Division (B) (2) (b) of this section does not apply to 5522  
any person who twice previously has been granted an immunity 5523  
under division (B) (2) (b) of this section. No person shall be 5524  
granted an immunity under division (B) (2) (b) of this section 5525  
more than two times. 5526

(g) Nothing in this section shall compel any qualified 5527  
individual to disclose protected health information in a way 5528  
that conflicts with the requirements of the "Health Insurance 5529  
Portability and Accountability Act of 1996," 104 Pub. L. No. 5530  
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 5531  
regulations promulgated by the United States department of 5532  
health and human services to implement the act or the 5533  
requirements of 42 C.F.R. Part 2. 5534

(C) Whoever violates division (A) of this section is 5535  
guilty of one of the following: 5536

(1) If the drug involved in the violation is a compound, 5537  
mixture, preparation, or substance included in schedule I or II, 5538

with the exception of marihuana, cocaine, L.S.D., heroin, any 5539  
fentanyl-related compound, hashish, and any controlled substance 5540  
analog, whoever violates division (A) of this section is guilty 5541  
of aggravated possession of drugs. The penalty for the offense 5542  
shall be determined as follows: 5543

(a) Except as otherwise provided in division (C) (1) (b), 5544  
(c), (d), or (e) of this section, aggravated possession of drugs 5545  
is a felony of the fifth degree, and division (B) of section 5546  
2929.13 of the Revised Code applies in determining whether to 5547  
impose a prison term on the offender. 5548

(b) If the amount of the drug involved equals or exceeds 5549  
the bulk amount but is less than five times the bulk amount, 5550  
aggravated possession of drugs is a felony of the third degree, 5551  
and there is a presumption for a prison term for the offense. 5552

(c) If the amount of the drug involved equals or exceeds 5553  
five times the bulk amount but is less than fifty times the bulk 5554  
amount, aggravated possession of drugs is a felony of the second 5555  
degree, and the court shall impose as a mandatory prison term a 5556  
second degree felony mandatory prison term. 5557

(d) If the amount of the drug involved equals or exceeds 5558  
fifty times the bulk amount but is less than one hundred times 5559  
the bulk amount, aggravated possession of drugs is a felony of 5560  
the first degree, and the court shall impose as a mandatory 5561  
prison term a first degree felony mandatory prison term. 5562

(e) If the amount of the drug involved equals or exceeds 5563  
one hundred times the bulk amount, aggravated possession of 5564  
drugs is a felony of the first degree, the offender is a major 5565  
drug offender, and the court shall impose as a mandatory prison 5566  
term a maximum first degree felony mandatory prison term. 5567

(2) If the drug involved in the violation is a compound, 5568  
mixture, preparation, or substance included in schedule III, IV, 5569  
or V, whoever violates division (A) of this section is guilty of 5570  
possession of drugs. The penalty for the offense shall be 5571  
determined as follows: 5572

(a) Except as otherwise provided in division (C) (2) (b), 5573  
(c), or (d) of this section, possession of drugs is a 5574  
misdemeanor of the first degree or, if the offender previously 5575  
has been convicted of a drug abuse offense, a felony of the 5576  
fifth degree. 5577

(b) If the amount of the drug involved equals or exceeds 5578  
the bulk amount but is less than five times the bulk amount, 5579  
possession of drugs is a felony of the fourth degree, and 5580  
division (C) of section 2929.13 of the Revised Code applies in 5581  
determining whether to impose a prison term on the offender. 5582

(c) If the amount of the drug involved equals or exceeds 5583  
five times the bulk amount but is less than fifty times the bulk 5584  
amount, possession of drugs is a felony of the third degree, and 5585  
there is a presumption for a prison term for the offense. 5586

(d) If the amount of the drug involved equals or exceeds 5587  
fifty times the bulk amount, possession of drugs is a felony of 5588  
the second degree, and the court shall impose upon the offender 5589  
as a mandatory prison term a second degree felony mandatory 5590  
prison term. 5591

(3) If the drug involved in the violation is marihuana or 5592  
a compound, mixture, preparation, or substance containing 5593  
marihuana other than hashish, whoever violates division (A) of 5594  
this section is guilty of possession of marihuana. The penalty 5595  
for the offense shall be determined as follows: 5596

(a) Except as otherwise provided in division (C) (3) (b), 5597  
(c), (d), (e), (f), or (g) of this section, possession of 5598  
marihuana is a minor misdemeanor. 5599

(b) If the amount of the drug involved equals or exceeds 5600  
one hundred grams but is less than two hundred grams, possession 5601  
of marihuana is a misdemeanor of the fourth degree. 5602

(c) If the amount of the drug involved equals or exceeds 5603  
two hundred grams but is less than one thousand grams, 5604  
possession of marihuana is a felony of the fifth degree, and 5605  
division (B) of section 2929.13 of the Revised Code applies in 5606  
determining whether to impose a prison term on the offender. 5607

(d) If the amount of the drug involved equals or exceeds 5608  
one thousand grams but is less than five thousand grams, 5609  
possession of marihuana is a felony of the third degree, and 5610  
division (C) of section 2929.13 of the Revised Code applies in 5611  
determining whether to impose a prison term on the offender. 5612

(e) If the amount of the drug involved equals or exceeds 5613  
five thousand grams but is less than twenty thousand grams, 5614  
possession of marihuana is a felony of the third degree, and 5615  
there is a presumption that a prison term shall be imposed for 5616  
the offense. 5617

(f) If the amount of the drug involved equals or exceeds 5618  
twenty thousand grams but is less than forty thousand grams, 5619  
possession of marihuana is a felony of the second degree, and 5620  
the court shall impose as a mandatory prison term a second 5621  
degree felony mandatory prison term of five, six, seven, or 5622  
eight years. 5623

(g) If the amount of the drug involved equals or exceeds 5624  
forty thousand grams, possession of marihuana is a felony of the 5625

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

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

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

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

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

(d) If the amount of the drug involved equals or exceeds twenty grams but is less than twenty-seven grams of cocaine,



possession of cocaine is a felony of the second degree, and the 5655  
court shall impose as a mandatory prison term a second degree 5656  
felony mandatory prison term. 5657

(e) If the amount of the drug involved equals or exceeds 5658  
twenty-seven grams but is less than one hundred grams of 5659  
cocaine, possession of cocaine is a felony of the first degree, 5660  
and the court shall impose as a mandatory prison term a first 5661  
degree felony mandatory prison term. 5662

(f) If the amount of the drug involved equals or exceeds 5663  
one hundred grams of cocaine, possession of cocaine is a felony 5664  
of the first degree, the offender is a major drug offender, and 5665  
the court shall impose as a mandatory prison term a maximum 5666  
first degree felony mandatory prison term. 5667

(5) If the drug involved in the violation is L.S.D., 5668  
whoever violates division (A) of this section is guilty of 5669  
possession of L.S.D. The penalty for the offense shall be 5670  
determined as follows: 5671

(a) Except as otherwise provided in division (C) (5) (b), 5672  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 5673  
felony of the fifth degree, and division (B) of section 2929.13 5674  
of the Revised Code applies in determining whether to impose a 5675  
prison term on the offender. 5676

(b) If the amount of L.S.D. involved equals or exceeds ten 5677  
unit doses but is less than fifty unit doses of L.S.D. in a 5678  
solid form or equals or exceeds one gram but is less than five 5679  
grams of L.S.D. in a liquid concentrate, liquid extract, or 5680  
liquid distillate form, possession of L.S.D. is a felony of the 5681  
fourth degree, and division (C) of section 2929.13 of the 5682  
Revised Code applies in determining whether to impose a prison 5683

term on the offender. 5684

(c) If the amount of L.S.D. involved equals or exceeds 5685  
fifty unit doses, but is less than two hundred fifty unit doses 5686  
of L.S.D. in a solid form or equals or exceeds five grams but is 5687  
less than twenty-five grams of L.S.D. in a liquid concentrate, 5688  
liquid extract, or liquid distillate form, possession of L.S.D. 5689  
is a felony of the third degree, and there is a presumption for 5690  
a prison term for the offense. 5691

(d) If the amount of L.S.D. involved equals or exceeds two 5692  
hundred fifty unit doses but is less than one thousand unit 5693  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 5694  
grams but is less than one hundred grams of L.S.D. in a liquid 5695  
concentrate, liquid extract, or liquid distillate form, 5696  
possession of L.S.D. is a felony of the second degree, and the 5697  
court shall impose as a mandatory prison term a second degree 5698  
felony mandatory prison term. 5699

(e) If the amount of L.S.D. involved equals or exceeds one 5700  
thousand unit doses but is less than five thousand unit doses of 5701  
L.S.D. in a solid form or equals or exceeds one hundred grams 5702  
but is less than five hundred grams of L.S.D. in a liquid 5703  
concentrate, liquid extract, or liquid distillate form, 5704  
possession of L.S.D. is a felony of the first degree, and the 5705  
court shall impose as a mandatory prison term a first degree 5706  
felony mandatory prison term. 5707

(f) If the amount of L.S.D. involved equals or exceeds 5708  
five thousand unit doses of L.S.D. in a solid form or equals or 5709  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 5710  
liquid extract, or liquid distillate form, possession of L.S.D. 5711  
is a felony of the first degree, the offender is a major drug 5712  
offender, and the court shall impose as a mandatory prison term 5713

a maximum first degree felony mandatory prison term. 5714

(6) If the drug involved in the violation is heroin or a 5715  
compound, mixture, preparation, or substance containing heroin, 5716  
whoever violates division (A) of this section is guilty of 5717  
possession of heroin. The penalty for the offense shall be 5718  
determined as follows: 5719

(a) Except as otherwise provided in division (C) (6) (b), 5720  
(c), (d), (e), or (f) of this section, possession of heroin is a 5721  
felony of the fifth degree, and division (B) of section 2929.13 5722  
of the Revised Code applies in determining whether to impose a 5723  
prison term on the offender. 5724

(b) If the amount of the drug involved equals or exceeds 5725  
ten unit doses but is less than fifty unit doses or equals or 5726  
exceeds one gram but is less than five grams, possession of 5727  
heroin is a felony of the fourth degree, and division (C) of 5728  
section 2929.13 of the Revised Code applies in determining 5729  
whether to impose a prison term on the offender. 5730

(c) If the amount of the drug involved equals or exceeds 5731  
fifty unit doses but is less than one hundred unit doses or 5732  
equals or exceeds five grams but is less than ten grams, 5733  
possession of heroin is a felony of the third degree, and there 5734  
is a presumption for a prison term for the offense. 5735

(d) If the amount of the drug involved equals or exceeds 5736  
one hundred unit doses but is less than five hundred unit doses 5737  
or equals or exceeds ten grams but is less than fifty grams, 5738  
possession of heroin is a felony of the second degree, and the 5739  
court shall impose as a mandatory prison term a second degree 5740  
felony mandatory prison term. 5741

(e) If the amount of the drug involved equals or exceeds 5742

five hundred unit doses but is less than one thousand unit doses 5743  
or equals or exceeds fifty grams but is less than one hundred 5744  
grams, possession of heroin is a felony of the first degree, and 5745  
the court shall impose as a mandatory prison term a first degree 5746  
felony mandatory prison term. 5747

(f) If the amount of the drug involved equals or exceeds 5748  
one thousand unit doses or equals or exceeds one hundred grams, 5749  
possession of heroin is a felony of the first degree, the 5750  
offender is a major drug offender, and the court shall impose as 5751  
a mandatory prison term a maximum first degree felony mandatory 5752  
prison term. 5753

(7) If the drug involved in the violation is hashish or a 5754  
compound, mixture, preparation, or substance containing hashish, 5755  
whoever violates division (A) of this section is guilty of 5756  
possession of hashish. The penalty for the offense shall be 5757  
determined as follows: 5758

(a) Except as otherwise provided in division (C) (7) (b), 5759  
(c), (d), (e), (f), or (g) of this section, possession of 5760  
hashish is a minor misdemeanor. 5761

(b) If the amount of the drug involved equals or exceeds 5762  
five grams but is less than ten grams of hashish in a solid form 5763  
or equals or exceeds one gram but is less than two grams of 5764  
hashish in a liquid concentrate, liquid extract, or liquid 5765  
distillate form, possession of hashish is a misdemeanor of the 5766  
fourth degree. 5767

(c) If the amount of the drug involved equals or exceeds 5768  
ten grams but is less than fifty grams of hashish in a solid 5769  
form or equals or exceeds two grams but is less than ten grams 5770  
of hashish in a liquid concentrate, liquid extract, or liquid 5771

distillate form, possession of hashish is a felony of the fifth 5772  
degree, and division (B) of section 2929.13 of the Revised Code 5773  
applies in determining whether to impose a prison term on the 5774  
offender. 5775

(d) If the amount of the drug involved equals or exceeds 5776  
fifty grams but is less than two hundred fifty grams of hashish 5777  
in a solid form or equals or exceeds ten grams but is less than 5778  
fifty grams of hashish in a liquid concentrate, liquid extract, 5779  
or liquid distillate form, possession of hashish is a felony of 5780  
the third degree, and division (C) of section 2929.13 of the 5781  
Revised Code applies in determining whether to impose a prison 5782  
term on the offender. 5783

(e) If the amount of the drug involved equals or exceeds 5784  
two hundred fifty grams but is less than one thousand grams of 5785  
hashish in a solid form or equals or exceeds fifty grams but is 5786  
less than two hundred grams of hashish in a liquid concentrate, 5787  
liquid extract, or liquid distillate form, possession of hashish 5788  
is a felony of the third degree, and there is a presumption that 5789  
a prison term shall be imposed for the offense. 5790

(f) If the amount of the drug involved equals or exceeds 5791  
one thousand grams but is less than two thousand grams of 5792  
hashish in a solid form or equals or exceeds two hundred grams 5793  
but is less than four hundred grams of hashish in a liquid 5794  
concentrate, liquid extract, or liquid distillate form, 5795  
possession of hashish is a felony of the second degree, and the 5796  
court shall impose as a mandatory prison term a second degree 5797  
felony mandatory prison term of five, six, seven, or eight 5798  
years. 5799

(g) If the amount of the drug involved equals or exceeds 5800  
two thousand grams of hashish in a solid form or equals or 5801

exceeds four hundred grams of hashish in a liquid concentrate, 5802  
liquid extract, or liquid distillate form, possession of hashish 5803  
is a felony of the second degree, and the court shall impose as 5804  
a mandatory prison term a maximum second degree felony mandatory 5805  
prison term. 5806

(8) If the drug involved is a controlled substance analog 5807  
or compound, mixture, preparation, or substance that contains a 5808  
controlled substance analog, whoever violates division (A) of 5809  
this section is guilty of possession of a controlled substance 5810  
analog. The penalty for the offense shall be determined as 5811  
follows: 5812

(a) Except as otherwise provided in division (C) (8) (b), 5813  
(c), (d), (e), or (f) of this section, possession of a 5814  
controlled substance analog is a felony of the fifth degree, and 5815  
division (B) of section 2929.13 of the Revised Code applies in 5816  
determining whether to impose a prison term on the offender. 5817

(b) If the amount of the drug involved equals or exceeds 5818  
ten grams but is less than twenty grams, possession of a 5819  
controlled substance analog is a felony of the fourth degree, 5820  
and there is a presumption for a prison term for the offense. 5821

(c) If the amount of the drug involved equals or exceeds 5822  
twenty grams but is less than thirty grams, possession of a 5823  
controlled substance analog is a felony of the third degree, and 5824  
there is a presumption for a prison term for the offense. 5825

(d) If the amount of the drug involved equals or exceeds 5826  
thirty grams but is less than forty grams, possession of a 5827  
controlled substance analog is a felony of the second degree, 5828  
and the court shall impose as a mandatory prison term a second 5829  
degree felony mandatory prison term. 5830

(e) If the amount of the drug involved equals or exceeds 5831  
forty grams but is less than fifty grams, possession of a 5832  
controlled substance analog is a felony of the first degree, and 5833  
the court shall impose as a mandatory prison term a first degree 5834  
felony mandatory prison term. 5835

(f) If the amount of the drug involved equals or exceeds 5836  
fifty grams, possession of a controlled substance analog is a 5837  
felony of the first degree, the offender is a major drug 5838  
offender, and the court shall impose as a mandatory prison term 5839  
a maximum first degree felony mandatory prison term. 5840

(9) If the drug involved in the violation is a compound, 5841  
mixture, preparation, or substance that is a combination of a 5842  
fentanyl-related compound and marihuana, one of the following 5843  
applies: 5844

(a) Except as otherwise provided in division (C) (9) (b) of 5845  
this section, the offender is guilty of possession of marihuana 5846  
and shall be punished as provided in division (C) (3) of this 5847  
section. Except as otherwise provided in division (C) (9) (b) of 5848  
this section, the offender is not guilty of possession of a 5849  
fentanyl-related compound under division (C) (11) of this section 5850  
and shall not be charged with, convicted of, or punished under 5851  
division (C) (11) of this section for possession of a fentanyl- 5852  
related compound. 5853

(b) If the offender knows or has reason to know that the 5854  
compound, mixture, preparation, or substance that is the drug 5855  
involved contains a fentanyl-related compound, the offender is 5856  
guilty of possession of a fentanyl-related compound and shall be 5857  
punished under division (C) (11) of this section. 5858

(10) If the drug involved in the violation is a compound, 5859

mixture, preparation, or substance that is a combination of a 5860  
fentanyl-related compound and any schedule III, schedule IV, or 5861  
schedule V controlled substance that is not a fentanyl-related 5862  
compound, one of the following applies: 5863

(a) Except as otherwise provided in division (C) (10) (b) of 5864  
this section, the offender is guilty of possession of drugs and 5865  
shall be punished as provided in division (C) (2) of this 5866  
section. Except as otherwise provided in division (C) (10) (b) of 5867  
this section, the offender is not guilty of possession of a 5868  
fentanyl-related compound under division (C) (11) of this section 5869  
and shall not be charged with, convicted of, or punished under 5870  
division (C) (11) of this section for possession of a fentanyl- 5871  
related compound. 5872

(b) If the offender knows or has reason to know that the 5873  
compound, mixture, preparation, or substance that is the drug 5874  
involved contains a fentanyl-related compound, the offender is 5875  
guilty of possession of a fentanyl-related compound and shall be 5876  
punished under division (C) (11) of this section. 5877

(11) If the drug involved in the violation is a fentanyl- 5878  
related compound and neither division (C) (9) (a) nor division (C) 5879  
(10) (a) of this section applies to the drug involved, or is a 5880  
compound, mixture, preparation, or substance that contains a 5881  
fentanyl-related compound or is a combination of a fentanyl- 5882  
related compound and any other controlled substance and neither 5883  
division (C) (9) (a) nor division (C) (10) (a) of this section 5884  
applies to the drug involved, whoever violates division (A) of 5885  
this section is guilty of possession of a fentanyl-related 5886  
compound. The penalty for the offense shall be determined as 5887  
follows: 5888

(a) Except as otherwise provided in division (C) (11) (b), 5889



(c), (d), (e), (f), or (g) of this section, possession of a 5890  
fentanyl-related compound is a felony of the fifth degree, and 5891  
division (B) of section 2929.13 of the Revised Code applies in 5892  
determining whether to impose a prison term on the offender. 5893

(b) If the amount of the drug involved equals or exceeds 5894  
ten unit doses but is less than fifty unit doses or equals or 5895  
exceeds one gram but is less than five grams, possession of a 5896  
fentanyl-related compound is a felony of the fourth degree, and 5897  
division (C) of section 2929.13 of the Revised Code applies in 5898  
determining whether to impose a prison term on the offender. 5899

(c) If the amount of the drug involved equals or exceeds 5900  
fifty unit doses but is less than one hundred unit doses or 5901  
equals or exceeds five grams but is less than ten grams, 5902  
possession of a fentanyl-related compound is a felony of the 5903  
third degree, and there is a presumption for a prison term for 5904  
the offense. 5905

(d) If the amount of the drug involved equals or exceeds 5906  
one hundred unit doses but is less than two hundred unit doses 5907  
or equals or exceeds ten grams but is less than twenty grams, 5908  
possession of a fentanyl-related compound is a felony of the 5909  
second degree, and the court shall impose as a mandatory prison 5910  
term one of the prison terms prescribed for a felony of the 5911  
second degree. 5912

(e) If the amount of the drug involved equals or exceeds 5913  
two hundred unit doses but is less than five hundred unit doses 5914  
or equals or exceeds twenty grams but is less than fifty grams, 5915  
possession of a fentanyl-related compound is a felony of the 5916  
first degree, and the court shall impose as a mandatory prison 5917  
term one of the prison terms prescribed for a felony of the 5918  
first degree. 5919

(f) If the amount of the drug involved equals or exceeds 5920  
five hundred unit doses but is less than one thousand unit doses 5921  
or equals or exceeds fifty grams but is less than one hundred 5922  
grams, possession of a fentanyl-related compound is a felony of 5923  
the first degree, and the court shall impose as a mandatory 5924  
prison term the maximum prison term prescribed for a felony of 5925  
the first degree. 5926

(g) If the amount of the drug involved equals or exceeds 5927  
one thousand unit doses or equals or exceeds one hundred grams, 5928  
possession of a fentanyl-related compound is a felony of the 5929  
first degree, the offender is a major drug offender, and the 5930  
court shall impose as a mandatory prison term the maximum prison 5931  
term prescribed for a felony of the first degree. 5932

(D) Arrest or conviction for a minor misdemeanor violation 5933  
of this section does not constitute a criminal record and need 5934  
not be reported by the person so arrested or convicted in 5935  
response to any inquiries about the person's criminal record, 5936  
including any inquiries contained in any application for 5937  
employment, license, or other right or privilege, or made in 5938  
connection with the person's appearance as a witness. 5939

(E) In addition to any prison term or jail term authorized 5940  
or required by division (C) of this section and sections 5941  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 5942  
Code and in addition to any other sanction that is imposed for 5943  
the offense under this section, sections 2929.11 to 2929.18, or 5944  
sections 2929.21 to 2929.28 of the Revised Code, the court that 5945  
sentences an offender who is convicted of or pleads guilty to a 5946  
violation of division (A) of this section may suspend the 5947  
offender's driver's or commercial driver's license or permit for 5948  
not more than five years. However, if the offender pleaded 5949

guilty to or was convicted of a violation of section 4511.19 of 5950  
the Revised Code or a substantially similar municipal ordinance 5951  
or the law of another state or the United States arising out of 5952  
the same set of circumstances as the violation, the court shall 5953  
suspend the offender's driver's or commercial driver's license 5954  
or permit for not more than five years. If applicable, the court 5955  
also shall do the following: 5956

(1) (a) If the violation is a felony of the first, second, 5957  
or third degree, the court shall impose upon the offender the 5958  
mandatory fine specified for the offense under division (B) (1) 5959  
of section 2929.18 of the Revised Code unless, as specified in 5960  
that division, the court determines that the offender is 5961  
indigent. 5962

(b) Notwithstanding any contrary provision of section 5963  
3719.21 of the Revised Code, the clerk of the court shall pay a 5964  
mandatory fine or other fine imposed for a violation of this 5965  
section pursuant to division (A) of section 2929.18 of the 5966  
Revised Code in accordance with and subject to the requirements 5967  
of division (F) of section 2925.03 of the Revised Code. The 5968  
agency that receives the fine shall use the fine as specified in 5969  
division (F) of section 2925.03 of the Revised Code. 5970

(c) If a person is charged with a violation of this 5971  
section that is a felony of the first, second, or third degree, 5972  
posts bail, and forfeits the bail, the clerk shall pay the 5973  
forfeited bail pursuant to division (E) (1) (b) of this section as 5974  
if it were a mandatory fine imposed under division (E) (1) (a) of 5975  
this section. 5976

(2) If the offender is a professionally licensed person, 5977  
in addition to any other sanction imposed for a violation of 5978  
this section, the court immediately shall comply with section 5979

2925.38 of the Revised Code. 5980

(F) It is an affirmative defense, as provided in section 5981  
2901.05 of the Revised Code, to a charge of a fourth degree 5982  
felony violation under this section that the controlled 5983  
substance that gave rise to the charge is in an amount, is in a 5984  
form, is prepared, compounded, or mixed with substances that are 5985  
not controlled substances in a manner, or is possessed under any 5986  
other circumstances, that indicate that the substance was 5987  
possessed solely for personal use. Notwithstanding any contrary 5988  
provision of this section, if, in accordance with section 5989  
2901.05 of the Revised Code, an accused who is charged with a 5990  
fourth degree felony violation of division (C) (2), (4), (5), or 5991  
(6) of this section sustains the burden of going forward with 5992  
evidence of and establishes by a preponderance of the evidence 5993  
the affirmative defense described in this division, the accused 5994  
may be prosecuted for and may plead guilty to or be convicted of 5995  
a misdemeanor violation of division (C) (2) of this section or a 5996  
fifth degree felony violation of division (C) (4), (5), or (6) of 5997  
this section respectively. 5998

(G) When a person is charged with possessing a bulk amount 5999  
or multiple of a bulk amount, division (E) of section 2925.03 of 6000  
the Revised Code applies regarding the determination of the 6001  
amount of the controlled substance involved at the time of the 6002  
offense. 6003

(H) It is an affirmative defense to a charge of possession 6004  
of a controlled substance analog under division (C) (8) of this 6005  
section that the person charged with violating that offense 6006  
obtained, possessed, or used one of the following items that are 6007  
excluded from the meaning of "controlled substance analog" under 6008  
section 3719.01 of the Revised Code: 6009

(1) A controlled substance; 6010

(2) Any substance for which there is an approved new drug application; 6011  
6012

(3) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption. 6013  
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(I) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion. 6017  
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Upon the filing of a motion under division (I) of this section, the sentencing court, in its discretion, may terminate the suspension. 6028  
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**Sec. 2925.12.** (A) No person shall knowingly make, obtain, possess, or use any instrument, article, or thing the customary and primary purpose of which is for the administration or use of a dangerous drug, other than marihuana, when the instrument involved is a hypodermic or syringe, whether or not of crude or extemporized manufacture or assembly, and the instrument, article, or thing involved has been used by the offender to unlawfully administer or use a dangerous drug, other than 6031  
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marihuana, or to prepare a dangerous drug, other than marihuana, 6039  
for unlawful administration or use. 6040

~~(B)~~ (B) (1) This section does not apply to manufacturers, 6041  
licensed health professionals authorized to prescribe drugs, 6042  
pharmacists, owners of pharmacies, and other persons whose 6043  
conduct was in accordance with Chapters 3719., 4715., 4723., 6044  
4729., 4730., 4731., and 4741. of the Revised Code. 6045

(2) Division (B) (2) of section 2925.11 of the Revised Code 6046  
applies with respect to a violation of this section when a 6047  
person seeks or obtains medical assistance for another person 6048  
who is experiencing a drug overdose, a person experiences a drug 6049  
overdose and seeks medical assistance for that overdose, or a 6050  
person is the subject of another person seeking or obtaining 6051  
medical assistance for that overdose. 6052

(C) Whoever violates this section is guilty of possessing 6053  
drug abuse instruments, a misdemeanor of the second degree. If 6054  
the offender previously has been convicted of a drug abuse 6055  
offense, a violation of this section is a misdemeanor of the 6056  
first degree. 6057

(D) (1) In addition to any other sanction imposed upon an 6058  
offender for a violation of this section, the court may suspend 6059  
for not more than five years the offender's driver's or 6060  
commercial driver's license or permit. However, if the offender 6061  
pleaded guilty to or was convicted of a violation of section 6062  
4511.19 of the Revised Code or a substantially similar municipal 6063  
ordinance or the law of another state or the United States 6064  
arising out of the same set of circumstances as the violation, 6065  
the court shall suspend the offender's driver's or commercial 6066  
driver's license or permit for not more than five years. If the 6067  
offender is a professionally licensed person, in addition to any 6068

other sanction imposed for a violation of this section, the 6069  
court immediately shall comply with section 2925.38 of the 6070  
Revised Code. 6071

(2) Any offender who received a mandatory suspension of 6072  
the offender's driver's or commercial driver's license or permit 6073  
under this section prior to ~~the effective date of this amendment~~ 6074  
September 13, 2016, may file a motion with the sentencing court 6075  
requesting the termination of the suspension. However, an 6076  
offender who pleaded guilty to or was convicted of a violation 6077  
of section 4511.19 of the Revised Code or a substantially 6078  
similar municipal ordinance or law of another state or the 6079  
United States that arose out of the same set of circumstances as 6080  
the violation for which the offender's license or permit was 6081  
suspended under this section shall not file such a motion. 6082

Upon the filing of a motion under division (D)(2) of this 6083  
section, the sentencing court, in its discretion, may terminate 6084  
the suspension. 6085

**Sec. 2925.14.** (A) As used in this section, "drug 6086  
paraphernalia" means any equipment, product, or material of any 6087  
kind that is used by the offender, intended by the offender for 6088  
use, or designed for use, in propagating, cultivating, growing, 6089  
harvesting, manufacturing, compounding, converting, producing, 6090  
processing, preparing, testing, analyzing, packaging, 6091  
repackaging, storing, containing, concealing, injecting, 6092  
ingesting, inhaling, or otherwise introducing into the human 6093  
body, a controlled substance in violation of this chapter. "Drug 6094  
paraphernalia" includes, but is not limited to, any of the 6095  
following equipment, products, or materials that are used by the 6096  
offender, intended by the offender for use, or designed by the 6097  
offender for use, in any of the following manners: 6098

- (1) A kit for propagating, cultivating, growing, or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived; 6099  
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6101
- (2) A kit for manufacturing, compounding, converting, producing, processing, or preparing a controlled substance; 6102  
6103
- (3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine; 6104  
6105  
6106
- (4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance; 6107  
6108
- (5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance; 6109  
6110
- (6) A scale or balance for weighing or measuring a controlled substance; 6111  
6112
- (7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance; 6113  
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- (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana; 6116  
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- (9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance; 6118  
6119
- (10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance; 6120  
6121
- (11) A container or device for storing or concealing a controlled substance; 6122  
6123
- (12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human 6124  
6125



body; 6126

(13) An object, instrument, or device for ingesting, 6127  
inhaling, or otherwise introducing into the human body, 6128  
marihuana, cocaine, hashish, or hashish oil, such as a metal, 6129  
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or 6130  
without a screen, permanent screen, hashish head, or punctured 6131  
metal bowl; water pipe; carburetion tube or device; smoking or 6132  
carburetion mask; roach clip or similar object used to hold 6133  
burning material, such as a marihuana cigarette, that has become 6134  
too small or too short to be held in the hand; miniature cocaine 6135  
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 6136  
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 6137

(B) In determining if any equipment, product, or material 6138  
is drug paraphernalia, a court or law enforcement officer shall 6139  
consider, in addition to other relevant factors, the following: 6140

(1) Any statement by the owner, or by anyone in control, 6141  
of the equipment, product, or material, concerning its use; 6142

(2) The proximity in time or space of the equipment, 6143  
product, or material, or of the act relating to the equipment, 6144  
product, or material, to a violation of any provision of this 6145  
chapter; 6146

(3) The proximity of the equipment, product, or material 6147  
to any controlled substance; 6148

(4) The existence of any residue of a controlled substance 6149  
on the equipment, product, or material; 6150

(5) Direct or circumstantial evidence of the intent of the 6151  
owner, or of anyone in control, of the equipment, product, or 6152  
material, to deliver it to any person whom the owner or person 6153  
in control of the equipment, product, or material knows intends 6154

to use the object to facilitate a violation of any provision of 6155  
this chapter. A finding that the owner, or anyone in control, of 6156  
the equipment, product, or material, is not guilty of a 6157  
violation of any other provision of this chapter does not 6158  
prevent a finding that the equipment, product, or material was 6159  
intended or designed by the offender for use as drug 6160  
paraphernalia. 6161

(6) Any oral or written instruction provided with the 6162  
equipment, product, or material concerning its use; 6163

(7) Any descriptive material accompanying the equipment, 6164  
product, or material and explaining or depicting its use; 6165

(8) National or local advertising concerning the use of 6166  
the equipment, product, or material; 6167

(9) The manner and circumstances in which the equipment, 6168  
product, or material is displayed for sale; 6169

(10) Direct or circumstantial evidence of the ratio of the 6170  
sales of the equipment, product, or material to the total sales 6171  
of the business enterprise; 6172

(11) The existence and scope of legitimate uses of the 6173  
equipment, product, or material in the community; 6174

(12) Expert testimony concerning the use of the equipment, 6175  
product, or material. 6176

(C) (1) Subject to ~~division~~ divisions (D) (2) and (3) of 6177  
this section, no person shall knowingly use, or possess with 6178  
purpose to use, drug paraphernalia. 6179

(2) No person shall knowingly sell, or possess or 6180  
manufacture with purpose to sell, drug paraphernalia, if the 6181  
person knows or reasonably should know that the equipment, 6182

product, or material will be used as drug paraphernalia. 6183

(3) No person shall place an advertisement in any 6184  
newspaper, magazine, handbill, or other publication that is 6185  
published and printed and circulates primarily within this 6186  
state, if the person knows that the purpose of the advertisement 6187  
is to promote the illegal sale in this state of the equipment, 6188  
product, or material that the offender intended or designed for 6189  
use as drug paraphernalia. 6190

(D) (1) This section does not apply to manufacturers, 6191  
licensed health professionals authorized to prescribe drugs, 6192  
pharmacists, owners of pharmacies, and other persons whose 6193  
conduct is in accordance with Chapters 3719., 4715., 4723., 6194  
4729., 4730., 4731., and 4741. of the Revised Code. This section 6195  
shall not be construed to prohibit the possession or use of a 6196  
hypodermic as authorized by section 3719.172 of the Revised 6197  
Code. 6198

(2) Division (C) (1) of this section does not apply to a 6199  
person's use, or possession with purpose to use, any drug 6200  
paraphernalia that is equipment, a product, or material of any 6201  
kind that is used by the person, intended by the person for use, 6202  
or designed for use in storing, containing, concealing, 6203  
injecting, ingesting, inhaling, or otherwise introducing into 6204  
the human body marihuana. 6205

(3) Division (B) (2) of section 2925.11 of the Revised Code 6206  
applies with respect to a violation of division (C) (1) of this 6207  
section when a person seeks or obtains medical assistance for 6208  
another person who is experiencing a drug overdose, a person 6209  
experiences a drug overdose and seeks medical assistance for 6210  
that overdose, or a person is the subject of another person 6211  
seeking or obtaining medical assistance for that overdose. 6212

(E) Notwithstanding Chapter 2981. of the Revised Code, any 6213  
drug paraphernalia that was used, possessed, sold, or 6214  
manufactured in a violation of this section shall be seized, 6215  
after a conviction for that violation shall be forfeited, and 6216  
upon forfeiture shall be disposed of pursuant to division (B) of 6217  
section 2981.12 of the Revised Code. 6218

(F) (1) Whoever violates division (C) (1) of this section is 6219  
guilty of illegal use or possession of drug paraphernalia, a 6220  
misdemeanor of the fourth degree. 6221

(2) Except as provided in division (F) (3) of this section, 6222  
whoever violates division (C) (2) of this section is guilty of 6223  
dealing in drug paraphernalia, a misdemeanor of the second 6224  
degree. 6225

(3) Whoever violates division (C) (2) of this section by 6226  
selling drug paraphernalia to a juvenile is guilty of selling 6227  
drug paraphernalia to juveniles, a misdemeanor of the first 6228  
degree. 6229

(4) Whoever violates division (C) (3) of this section is 6230  
guilty of illegal advertising of drug paraphernalia, a 6231  
misdemeanor of the second degree. 6232

(G) (1) In addition to any other sanction imposed upon an 6233  
offender for a violation of this section, the court may suspend 6234  
for not more than five years the offender's driver's or 6235  
commercial driver's license or permit. However, if the offender 6236  
pleaded guilty to or was convicted of a violation of section 6237  
4511.19 of the Revised Code or a substantially similar municipal 6238  
ordinance or the law of another state or the United States 6239  
arising out of the same set of circumstances as the violation, 6240  
the court shall suspend the offender's driver's or commercial 6241

driver's license or permit for not more than five years. If the 6242  
offender is a professionally licensed person, in addition to any 6243  
other sanction imposed for a violation of this section, the 6244  
court immediately shall comply with section 2925.38 of the 6245  
Revised Code. 6246

(2) Any offender who received a mandatory suspension of 6247  
the offender's driver's or commercial driver's license or permit 6248  
under this section prior to ~~the effective date of this amendment~~ 6249  
September 13, 2016, may file a motion with the sentencing court 6250  
requesting the termination of the suspension. However, an 6251  
offender who pleaded guilty to or was convicted of a violation 6252  
of section 4511.19 of the Revised Code or a substantially 6253  
similar municipal ordinance or law of another state or the 6254  
United States that arose out of the same set of circumstances as 6255  
the violation for which the offender's license or permit was 6256  
suspended under this section shall not file such a motion. 6257

Upon the filing of a motion under division (G) (2) of this 6258  
section, the sentencing court, in its discretion, may terminate 6259  
the suspension. 6260

**Sec. 2925.141.** (A) As used in this section, "drug 6261  
paraphernalia" has the same meaning as in section 2925.14 of the 6262  
Revised Code. 6263

(B) In determining if any equipment, product, or material 6264  
is drug paraphernalia, a court or law enforcement officer shall 6265  
consider, in addition to other relevant factors, all factors 6266  
identified in division (B) of section 2925.14 of the Revised 6267  
Code. 6268

(C) No person shall knowingly use, or possess with purpose 6269  
to use, any drug paraphernalia that is equipment, a product, or 6270

material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marihuana.

(D) This section does not apply to any person identified in division (D) (1) of section 2925.14 of the Revised Code, and it shall not be construed to prohibit the possession or use of a hypodermic as authorized by section 3719.172 of the Revised Code.

~~(E)~~ (E) (1) Division (E) of section 2925.14 of the Revised Code applies with respect to any drug paraphernalia that was used or possessed in violation of this section.

(2) Division (B) (2) of section 2925.11 of the Revised Code applies with respect to a violation of this section when a person seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person experiences a drug overdose and seeks medical assistance for that overdose, or a person is the subject of another person seeking or obtaining medical assistance for that overdose.

(F) Whoever violates division (C) of this section is guilty of illegal use or possession of marihuana drug paraphernalia, a minor misdemeanor.

(G) (1) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States

arising out of the same set of circumstances as the violation, 6300  
the court shall suspend the offender's driver's or commercial 6301  
driver's license or permit for not more than five years. If the 6302  
offender is a professionally licensed person, in addition to any 6303  
other sanction imposed for a violation of this section, the 6304  
court immediately shall comply with section 2925.38 of the 6305  
Revised Code. 6306

(2) Any offender who received a mandatory suspension of 6307  
the offender's driver's or commercial driver's license or permit 6308  
under this section prior to ~~the effective date of this amendment~~ 6309  
September 13, 2016, may file a motion with the sentencing court 6310  
requesting the termination of the suspension. However, an 6311  
offender who pleaded guilty to or was convicted of a violation 6312  
of section 4511.19 of the Revised Code or a substantially 6313  
similar municipal ordinance or law of another state or the 6314  
United States that arose out of the same set of circumstances as 6315  
the violation for which the offender's license or permit was 6316  
suspended under this section shall not file such a motion. 6317

Upon the filing of a motion under division (G)(2) of this 6318  
section, the sentencing court, in its discretion, may terminate 6319  
the suspension. 6320

**Sec. 2929.01.** As used in this chapter: 6321

(A)(1) "Alternative residential facility" means, subject 6322  
to division (A)(2) of this section, any facility other than an 6323  
offender's home or residence in which an offender is assigned to 6324  
live and that satisfies all of the following criteria: 6325

(a) It provides programs through which the offender may 6326  
seek or maintain employment or may receive education, training, 6327  
treatment, or habilitation. 6328

(b) It has received the appropriate license or certificate 6329  
for any specialized education, training, treatment, 6330  
habilitation, or other service that it provides from the 6331  
government agency that is responsible for licensing or 6332  
certifying that type of education, training, treatment, 6333  
habilitation, or service. 6334

(2) "Alternative residential facility" does not include a 6335  
community-based correctional facility, jail, halfway house, or 6336  
prison. 6337

(B) "Basic probation supervision" means a requirement that 6338  
the offender maintain contact with a person appointed to 6339  
supervise the offender in accordance with sanctions imposed by 6340  
the court or imposed by the parole board pursuant to section 6341  
2967.28 of the Revised Code. "Basic probation supervision" 6342  
includes basic parole supervision and basic post-release control 6343  
supervision. 6344

(C) "Cocaine," "fentanyl-related compound," "hashish," 6345  
"L.S.D.," and "unit dose" have the same meanings as in section 6346  
2925.01 of the Revised Code. 6347

(D) "Community-based correctional facility" means a 6348  
community-based correctional facility and program or district 6349  
community-based correctional facility and program developed 6350  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 6351

(E) "Community control sanction" means a sanction that is 6352  
not a prison term and that is described in section 2929.15, 6353  
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 6354  
that is not a jail term and that is described in section 6355  
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 6356  
control sanction" includes probation if the sentence involved 6357



was imposed for a felony that was committed prior to July 1, 6358  
1996, or if the sentence involved was imposed for a misdemeanor 6359  
that was committed prior to January 1, 2004. 6360

(F) "Controlled substance," "marihuana," "schedule I," and 6361  
"schedule II" have the same meanings as in section 3719.01 of 6362  
the Revised Code. 6363

(G) "Curfew" means a requirement that an offender during a 6364  
specified period of time be at a designated place. 6365

(H) "Day reporting" means a sanction pursuant to which an 6366  
offender is required each day to report to and leave a center or 6367  
other approved reporting location at specified times in order to 6368  
participate in work, education or training, treatment, and other 6369  
approved programs at the center or outside the center. 6370

(I) "Deadly weapon" has the same meaning as in section 6371  
2923.11 of the Revised Code. 6372

(J) "Drug and alcohol use monitoring" means a program 6373  
under which an offender agrees to submit to random chemical 6374  
analysis of the offender's blood, breath, or urine to determine 6375  
whether the offender has ingested any alcohol or other drugs. 6376

(K) "Drug treatment program" means any program under which 6377  
a person undergoes assessment and treatment designed to reduce 6378  
or completely eliminate the person's physical or emotional 6379  
reliance upon alcohol, another drug, or alcohol and another drug 6380  
and under which the person may be required to receive assessment 6381  
and treatment on an outpatient basis or may be required to 6382  
reside at a facility other than the person's home or residence 6383  
while undergoing assessment and treatment. 6384

(L) "Economic loss" means any economic detriment suffered 6385  
by a victim as a direct and proximate result of the commission 6386

of an offense and includes any loss of income due to lost time 6387  
at work because of any injury caused to the victim, any property 6388  
loss, medical cost, or funeral expense incurred as a result of 6389  
the commission of the offense, and the cost of any accounting or 6390  
auditing done to determine the extent of loss if the cost is 6391  
incurred and payable by the victim. "Economic loss" does not 6392  
include non-economic loss or any punitive or exemplary damages. 6393

(M) "Education or training" includes study at, or in 6394  
conjunction with a program offered by, a university, college, or 6395  
technical college or vocational study and also includes the 6396  
completion of primary school, secondary school, and literacy 6397  
curricula or their equivalent. 6398

(N) "Firearm" has the same meaning as in section 2923.11 6399  
of the Revised Code. 6400

(O) "Halfway house" means a facility licensed by the 6401  
division of parole and community services of the department of 6402  
rehabilitation and correction pursuant to section 2967.14 of the 6403  
Revised Code as a suitable facility for the care and treatment 6404  
of adult offenders. 6405

(P) "House arrest" means a period of confinement of an 6406  
offender that is in the offender's home or in other premises 6407  
specified by the sentencing court or by the parole board 6408  
pursuant to section 2967.28 of the Revised Code and during which 6409  
all of the following apply: 6410

(1) The offender is required to remain in the offender's 6411  
home or other specified premises for the specified period of 6412  
confinement, except for periods of time during which the 6413  
offender is at the offender's place of employment or at other 6414  
premises as authorized by the sentencing court or by the parole 6415

board. 6416

(2) The offender is required to report periodically to a 6417  
person designated by the court or parole board. 6418

(3) The offender is subject to any other restrictions and 6419  
requirements that may be imposed by the sentencing court or by 6420  
the parole board. 6421

(Q) "Intensive probation supervision" means a requirement 6422  
that an offender maintain frequent contact with a person 6423  
appointed by the court, or by the parole board pursuant to 6424  
section 2967.28 of the Revised Code, to supervise the offender 6425  
while the offender is seeking or maintaining necessary 6426  
employment and participating in training, education, and 6427  
treatment programs as required in the court's or parole board's 6428  
order. "Intensive probation supervision" includes intensive 6429  
parole supervision and intensive post-release control 6430  
supervision. 6431

(R) "Jail" means a jail, workhouse, minimum security jail, 6432  
or other residential facility used for the confinement of 6433  
alleged or convicted offenders that is operated by a political 6434  
subdivision or a combination of political subdivisions of this 6435  
state. 6436

(S) "Jail term" means the term in a jail that a sentencing 6437  
court imposes or is authorized to impose pursuant to section 6438  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 6439  
provision of the Revised Code that authorizes a term in a jail 6440  
for a misdemeanor conviction. 6441

(T) "Mandatory jail term" means the term in a jail that a 6442  
sentencing court is required to impose pursuant to division (G) 6443  
of section 1547.99 of the Revised Code, division (E) of section 6444

2903.06 or division (D) of section 2903.08 of the Revised Code, 6445  
division (E) or (G) of section 2929.24 of the Revised Code, 6446  
division (B) of section 4510.14 of the Revised Code, or division 6447  
(G) of section 4511.19 of the Revised Code or pursuant to any 6448  
other provision of the Revised Code that requires a term in a 6449  
jail for a misdemeanor conviction. 6450

(U) "Delinquent child" has the same meaning as in section 6451  
2152.02 of the Revised Code. 6452

(V) "License violation report" means a report that is made 6453  
by a sentencing court, or by the parole board pursuant to 6454  
section 2967.28 of the Revised Code, to the regulatory or 6455  
licensing board or agency that issued an offender a professional 6456  
license or a license or permit to do business in this state and 6457  
that specifies that the offender has been convicted of or 6458  
pleaded guilty to an offense that may violate the conditions 6459  
under which the offender's professional license or license or 6460  
permit to do business in this state was granted or an offense 6461  
for which the offender's professional license or license or 6462  
permit to do business in this state may be revoked or suspended. 6463

(W) "Major drug offender" means an offender who is 6464  
convicted of or pleads guilty to the possession of, sale of, or 6465  
offer to sell any drug, compound, mixture, preparation, or 6466  
substance that consists of or contains at least one thousand 6467  
grams of hashish; at least one hundred grams of cocaine; at 6468  
least one thousand unit doses or one hundred grams of heroin; at 6469  
least five thousand unit doses of L.S.D. or five hundred grams 6470  
of L.S.D. in a liquid concentrate, liquid extract, or liquid 6471  
distillate form; at least fifty grams of a controlled substance 6472  
analog; at least one thousand unit doses or one hundred grams of 6473  
a fentanyl-related compound; or at least one hundred times the 6474

amount of any other schedule I or II controlled substance other 6475  
than marihuana that is necessary to commit a felony of the third 6476  
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 6477  
of the Revised Code that is based on the possession of, sale of, 6478  
or offer to sell the controlled substance. 6479

(X) "Mandatory prison term" means any of the following: 6480

(1) Subject to division (X)(2) of this section, the term 6481  
in prison that must be imposed for the offenses or circumstances 6482  
set forth in divisions (F)(1) to (8) or (F)(12) to (21) of 6483  
section 2929.13 and division (B) of section 2929.14 of the 6484  
Revised Code. Except as provided in sections 2925.02, 2925.03, 6485  
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 6486  
maximum or another specific term is required under section 6487  
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 6488  
described in this division may be any prison term authorized for 6489  
the level of offense except that if the offense is a felony of 6490  
the first or second degree committed on or after March 22, 2019, 6491  
a mandatory prison term described in this division may be one of 6492  
the terms prescribed in division (A)(1)(a) or (2)(a) of section 6493  
2929.14 of the Revised Code, whichever is applicable, that is 6494  
authorized as the minimum term for the offense. 6495

(2) The term of sixty or one hundred twenty days in prison 6496  
that a sentencing court is required to impose for a third or 6497  
fourth degree felony OVI offense pursuant to division (G)(2) of 6498  
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 6499  
of the Revised Code or the term of one, two, three, four, or 6500  
five years in prison that a sentencing court is required to 6501  
impose pursuant to division (G)(2) of section 2929.13 of the 6502  
Revised Code. 6503

(3) The term in prison imposed pursuant to division (A) of 6504

section 2971.03 of the Revised Code for the offenses and in the 6505  
circumstances described in division (F) (11) of section 2929.13 6506  
of the Revised Code or pursuant to division (B) (1) (a), (b), or 6507  
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 6508  
section 2971.03 of the Revised Code and that term as modified or 6509  
terminated pursuant to section 2971.05 of the Revised Code. 6510

(Y) "Monitored time" means a period of time during which 6511  
an offender continues to be under the control of the sentencing 6512  
court or parole board, subject to no conditions other than 6513  
leading a law-abiding life. 6514

(Z) "Offender" means a person who, in this state, is 6515  
convicted of or pleads guilty to a felony or a misdemeanor. 6516

(AA) "Prison" means a residential facility used for the 6517  
confinement of convicted felony offenders that is under the 6518  
control of the department of rehabilitation and correction and 6519  
includes a violation sanction center operated under authority of 6520  
section 2967.141 of the Revised Code. 6521

(BB) (1) "Prison term" includes either of the following 6522  
sanctions for an offender: 6523

(a) A stated prison term; 6524

(b) A term in a prison shortened by, or with the approval 6525  
of, the sentencing court pursuant to section 2929.143, 2929.20, 6526  
~~2967.26~~, 5120.031, 5120.032, or 5120.073 of the Revised Code or 6527  
shortened pursuant to section 2967.26 of the Revised Code. 6528

(2) With respect to a non-life felony indefinite prison 6529  
term, references in any provision of law to a reduction of, or 6530  
deduction from, the prison term mean a reduction in, or 6531  
deduction from, the minimum term imposed as part of the 6532  
indefinite term. 6533

(CC) "Repeat violent offender" means a person about whom 6534  
both of the following apply: 6535

(1) The person is being sentenced for committing or for 6536  
complicity in committing any of the following: 6537

(a) Aggravated murder, murder, any felony of the first or 6538  
second degree that is an offense of violence, or an attempt to 6539  
commit any of these offenses if the attempt is a felony of the 6540  
first or second degree; 6541

(b) An offense under an existing or former law of this 6542  
state, another state, or the United States that is or was 6543  
substantially equivalent to an offense described in division 6544  
(CC) (1) (a) of this section. 6545

(2) The person previously was convicted of or pleaded 6546  
guilty to an offense described in division (CC) (1) (a) or (b) of 6547  
this section. 6548

(DD) "Sanction" means any penalty imposed upon an offender 6549  
who is convicted of or pleads guilty to an offense, as 6550  
punishment for the offense. "Sanction" includes any sanction 6551  
imposed pursuant to any provision of sections 2929.14 to 2929.18 6552  
or 2929.24 to 2929.28 of the Revised Code. 6553

(EE) "Sentence" means the sanction or combination of 6554  
sanctions imposed by the sentencing court on an offender who is 6555  
convicted of or pleads guilty to an offense. 6556

(FF) (1) "Stated prison term" means the prison term, 6557  
mandatory prison term, or combination of all prison terms and 6558  
mandatory prison terms imposed by the sentencing court pursuant 6559  
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 6560  
under section 2919.25 of the Revised Code. "Stated prison term" 6561  
includes any credit received by the offender for time spent in 6562

jail awaiting trial, sentencing, or transfer to prison for the 6563  
offense and any time spent under house arrest or house arrest 6564  
with electronic monitoring imposed after earning credits 6565  
pursuant to section 2967.193 of the Revised Code. If an offender 6566  
is serving a prison term as a risk reduction sentence under 6567  
sections 2929.143 and 5120.036 of the Revised Code, "stated 6568  
prison term" includes any period of time by which the prison 6569  
term imposed upon the offender is shortened by the offender's 6570  
successful completion of all assessment and treatment or 6571  
programming pursuant to those sections. 6572

(2) As used in the definition of "stated prison term" set 6573  
forth in division (FF)(1) of this section, a prison term is a 6574  
definite prison term imposed under section 2929.14 of the 6575  
Revised Code or any other provision of law, is the minimum and 6576  
maximum prison terms under a non-life felony indefinite prison 6577  
term, or is a term of life imprisonment except to the extent 6578  
that the use of that definition in a section of the Revised Code 6579  
clearly is not intended to include a term of life imprisonment. 6580  
With respect to an offender sentenced to a non-life felony 6581  
indefinite prison term, references in section 2967.191 or 6582  
2967.193 of the Revised Code or any other provision of law to a 6583  
reduction of, or deduction from, the offender's stated prison 6584  
term or to release of the offender before the expiration of the 6585  
offender's stated prison term mean a reduction in, or deduction 6586  
from, the minimum term imposed as part of the indefinite term or 6587  
a release of the offender before the expiration of that minimum 6588  
term, references in section 2929.19 or 2967.28 of the Revised 6589  
Code to a stated prison term with respect to a prison term 6590  
imposed for a violation of a post-release control sanction mean 6591  
the minimum term so imposed, and references in any provision of 6592  
law to an offender's service of the offender's stated prison 6593



term or the expiration of the offender's stated prison term mean 6594  
service or expiration of the minimum term so imposed plus any 6595  
additional period of incarceration under the sentence that is 6596  
required under section 2967.271 of the Revised Code. 6597

(GG) "Victim-offender mediation" means a reconciliation or 6598  
mediation program that involves an offender and the victim of 6599  
the offense committed by the offender and that includes a 6600  
meeting in which the offender and the victim may discuss the 6601  
offense, discuss restitution, and consider other sanctions for 6602  
the offense. 6603

(HH) "Fourth degree felony OVI offense" means a violation 6604  
of division (A) of section 4511.19 of the Revised Code that, 6605  
under division (G) of that section, is a felony of the fourth 6606  
degree. 6607

(II) "Mandatory term of local incarceration" means the 6608  
term of sixty or one hundred twenty days in a jail, a community- 6609  
based correctional facility, a halfway house, or an alternative 6610  
residential facility that a sentencing court may impose upon a 6611  
person who is convicted of or pleads guilty to a fourth degree 6612  
felony OVI offense pursuant to division (G) (1) of section 6613  
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 6614  
section 4511.19 of the Revised Code. 6615

(JJ) "Designated homicide, assault, or kidnapping 6616  
offense," "violent sex offense," "sexual motivation 6617  
specification," "sexually violent offense," "sexually violent 6618  
predator," and "sexually violent predator specification" have 6619  
the same meanings as in section 2971.01 of the Revised Code. 6620

(KK) "Sexually oriented offense," "child-victim oriented 6621  
offense," and "tier III sex offender/child-victim offender" have 6622

the same meanings as in section 2950.01 of the Revised Code. 6623

(LL) An offense is "committed in the vicinity of a child" 6624  
if the offender commits the offense within thirty feet of or 6625  
within the same residential unit as a child who is under 6626  
eighteen years of age, regardless of whether the offender knows 6627  
the age of the child or whether the offender knows the offense 6628  
is being committed within thirty feet of or within the same 6629  
residential unit as the child and regardless of whether the 6630  
child actually views the commission of the offense. 6631

(MM) "Family or household member" has the same meaning as 6632  
in section 2919.25 of the Revised Code. 6633

(NN) "Motor vehicle" and "manufactured home" have the same 6634  
meanings as in section 4501.01 of the Revised Code. 6635

(OO) "Detention" and "detention facility" have the same 6636  
meanings as in section 2921.01 of the Revised Code. 6637

(PP) "Third degree felony OVI offense" means a violation 6638  
of division (A) of section 4511.19 of the Revised Code that, 6639  
under division (G) of that section, is a felony of the third 6640  
degree. 6641

(QQ) "Random drug testing" has the same meaning as in 6642  
section 5120.63 of the Revised Code. 6643

(RR) "Felony sex offense" has the same meaning as in 6644  
section 2967.28 of the Revised Code. 6645

(SS) "Body armor" has the same meaning as in section 6646  
2941.1411 of the Revised Code. 6647

(TT) "Electronic monitoring" means monitoring through the 6648  
use of an electronic monitoring device. 6649

(UU) "Electronic monitoring device" means any of the 6650  
following: 6651

(1) Any device that can be operated by electrical or 6652  
battery power and that conforms with all of the following: 6653

(a) The device has a transmitter that can be attached to a 6654  
person, that will transmit a specified signal to a receiver of 6655  
the type described in division (UU) (1) (b) of this section if the 6656  
transmitter is removed from the person, turned off, or altered 6657  
in any manner without prior court approval in relation to 6658  
electronic monitoring or without prior approval of the 6659  
department of rehabilitation and correction in relation to the 6660  
use of an electronic monitoring device for an inmate on 6661  
transitional control or otherwise is tampered with, that can 6662  
transmit continuously and periodically a signal to that receiver 6663  
when the person is within a specified distance from the 6664  
receiver, and that can transmit an appropriate signal to that 6665  
receiver if the person to whom it is attached travels a 6666  
specified distance from that receiver. 6667

(b) The device has a receiver that can receive 6668  
continuously the signals transmitted by a transmitter of the 6669  
type described in division (UU) (1) (a) of this section, can 6670  
transmit continuously those signals by a wireless or landline 6671  
telephone connection to a central monitoring computer of the 6672  
type described in division (UU) (1) (c) of this section, and can 6673  
transmit continuously an appropriate signal to that central 6674  
monitoring computer if the device has been turned off or altered 6675  
without prior court approval or otherwise tampered with. The 6676  
device is designed specifically for use in electronic 6677  
monitoring, is not a converted wireless phone or another 6678  
tracking device that is clearly not designed for electronic 6679

monitoring, and provides a means of text-based or voice 6680  
communication with the person. 6681

(c) The device has a central monitoring computer that can 6682  
receive continuously the signals transmitted by a wireless or 6683  
landline telephone connection by a receiver of the type 6684  
described in division (UU) (1) (b) of this section and can monitor 6685  
continuously the person to whom an electronic monitoring device 6686  
of the type described in division (UU) (1) (a) of this section is 6687  
attached. 6688

(2) Any device that is not a device of the type described 6689  
in division (UU) (1) of this section and that conforms with all 6690  
of the following: 6691

(a) The device includes a transmitter and receiver that 6692  
can monitor and determine the location of a subject person at 6693  
any time, or at a designated point in time, through the use of a 6694  
central monitoring computer or through other electronic means. 6695

(b) The device includes a transmitter and receiver that 6696  
can determine at any time, or at a designated point in time, 6697  
through the use of a central monitoring computer or other 6698  
electronic means the fact that the transmitter is turned off or 6699  
altered in any manner without prior approval of the court in 6700  
relation to the electronic monitoring or without prior approval 6701  
of the department of rehabilitation and correction in relation 6702  
to the use of an electronic monitoring device for an inmate on 6703  
transitional control or otherwise is tampered with. 6704

(3) Any type of technology that can adequately track or 6705  
determine the location of a subject person at any time and that 6706  
is approved by the director of rehabilitation and correction, 6707  
including, but not limited to, any satellite technology, voice 6708

tracking system, or retinal scanning system that is so approved. 6709

(VV) "Non-economic loss" means nonpecuniary harm suffered 6710  
by a victim of an offense as a result of or related to the 6711  
commission of the offense, including, but not limited to, pain 6712  
and suffering; loss of society, consortium, companionship, care, 6713  
assistance, attention, protection, advice, guidance, counsel, 6714  
instruction, training, or education; mental anguish; and any 6715  
other intangible loss. 6716

(WW) "Prosecutor" has the same meaning as in section 6717  
2935.01 of the Revised Code. 6718

(XX) "Continuous alcohol monitoring" means the ability to 6719  
automatically test and periodically transmit alcohol consumption 6720  
levels and tamper attempts at least every hour, regardless of 6721  
the location of the person who is being monitored. 6722

(YY) A person is "adjudicated a sexually violent predator" 6723  
if the person is convicted of or pleads guilty to a violent sex 6724  
offense and also is convicted of or pleads guilty to a sexually 6725  
violent predator specification that was included in the 6726  
indictment, count in the indictment, or information charging 6727  
that violent sex offense or if the person is convicted of or 6728  
pleads guilty to a designated homicide, assault, or kidnapping 6729  
offense and also is convicted of or pleads guilty to both a 6730  
sexual motivation specification and a sexually violent predator 6731  
specification that were included in the indictment, count in the 6732  
indictment, or information charging that designated homicide, 6733  
assault, or kidnapping offense. 6734

(ZZ) An offense is "committed in proximity to a school" if 6735  
the offender commits the offense in a school safety zone or 6736  
within five hundred feet of any school building or the 6737

boundaries of any school premises, regardless of whether the 6738  
offender knows the offense is being committed in a school safety 6739  
zone or within five hundred feet of any school building or the 6740  
boundaries of any school premises. 6741

(AAA) "Human trafficking" means a scheme or plan to which 6742  
all of the following apply: 6743

(1) Its object is one or both of the following: 6744

(a) To subject a victim or victims to involuntary 6745  
servitude, as defined in section 2905.31 of the Revised Code or 6746  
to compel a victim or victims to engage in sexual activity for 6747  
hire, to engage in a performance that is obscene, sexually 6748  
oriented, or nudity oriented, or to be a model or participant in 6749  
the production of material that is obscene, sexually oriented, 6750  
or nudity oriented; 6751

(b) To facilitate, encourage, or recruit a victim who is a 6752  
minor or is a person with a developmental disability, or victims 6753  
who are minors or are persons with developmental disabilities, 6754  
for any purpose listed in divisions (A) (2) (a) to (c) of section 6755  
2905.32 of the Revised Code. 6756

(2) It involves at least two felony offenses, whether or 6757  
not there has been a prior conviction for any of the felony 6758  
offenses, to which all of the following apply: 6759

(a) Each of the felony offenses is a violation of section 6760  
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 6761  
division (A) (1) or (2) of section 2907.323, or division (B) (1), 6762  
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 6763  
is a violation of a law of any state other than this state that 6764  
is substantially similar to any of the sections or divisions of 6765  
the Revised Code identified in this division. 6766

(b) At least one of the felony offenses was committed in 6767  
this state. 6768

(c) The felony offenses are related to the same scheme or 6769  
plan and are not isolated instances. 6770

(BBB) "Material," "nudity," "obscene," "performance," and 6771  
"sexual activity" have the same meanings as in section 2907.01 6772  
of the Revised Code. 6773

(CCC) "Material that is obscene, sexually oriented, or 6774  
nudity oriented" means any material that is obscene, that shows 6775  
a person participating or engaging in sexual activity, 6776  
masturbation, or bestiality, or that shows a person in a state 6777  
of nudity. 6778

(DDD) "Performance that is obscene, sexually oriented, or 6779  
nudity oriented" means any performance that is obscene, that 6780  
shows a person participating or engaging in sexual activity, 6781  
masturbation, or bestiality, or that shows a person in a state 6782  
of nudity. 6783

(EEE) "Accelerant" means a fuel or oxidizing agent, such 6784  
as an ignitable liquid, used to initiate a fire or increase the 6785  
rate of growth or spread of a fire. 6786

(FFF) "Permanent disabling harm" means serious physical 6787  
harm that results in permanent injury to the intellectual, 6788  
physical, or sensory functions and that permanently and 6789  
substantially impairs a person's ability to meet one or more of 6790  
the ordinary demands of life, including the functions of caring 6791  
for one's self, performing manual tasks, walking, seeing, 6792  
hearing, speaking, breathing, learning, and working. 6793

(GGG) "Non-life felony indefinite prison term" means a 6794  
prison term imposed under division (A) (1) (a) or (2) (a) of 6795

section 2929.14 and section 2929.144 of the Revised Code for a 6796  
felony of the first or second degree committed on or after March 6797  
22, 2019. 6798

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 6799  
or (G) of this section and unless a specific sanction is 6800  
required to be imposed or is precluded from being imposed 6801  
pursuant to law, a court that imposes a sentence upon an 6802  
offender for a felony may impose any sanction or combination of 6803  
sanctions on the offender that are provided in sections 2929.14 6804  
to 2929.18 of the Revised Code. 6805

If the offender is eligible to be sentenced to community 6806  
control sanctions, the court shall consider the appropriateness 6807  
of imposing a financial sanction pursuant to section 2929.18 of 6808  
the Revised Code or a sanction of community service pursuant to 6809  
section 2929.17 of the Revised Code as the sole sanction for the 6810  
offense. Except as otherwise provided in this division, if the 6811  
court is required to impose a mandatory prison term for the 6812  
offense for which sentence is being imposed, the court also 6813  
shall impose any financial sanction pursuant to section 2929.18 6814  
of the Revised Code that is required for the offense and may 6815  
impose any other financial sanction pursuant to that section but 6816  
may not impose any additional sanction or combination of 6817  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 6818

If the offender is being sentenced for a fourth degree 6819  
felony OVI offense or for a third degree felony OVI offense, in 6820  
addition to the mandatory term of local incarceration or the 6821  
mandatory prison term required for the offense by division (G) 6822  
(1) or (2) of this section, the court shall impose upon the 6823  
offender a mandatory fine in accordance with division (B) (3) of 6824  
section 2929.18 of the Revised Code and may impose whichever of 6825



the following is applicable: 6826

(1) For a fourth degree felony OVI offense for which 6827  
sentence is imposed under division (G) (1) of this section, an 6828  
additional community control sanction or combination of 6829  
community control sanctions under section 2929.16 or 2929.17 of 6830  
the Revised Code. If the court imposes upon the offender a 6831  
community control sanction and the offender violates any 6832  
condition of the community control sanction, the court may take 6833  
any action prescribed in division (B) of section 2929.15 of the 6834  
Revised Code relative to the offender, including imposing a 6835  
prison term on the offender pursuant to that division. 6836

(2) For a third or fourth degree felony OVI offense for 6837  
which sentence is imposed under division (G) (2) of this section, 6838  
an additional prison term as described in division (B) (4) of 6839  
section 2929.14 of the Revised Code or a community control 6840  
sanction as described in division (G) (2) of this section. 6841

(B) (1) (a) Except as provided in division (B) (1) (b) of this 6842  
section, if an offender is convicted of or pleads guilty to a 6843  
felony of the fourth or fifth degree that is not an offense of 6844  
violence or that is a qualifying assault offense, the court 6845  
shall sentence the offender to a community control sanction or 6846  
combination of community control sanctions if all of the 6847  
following apply: 6848

(i) The offender previously has not been convicted of or 6849  
pleaded guilty to a felony offense. 6850

(ii) The most serious charge against the offender at the 6851  
time of sentencing is a felony of the fourth or fifth degree. 6852

(iii) The offender previously has not been convicted of or 6853  
pleaded guilty to a misdemeanor offense of violence that the 6854

offender committed within two years prior to the offense for 6855  
which sentence is being imposed. 6856

(b) The court has discretion to impose a prison term upon 6857  
an offender who is convicted of or pleads guilty to a felony of 6858  
the fourth or fifth degree that is not an offense of violence or 6859  
that is a qualifying assault offense if any of the following 6860  
apply: 6861

(i) The offender committed the offense while having a 6862  
firearm on or about the offender's person or under the 6863  
offender's control. 6864

(ii) If the offense is a qualifying assault offense, the 6865  
offender caused serious physical harm to another person while 6866  
committing the offense, and, if the offense is not a qualifying 6867  
assault offense, the offender caused physical harm to another 6868  
person while committing the offense. 6869

(iii) The offender violated a term of the conditions of 6870  
bond as set by the court. 6871

(iv) The offense is a sex offense that is a fourth or 6872  
fifth degree felony violation of any provision of Chapter 2907. 6873  
of the Revised Code. 6874

(v) In committing the offense, the offender attempted to 6875  
cause or made an actual threat of physical harm to a person with 6876  
a deadly weapon. 6877

(vi) In committing the offense, the offender attempted to 6878  
cause or made an actual threat of physical harm to a person, and 6879  
the offender previously was convicted of an offense that caused 6880  
physical harm to a person. 6881

(vii) The offender held a public office or position of 6882

trust, and the offense related to that office or position; the 6883  
offender's position obliged the offender to prevent the offense 6884  
or to bring those committing it to justice; or the offender's 6885  
professional reputation or position facilitated the offense or 6886  
was likely to influence the future conduct of others. 6887

(viii) The offender committed the offense for hire or as 6888  
part of an organized criminal activity. 6889

(ix) The offender at the time of the offense was serving, 6890  
or the offender previously had served, a prison term. 6891

(x) The offender committed the offense while under a 6892  
community control sanction, while on probation, or while 6893  
released from custody on a bond or personal recognizance. 6894

(c) A sentencing court may impose an additional penalty 6895  
under division (B) of section 2929.15 of the Revised Code upon 6896  
an offender sentenced to a community control sanction under 6897  
division (B)(1)(a) of this section if the offender violates the 6898  
conditions of the community control sanction, violates a law, or 6899  
leaves the state without the permission of the court or the 6900  
offender's probation officer. 6901

(2) If division (B)(1) of this section does not apply, 6902  
except as provided in division (E), (F), or (G) of this section, 6903  
in determining whether to impose a prison term as a sanction for 6904  
a felony of the fourth or fifth degree, the sentencing court 6905  
shall comply with the purposes and principles of sentencing 6906  
under section 2929.11 of the Revised Code and with section 6907  
2929.12 of the Revised Code. 6908

(C) Except as provided in division (D), (E), (F), or (G) 6909  
of this section, in determining whether to impose a prison term 6910  
as a sanction for a felony of the third degree or a felony drug 6911

offense that is a violation of a provision of Chapter 2925. of 6912  
the Revised Code and that is specified as being subject to this 6913  
division for purposes of sentencing, the sentencing court shall 6914  
comply with the purposes and principles of sentencing under 6915  
section 2929.11 of the Revised Code and with section 2929.12 of 6916  
the Revised Code. 6917

(D) (1) Except as provided in division (E) or (F) of this 6918  
section, for a felony of the first or second degree, for a 6919  
felony drug offense that is a violation of any provision of 6920  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 6921  
presumption in favor of a prison term is specified as being 6922  
applicable, and for a violation of division (A) (4) or (B) of 6923  
section 2907.05 of the Revised Code for which a presumption in 6924  
favor of a prison term is specified as being applicable, it is 6925  
presumed that a prison term is necessary in order to comply with 6926  
the purposes and principles of sentencing under section 2929.11 6927  
of the Revised Code. Division (D) (2) of this section does not 6928  
apply to a presumption established under this division for a 6929  
violation of division (A) (4) of section 2907.05 of the Revised 6930  
Code. 6931

(2) Notwithstanding the presumption established under 6932  
division (D) (1) of this section for the offenses listed in that 6933  
division other than a violation of division (A) (4) or (B) of 6934  
section 2907.05 of the Revised Code, the sentencing court may 6935  
impose a community control sanction or a combination of 6936  
community control sanctions instead of a prison term on an 6937  
offender for a felony of the first or second degree or for a 6938  
felony drug offense that is a violation of any provision of 6939  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 6940  
presumption in favor of a prison term is specified as being 6941  
applicable if it makes both of the following findings: 6942

(a) A community control sanction or a combination of 6943  
community control sanctions would adequately punish the offender 6944  
and protect the public from future crime, because the applicable 6945  
factors under section 2929.12 of the Revised Code indicating a 6946  
lesser likelihood of recidivism outweigh the applicable factors 6947  
under that section indicating a greater likelihood of 6948  
recidivism. 6949

(b) A community control sanction or a combination of 6950  
community control sanctions would not demean the seriousness of 6951  
the offense, because one or more factors under section 2929.12 6952  
of the Revised Code that indicate that the offender's conduct 6953  
was less serious than conduct normally constituting the offense 6954  
are applicable, and they outweigh the applicable factors under 6955  
that section that indicate that the offender's conduct was more 6956  
serious than conduct normally constituting the offense. 6957

(E) (1) Except as provided in division (F) of this section, 6958  
for any drug offense that is a violation of any provision of 6959  
Chapter 2925. of the Revised Code and that is a felony of the 6960  
third, fourth, or fifth degree, the applicability of a 6961  
presumption under division (D) of this section in favor of a 6962  
prison term or of division (B) or (C) of this section in 6963  
determining whether to impose a prison term for the offense 6964  
shall be determined as specified in section 2925.02, 2925.03, 6965  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 6966  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 6967  
regarding the violation. 6968

(2) If an offender who was convicted of or pleaded guilty 6969  
to a felony violates the conditions of a community control 6970  
sanction imposed for the offense solely by reason of producing 6971  
positive results on a drug test or by acting pursuant to 6972

division (B) (2) (b) of section 2925.11 of the Revised Code with 6973  
respect to a minor drug possession offense, the court, as 6974  
punishment for the violation of the sanction, shall not order 6975  
that the offender be imprisoned unless the court determines on 6976  
the record either of the following: 6977

(a) The offender had been ordered as a sanction for the 6978  
felony to participate in a drug treatment program, in a drug 6979  
education program, or in narcotics anonymous or a similar 6980  
program, and the offender continued to use illegal drugs after a 6981  
reasonable period of participation in the program. 6982

(b) The imprisonment of the offender for the violation is 6983  
consistent with the purposes and principles of sentencing set 6984  
forth in section 2929.11 of the Revised Code. 6985

(3) A court that sentences an offender for a drug abuse 6986  
offense that is a felony of the third, fourth, or fifth degree 6987  
may require that the offender be assessed by a properly 6988  
credentialed professional within a specified period of time. The 6989  
court shall require the professional to file a written 6990  
assessment of the offender with the court. If the offender is 6991  
eligible for a community control sanction and after considering 6992  
the written assessment, the court may impose a community control 6993  
sanction that includes addiction services and recovery supports 6994  
included in a community-based continuum of care established 6995  
under section 340.032 of the Revised Code. If the court imposes 6996  
addiction services and recovery supports as a community control 6997  
sanction, the court shall direct the level and type of addiction 6998  
services and recovery supports after considering the assessment 6999  
and recommendation of community addiction services providers. 7000

(F) Notwithstanding divisions (A) to (E) of this section, 7001  
the court shall impose a prison term or terms under sections 7002

2929.02 to 2929.06, section 2929.14, section 2929.142, or 7003  
section 2971.03 of the Revised Code and except as specifically 7004  
provided in section 2929.20, ~~divisions (C) to (I) of section~~ 7005  
~~2967.19,~~ or section 2967.191 of the Revised Code or when parole 7006  
is authorized for the offense under section 2967.13 of the 7007  
Revised Code shall not reduce the term or terms pursuant to 7008  
section 2929.20, ~~section 2967.19,~~ section 2967.193, or any other 7009  
provision of Chapter 2967. or Chapter 5120. of the Revised Code 7010  
for any of the following offenses: 7011

(1) Aggravated murder when death is not imposed or murder; 7012

(2) Any rape, regardless of whether force was involved and 7013  
regardless of the age of the victim, or an attempt to commit 7014  
rape if, had the offender completed the rape that was attempted, 7015  
the offender would have been guilty of a violation of division 7016  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 7017  
sentenced under section 2971.03 of the Revised Code; 7018

(3) Gross sexual imposition or sexual battery, if the 7019  
victim is less than thirteen years of age and if any of the 7020  
following applies: 7021

(a) Regarding gross sexual imposition, the offender 7022  
previously was convicted of or pleaded guilty to rape, the 7023  
former offense of felonious sexual penetration, gross sexual 7024  
imposition, or sexual battery, and the victim of the previous 7025  
offense was less than thirteen years of age; 7026

(b) Regarding gross sexual imposition, the offense was 7027  
committed on or after August 3, 2006, and evidence other than 7028  
the testimony of the victim was admitted in the case 7029  
corroborating the violation. 7030

(c) Regarding sexual battery, either of the following 7031

applies: 7032

(i) The offense was committed prior to August 3, 2006, the 7033  
offender previously was convicted of or pleaded guilty to rape, 7034  
the former offense of felonious sexual penetration, or sexual 7035  
battery, and the victim of the previous offense was less than 7036  
thirteen years of age. 7037

(ii) The offense was committed on or after August 3, 2006. 7038

(4) A felony violation of section 2903.04, 2903.06, 7039  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 7040  
or 2923.132 of the Revised Code if the section requires the 7041  
imposition of a prison term; 7042

(5) A first, second, or third degree felony drug offense 7043  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 7044  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 7045  
or 4729.99 of the Revised Code, whichever is applicable 7046  
regarding the violation, requires the imposition of a mandatory 7047  
prison term; 7048

(6) Any offense that is a first or second degree felony 7049  
and that is not set forth in division (F) (1), (2), (3), or (4) 7050  
of this section, if the offender previously was convicted of or 7051  
pleaded guilty to aggravated murder, murder, any first or second 7052  
degree felony, or an offense under an existing or former law of 7053  
this state, another state, or the United States that is or was 7054  
substantially equivalent to one of those offenses; 7055

(7) Any offense that is a third degree felony and either 7056  
is a violation of section 2903.04 of the Revised Code or an 7057  
attempt to commit a felony of the second degree that is an 7058  
offense of violence and involved an attempt to cause serious 7059  
physical harm to a person or that resulted in serious physical 7060



harm to a person if the offender previously was convicted of or 7061  
pleaded guilty to any of the following offenses: 7062

(a) Aggravated murder, murder, involuntary manslaughter, 7063  
rape, felonious sexual penetration as it existed under section 7064  
2907.12 of the Revised Code prior to September 3, 1996, a felony 7065  
of the first or second degree that resulted in the death of a 7066  
person or in physical harm to a person, or complicity in or an 7067  
attempt to commit any of those offenses; 7068

(b) An offense under an existing or former law of this 7069  
state, another state, or the United States that is or was 7070  
substantially equivalent to an offense listed in division (F) (7) 7071  
(a) of this section that resulted in the death of a person or in 7072  
physical harm to a person. 7073

(8) Any offense, other than a violation of section 2923.12 7074  
of the Revised Code, that is a felony, if the offender had a 7075  
firearm on or about the offender's person or under the 7076  
offender's control while committing the felony, with respect to 7077  
a portion of the sentence imposed pursuant to division (B) (1) (a) 7078  
of section 2929.14 of the Revised Code for having the firearm; 7079

(9) Any offense of violence that is a felony, if the 7080  
offender wore or carried body armor while committing the felony 7081  
offense of violence, with respect to the portion of the sentence 7082  
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 7083  
Revised Code for wearing or carrying the body armor; 7084

(10) Corrupt activity in violation of section 2923.32 of 7085  
the Revised Code when the most serious offense in the pattern of 7086  
corrupt activity that is the basis of the offense is a felony of 7087  
the first degree; 7088

(11) Any violent sex offense or designated homicide, 7089

assault, or kidnapping offense if, in relation to that offense, 7090  
the offender is adjudicated a sexually violent predator; 7091

(12) A violation of division (A)(1) or (2) of section 7092  
2921.36 of the Revised Code, or a violation of division (C) of 7093  
that section involving an item listed in division (A)(1) or (2) 7094  
of that section, if the offender is an officer or employee of 7095  
the department of rehabilitation and correction; 7096

(13) A violation of division (A)(1) or (2) of section 7097  
2903.06 of the Revised Code if the victim of the offense is a 7098  
peace officer, as defined in section 2935.01 of the Revised 7099  
Code, or an investigator of the bureau of criminal 7100  
identification and investigation, as defined in section 2903.11 7101  
of the Revised Code, with respect to the portion of the sentence 7102  
imposed pursuant to division (B)(5) of section 2929.14 of the 7103  
Revised Code; 7104

(14) A violation of division (A)(1) or (2) of section 7105  
2903.06 of the Revised Code if the offender has been convicted 7106  
of or pleaded guilty to three or more violations of division (A) 7107  
or (B) of section 4511.19 of the Revised Code or an equivalent 7108  
offense, as defined in section 2941.1415 of the Revised Code, or 7109  
three or more violations of any combination of those divisions 7110  
and offenses, with respect to the portion of the sentence 7111  
imposed pursuant to division (B)(6) of section 2929.14 of the 7112  
Revised Code; 7113

(15) Kidnapping, in the circumstances specified in section 7114  
2971.03 of the Revised Code and when no other provision of 7115  
division (F) of this section applies; 7116

(16) Kidnapping, abduction, compelling prostitution, 7117  
promoting prostitution, engaging in a pattern of corrupt 7118

activity, a violation of division (A) (1) or (2) of section 7119  
2907.323 of the Revised Code that involves a minor, or 7120  
endangering children in violation of division (B) (1), (2), (3), 7121  
(4), or (5) of section 2919.22 of the Revised Code, if the 7122  
offender is convicted of or pleads guilty to a specification as 7123  
described in section 2941.1422 of the Revised Code that was 7124  
included in the indictment, count in the indictment, or 7125  
information charging the offense; 7126

(17) A felony violation of division (A) or (B) of section 7127  
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 7128  
that section, and division (D) (6) of that section, require the 7129  
imposition of a prison term; 7130

(18) A felony violation of section 2903.11, 2903.12, or 7131  
2903.13 of the Revised Code, if the victim of the offense was a 7132  
woman that the offender knew was pregnant at the time of the 7133  
violation, with respect to a portion of the sentence imposed 7134  
pursuant to division (B) (8) of section 2929.14 of the Revised 7135  
Code; 7136

(19) (a) Any violent felony offense if the offender is a 7137  
violent career criminal and had a firearm on or about the 7138  
offender's person or under the offender's control during the 7139  
commission of the violent felony offense and displayed or 7140  
brandished the firearm, indicated that the offender possessed a 7141  
firearm, or used the firearm to facilitate the offense, with 7142  
respect to the portion of the sentence imposed under division 7143  
(K) of section 2929.14 of the Revised Code. 7144

(b) As used in division (F) (19) (a) of this section, 7145  
"violent career criminal" and "violent felony offense" have the 7146  
same meanings as in section 2923.132 of the Revised Code. 7147

(20) Any violation of division (A) (1) of section 2903.11 7148  
of the Revised Code if the offender used an accelerant in 7149  
committing the violation and the serious physical harm to 7150  
another or another's unborn caused by the violation resulted in 7151  
a permanent, serious disfigurement or permanent, substantial 7152  
incapacity or any violation of division (A) (2) of that section 7153  
if the offender used an accelerant in committing the violation, 7154  
the violation caused physical harm to another or another's 7155  
unborn, and the physical harm resulted in a permanent, serious 7156  
disfigurement or permanent, substantial incapacity, with respect 7157  
to a portion of the sentence imposed pursuant to division (B) (9) 7158  
of section 2929.14 of the Revised Code. The provisions of this 7159  
division and of division (D) (2) of section 2903.11, divisions 7160  
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 7161  
the Revised Code shall be known as "Judy's Law." 7162

(21) Any violation of division (A) of section 2903.11 of 7163  
the Revised Code if the victim of the offense suffered permanent 7164  
disabling harm as a result of the offense and the victim was 7165  
under ten years of age at the time of the offense, with respect 7166  
to a portion of the sentence imposed pursuant to division (B) 7167  
(10) of section 2929.14 of the Revised Code. 7168

(22) A felony violation of section 2925.03, 2925.05, or 7169  
2925.11 of the Revised Code, if the drug involved in the 7170  
violation is a fentanyl-related compound or a compound, mixture, 7171  
preparation, or substance containing a fentanyl-related compound 7172  
and the offender is convicted of or pleads guilty to a 7173  
specification of the type described in division (B) of section 7174  
2941.1410 of the Revised Code that was included in the 7175  
indictment, count in the indictment, or information charging the 7176  
offense, with respect to the portion of the sentence imposed 7177  
under division (B) (11) of section 2929.14 of the Revised Code. 7178

(G) Notwithstanding divisions (A) to (E) of this section, 7179  
if an offender is being sentenced for a fourth degree felony OVI 7180  
offense or for a third degree felony OVI offense, the court 7181  
shall impose upon the offender a mandatory term of local 7182  
incarceration or a mandatory prison term in accordance with the 7183  
following: 7184

(1) If the offender is being sentenced for a fourth degree 7185  
felony OVI offense and if the offender has not been convicted of 7186  
and has not pleaded guilty to a specification of the type 7187  
described in section 2941.1413 of the Revised Code, the court 7188  
may impose upon the offender a mandatory term of local 7189  
incarceration of sixty days or one hundred twenty days as 7190  
specified in division (G)(1)(d) of section 4511.19 of the 7191  
Revised Code. The court shall not reduce the term pursuant to 7192  
section 2929.20, 2967.193, or any other provision of the Revised 7193  
Code. The court that imposes a mandatory term of local 7194  
incarceration under this division shall specify whether the term 7195  
is to be served in a jail, a community-based correctional 7196  
facility, a halfway house, or an alternative residential 7197  
facility, and the offender shall serve the term in the type of 7198  
facility specified by the court. A mandatory term of local 7199  
incarceration imposed under division (G)(1) of this section is 7200  
not subject to any other Revised Code provision that pertains to 7201  
a prison term except as provided in division (A)(1) of this 7202  
section. 7203

(2) If the offender is being sentenced for a third degree 7204  
felony OVI offense, or if the offender is being sentenced for a 7205  
fourth degree felony OVI offense and the court does not impose a 7206  
mandatory term of local incarceration under division (G)(1) of 7207  
this section, the court shall impose upon the offender a 7208  
mandatory prison term of one, two, three, four, or five years if 7209

the offender also is convicted of or also pleads guilty to a 7210  
specification of the type described in section 2941.1413 of the 7211  
Revised Code or shall impose upon the offender a mandatory 7212  
prison term of sixty days or one hundred twenty days as 7213  
specified in division (G)(1)(d) or (e) of section 4511.19 of the 7214  
Revised Code if the offender has not been convicted of and has 7215  
not pleaded guilty to a specification of that type. Subject to 7216  
divisions (C) to (I) of section 2967.19 of the Revised Code, the 7217  
court shall not reduce the term pursuant to section 2929.20, 7218  
2967.19, 2967.193, or any other provision of the Revised Code. 7219  
The offender shall serve the one-, two-, three-, four-, or five- 7220  
year mandatory prison term consecutively to and prior to the 7221  
prison term imposed for the underlying offense and consecutively 7222  
to any other mandatory prison term imposed in relation to the 7223  
offense. In no case shall an offender who once has been 7224  
sentenced to a mandatory term of local incarceration pursuant to 7225  
division (G)(1) of this section for a fourth degree felony OVI 7226  
offense be sentenced to another mandatory term of local 7227  
incarceration under that division for any violation of division 7228  
(A) of section 4511.19 of the Revised Code. In addition to the 7229  
mandatory prison term described in division (G)(2) of this 7230  
section, the court may sentence the offender to a community 7231  
control sanction under section 2929.16 or 2929.17 of the Revised 7232  
Code, but the offender shall serve the prison term prior to 7233  
serving the community control sanction. The department of 7234  
rehabilitation and correction may place an offender sentenced to 7235  
a mandatory prison term under this division in an intensive 7236  
program prison established pursuant to section 5120.033 of the 7237  
Revised Code if the department gave the sentencing judge prior 7238  
notice of its intent to place the offender in an intensive 7239  
program prison established under that section and if the judge 7240  
did not notify the department that the judge disapproved the 7241

placement. Upon the establishment of the initial intensive 7242  
program prison pursuant to section 5120.033 of the Revised Code 7243  
that is privately operated and managed by a contractor pursuant 7244  
to a contract entered into under section 9.06 of the Revised 7245  
Code, both of the following apply: 7246

(a) The department of rehabilitation and correction shall 7247  
make a reasonable effort to ensure that a sufficient number of 7248  
offenders sentenced to a mandatory prison term under this 7249  
division are placed in the privately operated and managed prison 7250  
so that the privately operated and managed prison has full 7251  
occupancy. 7252

(b) Unless the privately operated and managed prison has 7253  
full occupancy, the department of rehabilitation and correction 7254  
shall not place any offender sentenced to a mandatory prison 7255  
term under this division in any intensive program prison 7256  
established pursuant to section 5120.033 of the Revised Code 7257  
other than the privately operated and managed prison. 7258

(H) If an offender is being sentenced for a sexually 7259  
oriented offense or child-victim oriented offense that is a 7260  
felony committed on or after January 1, 1997, the judge shall 7261  
require the offender to submit to a DNA specimen collection 7262  
procedure pursuant to section 2901.07 of the Revised Code. 7263

(I) If an offender is being sentenced for a sexually 7264  
oriented offense or a child-victim oriented offense committed on 7265  
or after January 1, 1997, the judge shall include in the 7266  
sentence a summary of the offender's duties imposed under 7267  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 7268  
Code and the duration of the duties. The judge shall inform the 7269  
offender, at the time of sentencing, of those duties and of 7270  
their duration. If required under division (A) (2) of section 7271

2950.03 of the Revised Code, the judge shall perform the duties 7272  
specified in that section, or, if required under division (A) (6) 7273  
of section 2950.03 of the Revised Code, the judge shall perform 7274  
the duties specified in that division. 7275

(J) (1) Except as provided in division (J) (2) of this 7276  
section, when considering sentencing factors under this section 7277  
in relation to an offender who is convicted of or pleads guilty 7278  
to an attempt to commit an offense in violation of section 7279  
2923.02 of the Revised Code, the sentencing court shall consider 7280  
the factors applicable to the felony category of the violation 7281  
of section 2923.02 of the Revised Code instead of the factors 7282  
applicable to the felony category of the offense attempted. 7283

(2) When considering sentencing factors under this section 7284  
in relation to an offender who is convicted of or pleads guilty 7285  
to an attempt to commit a drug abuse offense for which the 7286  
penalty is determined by the amount or number of unit doses of 7287  
the controlled substance involved in the drug abuse offense, the 7288  
sentencing court shall consider the factors applicable to the 7289  
felony category that the drug abuse offense attempted would be 7290  
if that drug abuse offense had been committed and had involved 7291  
an amount or number of unit doses of the controlled substance 7292  
that is within the next lower range of controlled substance 7293  
amounts than was involved in the attempt. 7294

(K) As used in this section: 7295

(1) "Community addiction services provider" has the same 7296  
meaning as in section 5119.01 of the Revised Code. 7297

(2) "Drug abuse offense" has the same meaning as in 7298  
section 2925.01 of the Revised Code. 7299

(3) "Minor drug possession offense" has the same meaning 7300



as in section 2925.11 of the Revised Code. 7301

(4) "Qualifying assault offense" means a violation of 7302  
section 2903.13 of the Revised Code for which the penalty 7303  
provision in division (C) (8) (b) or (C) (9) (b) of that section 7304  
applies. 7305

(L) At the time of sentencing an offender for any sexually 7306  
oriented offense, if the offender is a tier III sex 7307  
offender/child-victim offender relative to that offense and the 7308  
offender does not serve a prison term or jail term, the court 7309  
may require that the offender be monitored by means of a global 7310  
positioning device. If the court requires such monitoring, the 7311  
cost of monitoring shall be borne by the offender. If the 7312  
offender is indigent, the cost of compliance shall be paid by 7313  
the crime victims reparations fund. 7314

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 7315  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 7316  
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 7317  
in division (D) (6) of section 2919.25 of the Revised Code and 7318  
except in relation to an offense for which a sentence of death 7319  
or life imprisonment is to be imposed, if the court imposing a 7320  
sentence upon an offender for a felony elects or is required to 7321  
impose a prison term on the offender pursuant to this chapter, 7322  
the court shall impose a prison term that shall be one of the 7323  
following: 7324

(1) (a) For a felony of the first degree committed on or 7325  
~~after the effective date of this amendment~~ March 22, 2019, the 7326  
prison term shall be an indefinite prison term with a stated 7327  
minimum term selected by the court of three, four, five, six, 7328  
seven, eight, nine, ten, or eleven years and a maximum term that 7329  
is determined pursuant to section 2929.144 of the Revised Code, 7330

except that if the section that criminalizes the conduct 7331  
constituting the felony specifies a different minimum term or 7332  
penalty for the offense, the specific language of that section 7333  
shall control in determining the minimum term or otherwise 7334  
sentencing the offender but the minimum term or sentence imposed 7335  
under that specific language shall be considered for purposes of 7336  
the Revised Code as if it had been imposed under this division. 7337

(b) For a felony of the first degree committed prior to 7338  
~~the effective date of this amendment~~ March 22, 2019, the prison 7339  
term shall be a definite prison term of three, four, five, six, 7340  
seven, eight, nine, ten, or eleven years. 7341

(2) (a) For a felony of the second degree committed on or 7342  
~~after the effective date of this amendment~~ March 22, 2019, the 7343  
prison term shall be an indefinite prison term with a stated 7344  
minimum term selected by the court of two, three, four, five, 7345  
six, seven, or eight years and a maximum term that is determined 7346  
pursuant to section 2929.144 of the Revised Code, except that if 7347  
the section that criminalizes the conduct constituting the 7348  
felony specifies a different minimum term or penalty for the 7349  
offense, the specific language of that section shall control in 7350  
determining the minimum term or otherwise sentencing the 7351  
offender but the minimum term or sentence imposed under that 7352  
specific language shall be considered for purposes of the 7353  
Revised Code as if it had been imposed under this division. 7354

(b) For a felony of the second degree committed prior to 7355  
~~the effective date of this amendment~~ March 22, 2019, the prison 7356  
term shall be a definite term of two, three, four, five, six, 7357  
seven, or eight years. 7358

(3) (a) For a felony of the third degree that is a 7359  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 7360

2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised Code, that is a violation of section 4511.19 of the Revised Code if the offender previously has been convicted of or pleaded guilty to a violation of division (A) of that section that was a felony, or that is a violation of section 2911.02 or 2911.12 of the Revised Code if the offender previously has been convicted of or pleaded guilty in two or more separate proceedings to two or more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the prison term shall be a definite term of twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty months.

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

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

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

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

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

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

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

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

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

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

with having a firearm on or about the offender's person or under 7420  
the offender's control while committing the offense and 7421  
displaying the firearm, brandishing the firearm, indicating that 7422  
the offender possessed the firearm, or using the firearm to 7423  
facilitate the offense and that the offender previously has been 7424  
convicted of or pleaded guilty to a specification of the type 7425  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 7426  
2941.1412 of the Revised Code; 7427

(vi) A prison term of eighteen months if the specification 7428  
is of the type described in division (D) of section 2941.141 of 7429  
the Revised Code that charges the offender with having a firearm 7430  
on or about the offender's person or under the offender's 7431  
control while committing the offense and that the offender 7432  
previously has been convicted of or pleaded guilty to a 7433  
specification of the type described in section 2941.141, 7434  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 7435

(b) If a court imposes a prison term on an offender under 7436  
division (B) (1) (a) of this section, the prison term shall not be 7437  
reduced pursuant to ~~section 2967.19,~~ section 2929.20, section 7438  
2967.193, or any other provision of Chapter 2967. or Chapter 7439  
5120. of the Revised Code. Except as provided in division (B) (1) 7440  
(g) of this section, a court shall not impose more than one 7441  
prison term on an offender under division (B) (1) (a) of this 7442  
section for felonies committed as part of the same act or 7443  
transaction. 7444

(c) (i) Except as provided in division (B) (1) (e) of this 7445  
section, if an offender who is convicted of or pleads guilty to 7446  
a violation of section 2923.161 of the Revised Code or to a 7447  
felony that includes, as an essential element, purposely or 7448  
knowingly causing or attempting to cause the death of or 7449

physical harm to another, also is convicted of or pleads guilty 7450  
to a specification of the type described in division (A) of 7451  
section 2941.146 of the Revised Code that charges the offender 7452  
with committing the offense by discharging a firearm from a 7453  
motor vehicle other than a manufactured home, the court, after 7454  
imposing a prison term on the offender for the violation of 7455  
section 2923.161 of the Revised Code or for the other felony 7456  
offense under division (A), (B) (2), or (B) (3) of this section, 7457  
shall impose an additional prison term of five years upon the 7458  
offender that shall not be reduced pursuant to section 2929.20, 7459  
~~section 2967.19,~~ section 2967.193, or any other provision of 7460  
Chapter 2967. or Chapter 5120. of the Revised Code. 7461

(ii) Except as provided in division (B) (1) (e) of this 7462  
section, if an offender who is convicted of or pleads guilty to 7463  
a violation of section 2923.161 of the Revised Code or to a 7464  
felony that includes, as an essential element, purposely or 7465  
knowingly causing or attempting to cause the death of or 7466  
physical harm to another, also is convicted of or pleads guilty 7467  
to a specification of the type described in division (C) of 7468  
section 2941.146 of the Revised Code that charges the offender 7469  
with committing the offense by discharging a firearm from a 7470  
motor vehicle other than a manufactured home and that the 7471  
offender previously has been convicted of or pleaded guilty to a 7472  
specification of the type described in section 2941.141, 7473  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 7474  
the court, after imposing a prison term on the offender for the 7475  
violation of section 2923.161 of the Revised Code or for the 7476  
other felony offense under division (A), (B) (2), or (3) of this 7477  
section, shall impose an additional prison term of ninety months 7478  
upon the offender that shall not be reduced pursuant to section 7479  
2929.20, ~~2967.19,~~ section 2967.193, or any other provision of 7480

Chapter 2967. or Chapter 5120. of the Revised Code. 7481

(iii) A court shall not impose more than one additional 7482  
prison term on an offender under division (B) (1) (c) of this 7483  
section for felonies committed as part of the same act or 7484  
transaction. If a court imposes an additional prison term on an 7485  
offender under division (B) (1) (c) of this section relative to an 7486  
offense, the court also shall impose a prison term under 7487  
division (B) (1) (a) of this section relative to the same offense, 7488  
provided the criteria specified in that division for imposing an 7489  
additional prison term are satisfied relative to the offender 7490  
and the offense. 7491

(d) If an offender who is convicted of or pleads guilty to 7492  
an offense of violence that is a felony also is convicted of or 7493  
pleads guilty to a specification of the type described in 7494  
section 2941.1411 of the Revised Code that charges the offender 7495  
with wearing or carrying body armor while committing the felony 7496  
offense of violence, the court shall impose on the offender an 7497  
additional prison term of two years. The prison term so imposed,  ~~7498  
subject to divisions (C) to (I) of section 2967.19 of the  
Revised Code,~~ shall not be reduced pursuant to section 2929.20, 7500  
~~section 2967.19,~~ section 2967.193, or any other provision of 7501  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 7502  
shall not impose more than one prison term on an offender under 7503  
division (B) (1) (d) of this section for felonies committed as 7504  
part of the same act or transaction. If a court imposes an 7505  
additional prison term under division (B) (1) (a) or (c) of this 7506  
section, the court is not precluded from imposing an additional 7507  
prison term under division (B) (1) (d) of this section. 7508

(e) The court shall not impose any of the prison terms 7509  
described in division (B) (1) (a) of this section or any of the 7510

additional prison terms described in division (B) (1) (c) of this 7511  
section upon an offender for a violation of section 2923.12 or 7512  
2923.123 of the Revised Code. The court shall not impose any of 7513  
the prison terms described in division (B) (1) (a) or (b) of this 7514  
section upon an offender for a violation of section 2923.122 7515  
that involves a deadly weapon that is a firearm other than a 7516  
dangerous ordnance, section 2923.16, or section 2923.121 of the 7517  
Revised Code. The court shall not impose any of the prison terms 7518  
described in division (B) (1) (a) of this section or any of the 7519  
additional prison terms described in division (B) (1) (c) of this 7520  
section upon an offender for a violation of section 2923.13 of 7521  
the Revised Code unless all of the following apply: 7522

(i) The offender previously has been convicted of 7523  
aggravated murder, murder, or any felony of the first or second 7524  
degree. 7525

(ii) Less than five years have passed since the offender 7526  
was released from prison or post-release control, whichever is 7527  
later, for the prior offense. 7528

(f) (i) If an offender is convicted of or pleads guilty to 7529  
a felony that includes, as an essential element, causing or 7530  
attempting to cause the death of or physical harm to another and 7531  
also is convicted of or pleads guilty to a specification of the 7532  
type described in division (A) of section 2941.1412 of the 7533  
Revised Code that charges the offender with committing the 7534  
offense by discharging a firearm at a peace officer as defined 7535  
in section 2935.01 of the Revised Code or a corrections officer, 7536  
as defined in section 2941.1412 of the Revised Code, the court, 7537  
after imposing a prison term on the offender for the felony 7538  
offense under division (A), (B) (2), or (B) (3) of this section, 7539  
shall impose an additional prison term of seven years upon the 7540



offender that shall not be reduced pursuant to section 2929.20, 7541  
~~section 2967.19,~~ section 2967.193, or any other provision of 7542  
Chapter 2967. or Chapter 5120. of the Revised Code. 7543

(ii) If an offender is convicted of or pleads guilty to a 7544  
felony that includes, as an essential element, causing or 7545  
attempting to cause the death of or physical harm to another and 7546  
also is convicted of or pleads guilty to a specification of the 7547  
type described in division (B) of section 2941.1412 of the 7548  
Revised Code that charges the offender with committing the 7549  
offense by discharging a firearm at a peace officer, as defined 7550  
in section 2935.01 of the Revised Code, or a corrections 7551  
officer, as defined in section 2941.1412 of the Revised Code, 7552  
and that the offender previously has been convicted of or 7553  
pleaded guilty to a specification of the type described in 7554  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 7555  
the Revised Code, the court, after imposing a prison term on the 7556  
offender for the felony offense under division (A), (B) (2), or 7557  
(3) of this section, shall impose an additional prison term of 7558  
one hundred twenty-six months upon the offender that shall not 7559  
be reduced pursuant to section 2929.20, ~~2967.19,~~ section 7560  
2967.193, or any other provision of Chapter 2967. or 5120. of 7561  
the Revised Code. 7562

(iii) If an offender is convicted of or pleads guilty to 7563  
two or more felonies that include, as an essential element, 7564  
causing or attempting to cause the death or physical harm to 7565  
another and also is convicted of or pleads guilty to a 7566  
specification of the type described under division (B) (1) (f) of 7567  
this section in connection with two or more of the felonies of 7568  
which the offender is convicted or to which the offender pleads 7569  
guilty, the sentencing court shall impose on the offender the 7570  
prison term specified under division (B) (1) (f) of this section 7571

for each of two of the specifications of which the offender is 7572  
convicted or to which the offender pleads guilty and, in its 7573  
discretion, also may impose on the offender the prison term 7574  
specified under that division for any or all of the remaining 7575  
specifications. If a court imposes an additional prison term on 7576  
an offender under division (B) (1) (f) of this section relative to 7577  
an offense, the court shall not impose a prison term under 7578  
division (B) (1) (a) or (c) of this section relative to the same 7579  
offense. 7580

(g) If an offender is convicted of or pleads guilty to two 7581  
or more felonies, if one or more of those felonies are 7582  
aggravated murder, murder, attempted aggravated murder, 7583  
attempted murder, aggravated robbery, felonious assault, or 7584  
rape, and if the offender is convicted of or pleads guilty to a 7585  
specification of the type described under division (B) (1) (a) of 7586  
this section in connection with two or more of the felonies, the 7587  
sentencing court shall impose on the offender the prison term 7588  
specified under division (B) (1) (a) of this section for each of 7589  
the two most serious specifications of which the offender is 7590  
convicted or to which the offender pleads guilty and, in its 7591  
discretion, also may impose on the offender the prison term 7592  
specified under that division for any or all of the remaining 7593  
specifications. 7594

(2) (a) If division (B) (2) (b) of this section does not 7595  
apply, the court may impose on an offender, in addition to the 7596  
longest prison term authorized or required for the offense or, 7597  
for offenses for which division (A) (1) (a) or (2) (a) of this 7598  
section applies, in addition to the longest minimum prison term 7599  
authorized or required for the offense, an additional definite 7600  
prison term of one, two, three, four, five, six, seven, eight, 7601  
nine, or ten years if all of the following criteria are met: 7602

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

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

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

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

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

seriousness of the offense, because one or more of the factors 7633  
under section 2929.12 of the Revised Code indicating that the 7634  
offender's conduct is more serious than conduct normally 7635  
constituting the offense are present, and they outweigh the 7636  
applicable factors under that section indicating that the 7637  
offender's conduct is less serious than conduct normally 7638  
constituting the offense. 7639

(b) The court shall impose on an offender the longest 7640  
prison term authorized or required for the offense or, for 7641  
offenses for which division (A) (1) (a) or (2) (a) of this section 7642  
applies, the longest minimum prison term authorized or required 7643  
for the offense, and shall impose on the offender an additional 7644  
definite prison term of one, two, three, four, five, six, seven, 7645  
eight, nine, or ten years if all of the following criteria are 7646  
met: 7647

(i) The offender is convicted of or pleads guilty to a 7648  
specification of the type described in section 2941.149 of the 7649  
Revised Code that the offender is a repeat violent offender. 7650

(ii) The offender within the preceding twenty years has 7651  
been convicted of or pleaded guilty to three or more offenses 7652  
described in division (CC) (1) of section 2929.01 of the Revised 7653  
Code, including all offenses described in that division of which 7654  
the offender is convicted or to which the offender pleads guilty 7655  
in the current prosecution and all offenses described in that 7656  
division of which the offender previously has been convicted or 7657  
to which the offender previously pleaded guilty, whether 7658  
prosecuted together or separately. 7659

(iii) The offense or offenses of which the offender 7660  
currently is convicted or to which the offender currently pleads 7661  
guilty is aggravated murder and the court does not impose a 7662

sentence of death or life imprisonment without parole, murder, 7663  
terrorism and the court does not impose a sentence of life 7664  
imprisonment without parole, any felony of the first degree that 7665  
is an offense of violence and the court does not impose a 7666  
sentence of life imprisonment without parole, or any felony of 7667  
the second degree that is an offense of violence and the trier 7668  
of fact finds that the offense involved an attempt to cause or a 7669  
threat to cause serious physical harm to a person or resulted in 7670  
serious physical harm to a person. 7671

(c) For purposes of division (B) (2) (b) of this section, 7672  
two or more offenses committed at the same time or as part of 7673  
the same act or event shall be considered one offense, and that 7674  
one offense shall be the offense with the greatest penalty. 7675

(d) A sentence imposed under division (B) (2) (a) or (b) of 7676  
this section shall not be reduced pursuant to section 2929.20, 7677  
~~section 2967.19, or section 2967.193,~~ or any other provision of 7678  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 7679  
shall serve an additional prison term imposed under division (B) 7680  
(2) (a) or (b) of this section consecutively to and prior to the 7681  
prison term imposed for the underlying offense. 7682

(e) When imposing a sentence pursuant to division (B) (2) 7683  
(a) or (b) of this section, the court shall state its findings 7684  
explaining the imposed sentence. 7685

(3) Except when an offender commits a violation of section 7686  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 7687  
for the violation is life imprisonment or commits a violation of 7688  
section 2903.02 of the Revised Code, if the offender commits a 7689  
violation of section 2925.03 or 2925.11 of the Revised Code and 7690  
that section classifies the offender as a major drug offender, 7691  
if the offender commits a violation of section 2925.05 of the 7692

Revised Code and division (E) (1) of that section classifies the 7693  
offender as a major drug offender, if the offender commits a 7694  
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 7695  
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 7696  
division (C) or (D) of section 3719.172, division (E) of section 7697  
4729.51, or division (J) of section 4729.54 of the Revised Code 7698  
that includes the sale, offer to sell, or possession of a 7699  
schedule I or II controlled substance, with the exception of 7700  
marihuana, and the court imposing sentence upon the offender 7701  
finds that the offender is guilty of a specification of the type 7702  
described in division (A) of section 2941.1410 of the Revised 7703  
Code charging that the offender is a major drug offender, if the 7704  
court imposing sentence upon an offender for a felony finds that 7705  
the offender is guilty of corrupt activity with the most serious 7706  
offense in the pattern of corrupt activity being a felony of the 7707  
first degree, or if the offender is guilty of an attempted 7708  
violation of section 2907.02 of the Revised Code and, had the 7709  
offender completed the violation of section 2907.02 of the 7710  
Revised Code that was attempted, the offender would have been 7711  
subject to a sentence of life imprisonment or life imprisonment 7712  
without parole for the violation of section 2907.02 of the 7713  
Revised Code, the court shall impose upon the offender for the 7714  
felony violation a mandatory prison term determined as described 7715  
in this division that, ~~subject to divisions (C) to (I) of~~ 7716  
~~section 2967.19 of the Revised Code,~~ cannot be reduced pursuant 7717  
to section 2929.20, ~~section 2967.19,~~ or any other provision of 7718  
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 7719  
term shall be the maximum definite prison term prescribed in 7720  
division (A) (1) (b) of this section for a felony of the first 7721  
degree, except that for offenses for which division (A) (1) (a) of 7722  
this section applies, the mandatory prison term shall be the 7723  
longest minimum prison term prescribed in that division for the 7724

offense. 7725

(4) If the offender is being sentenced for a third or 7726  
fourth degree felony OVI offense under division (G) (2) of 7727  
section 2929.13 of the Revised Code, the sentencing court shall 7728  
impose upon the offender a mandatory prison term in accordance 7729  
with that division. In addition to the mandatory prison term, if 7730  
the offender is being sentenced for a fourth degree felony OVI 7731  
offense, the court, notwithstanding division (A) (4) of this 7732  
section, may sentence the offender to a definite prison term of 7733  
not less than six months and not more than thirty months, and if 7734  
the offender is being sentenced for a third degree felony OVI 7735  
offense, the sentencing court may sentence the offender to an 7736  
additional prison term of any duration specified in division (A) 7737  
(3) of this section. In either case, the additional prison term 7738  
imposed shall be reduced by the sixty or one hundred twenty days 7739  
imposed upon the offender as the mandatory prison term. The 7740  
total of the additional prison term imposed under division (B) 7741  
(4) of this section plus the sixty or one hundred twenty days 7742  
imposed as the mandatory prison term shall equal a definite term 7743  
in the range of six months to thirty months for a fourth degree 7744  
felony OVI offense and shall equal one of the authorized prison 7745  
terms specified in division (A) (3) of this section for a third 7746  
degree felony OVI offense. If the court imposes an additional 7747  
prison term under division (B) (4) of this section, the offender 7748  
shall serve the additional prison term after the offender has 7749  
served the mandatory prison term required for the offense. In 7750  
addition to the mandatory prison term or mandatory and 7751  
additional prison term imposed as described in division (B) (4) 7752  
of this section, the court also may sentence the offender to a 7753  
community control sanction under section 2929.16 or 2929.17 of 7754  
the Revised Code, but the offender shall serve all of the prison 7755

terms so imposed prior to serving the community control 7756  
sanction. 7757

If the offender is being sentenced for a fourth degree 7758  
felony OVI offense under division (G) (1) of section 2929.13 of 7759  
the Revised Code and the court imposes a mandatory term of local 7760  
incarceration, the court may impose a prison term as described 7761  
in division (A) (1) of that section. 7762

(5) If an offender is convicted of or pleads guilty to a 7763  
violation of division (A) (1) or (2) of section 2903.06 of the 7764  
Revised Code and also is convicted of or pleads guilty to a 7765  
specification of the type described in section 2941.1414 of the 7766  
Revised Code that charges that the victim of the offense is a 7767  
peace officer, as defined in section 2935.01 of the Revised 7768  
Code, or an investigator of the bureau of criminal 7769  
identification and investigation, as defined in section 2903.11 7770  
of the Revised Code, the court shall impose on the offender a 7771  
prison term of five years. If a court imposes a prison term on 7772  
an offender under division (B) (5) of this section, the prison 7773  
term, ~~subject to divisions (C) to (I) of section 2967.19 of the~~ 7774  
~~Revised Code,~~ shall not be reduced pursuant to section 2929.20, 7775  
~~section 2967.19,~~ section 2967.193, or any other provision of 7776  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 7777  
shall not impose more than one prison term on an offender under 7778  
division (B) (5) of this section for felonies committed as part 7779  
of the same act. 7780

(6) If an offender is convicted of or pleads guilty to a 7781  
violation of division (A) (1) or (2) of section 2903.06 of the 7782  
Revised Code and also is convicted of or pleads guilty to a 7783  
specification of the type described in section 2941.1415 of the 7784  
Revised Code that charges that the offender previously has been 7785



convicted of or pleaded guilty to three or more violations of 7786  
division (A) or (B) of section 4511.19 of the Revised Code or an 7787  
equivalent offense, as defined in section 2941.1415 of the 7788  
Revised Code, or three or more violations of any combination of 7789  
those divisions and offenses, the court shall impose on the 7790  
offender a prison term of three years. If a court imposes a 7791  
prison term on an offender under division (B) (6) of this 7792  
section, the prison term, ~~subject to divisions (C) to (I) of~~ 7793  
~~section 2967.19 of the Revised Code,~~ shall not be reduced 7794  
pursuant to section 2929.20, ~~section 2967.19,~~ section 2967.193, 7795  
or any other provision of Chapter 2967. or Chapter 5120. of the 7796  
Revised Code. A court shall not impose more than one prison term 7797  
on an offender under division (B) (6) of this section for 7798  
felonies committed as part of the same act. 7799

(7) (a) If an offender is convicted of or pleads guilty to 7800  
a felony violation of section 2905.01, 2905.02, 2907.21, 7801  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 7802  
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 7803  
section 2919.22 of the Revised Code and also is convicted of or 7804  
pleads guilty to a specification of the type described in 7805  
section 2941.1422 of the Revised Code that charges that the 7806  
offender knowingly committed the offense in furtherance of human 7807  
trafficking, the court shall impose on the offender a mandatory 7808  
prison term that is one of the following: 7809

(i) If the offense is a felony of the first degree, a 7810  
definite prison term of not less than five years and not greater 7811  
than eleven years, except that if the offense is a felony of the 7812  
first degree committed on or after ~~the effective date of this~~ 7813  
~~amendment~~ March 22, 2019, the court shall impose as the minimum 7814  
prison term a mandatory term of not less than five years and not 7815  
greater than eleven years; 7816

(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~~ March 22, 2019, the court shall impose as the minimum prison term a mandatory term of not less than three years and not greater than eight years;

(iii) If the offense is a felony of the fourth or fifth degree, a definite prison term that is the maximum prison term allowed for the offense by division (A) of section 2929.14 of the Revised Code.

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

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

either a definite prison term of six months or one of the prison 7847  
terms prescribed in division (A) of this section for felonies of 7848  
the same degree as the violation, except that if the violation 7849  
is a felony of the first or second degree committed on or after 7850  
~~the effective date of this amendment~~ March 22, 2019, the court 7851  
shall impose as the minimum prison term under division (A) (1) (a) 7852  
or (2) (a) of this section a mandatory term that is one of the 7853  
terms prescribed in that division, whichever is applicable, for 7854  
the offense. 7855

(9) (a) If an offender is convicted of or pleads guilty to 7856  
a violation of division (A) (1) or (2) of section 2903.11 of the 7857  
Revised Code and also is convicted of or pleads guilty to a 7858  
specification of the type described in section 2941.1425 of the 7859  
Revised Code, the court shall impose on the offender a mandatory 7860  
prison term of six years if either of the following applies: 7861

(i) The violation is a violation of division (A) (1) of 7862  
section 2903.11 of the Revised Code and the specification 7863  
charges that the offender used an accelerant in committing the 7864  
violation and the serious physical harm to another or to 7865  
another's unborn caused by the violation resulted in a 7866  
permanent, serious disfigurement or permanent, substantial 7867  
incapacity; 7868

(ii) The violation is a violation of division (A) (2) of 7869  
section 2903.11 of the Revised Code and the specification 7870  
charges that the offender used an accelerant in committing the 7871  
violation, that the violation caused physical harm to another or 7872  
to another's unborn, and that the physical harm resulted in a 7873  
permanent, serious disfigurement or permanent, substantial 7874  
incapacity. 7875

(b) If a court imposes a prison term on an offender under 7876

division (B) (9) (a) of this section, the prison term shall not be 7877  
reduced pursuant to section 2929.20, ~~section 2967.19,~~ section 7878  
2967.193, or any other provision of Chapter 2967. or Chapter 7879  
5120. of the Revised Code. A court shall not impose more than 7880  
one prison term on an offender under division (B) (9) of this 7881  
section for felonies committed as part of the same act. 7882

(c) The provisions of divisions (B) (9) and (C) (6) of this 7883  
section and of division (D) (2) of section 2903.11, division (F) 7884  
(20) of section 2929.13, and section 2941.1425 of the Revised 7885  
Code shall be known as "Judy's Law." 7886

(10) If an offender is convicted of or pleads guilty to a 7887  
violation of division (A) of section 2903.11 of the Revised Code 7888  
and also is convicted of or pleads guilty to a specification of 7889  
the type described in section 2941.1426 of the Revised Code that 7890  
charges that the victim of the offense suffered permanent 7891  
disabling harm as a result of the offense and that the victim 7892  
was under ten years of age at the time of the offense, 7893  
regardless of whether the offender knew the age of the victim, 7894  
the court shall impose upon the offender an additional definite 7895  
prison term of six years. A prison term imposed on an offender 7896  
under division (B) (10) of this section shall not be reduced 7897  
pursuant to section 2929.20, section 2967.193, or any other 7898  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 7899  
If a court imposes an additional prison term on an offender 7900  
under this division relative to a violation of division (A) of 7901  
section 2903.11 of the Revised Code, the court shall not impose 7902  
any other additional prison term on the offender relative to the 7903  
same offense. 7904

(11) If an offender is convicted of or pleads guilty to a 7905  
felony violation of section 2925.03 or 2925.05 of the Revised 7906

Code or a felony violation of section 2925.11 of the Revised 7907  
Code for which division (C) (11) of that section applies in 7908  
determining the sentence for the violation, if the drug involved 7909  
in the violation is a fentanyl-related compound or a compound, 7910  
mixture, preparation, or substance containing a fentanyl-related 7911  
compound, and if the offender also is convicted of or pleads 7912  
guilty to a specification of the type described in division (B) 7913  
of section 2941.1410 of the Revised Code that charges that the 7914  
offender is a major drug offender, in addition to any other 7915  
penalty imposed for the violation, the court shall impose on the 7916  
offender a mandatory prison term of three, four, five, six, 7917  
seven, or eight years. If a court imposes a prison term on an 7918  
offender under division (B) (11) of this section, the prison 7919  
term, ~~subject to divisions (C) to (I) of section 2967.19 of the~~ 7920  
~~Revised Code,~~ shall not be reduced pursuant to section 2929.20, ~~7921~~  
~~2967.19, or section 2967.193,~~ or any other provision of Chapter 7922  
2967. or 5120. of the Revised Code. A court shall not impose 7923  
more than one prison term on an offender under division (B) (11) 7924  
of this section for felonies committed as part of the same act. 7925

(C) (1) (a) Subject to division (C) (1) (b) of this section, 7926  
if a mandatory prison term is imposed upon an offender pursuant 7927  
to division (B) (1) (a) of this section for having a firearm on or 7928  
about the offender's person or under the offender's control 7929  
while committing a felony, if a mandatory prison term is imposed 7930  
upon an offender pursuant to division (B) (1) (c) of this section 7931  
for committing a felony specified in that division by 7932  
discharging a firearm from a motor vehicle, or if both types of 7933  
mandatory prison terms are imposed, the offender shall serve any 7934  
mandatory prison term imposed under either division 7935  
consecutively to any other mandatory prison term imposed under 7936  
either division or under division (B) (1) (d) of this section, 7937

consecutively to and prior to any prison term imposed for the 7938  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 7939  
this section or any other section of the Revised Code, and 7940  
consecutively to any other prison term or mandatory prison term 7941  
previously or subsequently imposed upon the offender. 7942

(b) If a mandatory prison term is imposed upon an offender 7943  
pursuant to division (B) (1) (d) of this section for wearing or 7944  
carrying body armor while committing an offense of violence that 7945  
is a felony, the offender shall serve the mandatory term so 7946  
imposed consecutively to any other mandatory prison term imposed 7947  
under that division or under division (B) (1) (a) or (c) of this 7948  
section, consecutively to and prior to any prison term imposed 7949  
for the underlying felony under division (A), (B) (2), or (B) (3) 7950  
of this section or any other section of the Revised Code, and 7951  
consecutively to any other prison term or mandatory prison term 7952  
previously or subsequently imposed upon the offender. 7953

(c) If a mandatory prison term is imposed upon an offender 7954  
pursuant to division (B) (1) (f) of this section, the offender 7955  
shall serve the mandatory prison term so imposed consecutively 7956  
to and prior to any prison term imposed for the underlying 7957  
felony under division (A), (B) (2), or (B) (3) of this section or 7958  
any other section of the Revised Code, and consecutively to any 7959  
other prison term or mandatory prison term previously or 7960  
subsequently imposed upon the offender. 7961

(d) If a mandatory prison term is imposed upon an offender 7962  
pursuant to division (B) (7) or (8) of this section, the offender 7963  
shall serve the mandatory prison term so imposed consecutively 7964  
to any other mandatory prison term imposed under that division 7965  
or under any other provision of law and consecutively to any 7966  
other prison term or mandatory prison term previously or 7967

subsequently imposed upon the offender. 7968

(e) If a mandatory prison term is imposed upon an offender 7969  
pursuant to division (B)(11) of this section, the offender shall 7970  
serve the mandatory prison term consecutively to any other 7971  
mandatory prison term imposed under that division, consecutively 7972  
to and prior to any prison term imposed for the underlying 7973  
felony, and consecutively to any other prison term or mandatory 7974  
prison term previously or subsequently imposed upon the 7975  
offender. 7976

(2) If an offender who is an inmate in a jail, prison, or 7977  
other residential detention facility violates section 2917.02, 7978  
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 7979  
(2) of section 2921.34 of the Revised Code, if an offender who 7980  
is under detention at a detention facility commits a felony 7981  
violation of section 2923.131 of the Revised Code, or if an 7982  
offender who is an inmate in a jail, prison, or other 7983  
residential detention facility or is under detention at a 7984  
detention facility commits another felony while the offender is 7985  
an escapee in violation of division (A)(1) or (2) of section 7986  
2921.34 of the Revised Code, any prison term imposed upon the 7987  
offender for one of those violations shall be served by the 7988  
offender consecutively to the prison term or term of 7989  
imprisonment the offender was serving when the offender 7990  
committed that offense and to any other prison term previously 7991  
or subsequently imposed upon the offender. 7992

(3) If a prison term is imposed for a violation of 7993  
division (B) of section 2911.01 of the Revised Code, a violation 7994  
of division (A) of section 2913.02 of the Revised Code in which 7995  
the stolen property is a firearm or dangerous ordnance, or a 7996  
felony violation of division (B) of section 2921.331 of the 7997

Revised Code, the offender shall serve that prison term 7998  
consecutively to any other prison term or mandatory prison term 7999  
previously or subsequently imposed upon the offender. 8000

(4) If multiple prison terms are imposed on an offender 8001  
for convictions of multiple offenses, the court may require the 8002  
offender to serve the prison terms consecutively if the court 8003  
finds that the consecutive service is necessary to protect the 8004  
public from future crime or to punish the offender and that 8005  
consecutive sentences are not disproportionate to the 8006  
seriousness of the offender's conduct and to the danger the 8007  
offender poses to the public, and if the court also finds any of 8008  
the following: 8009

(a) The offender committed one or more of the multiple 8010  
offenses while the offender was awaiting trial or sentencing, 8011  
was under a sanction imposed pursuant to section 2929.16, 8012  
2929.17, or 2929.18 of the Revised Code, or was under post- 8013  
release control for a prior offense. 8014

(b) At least two of the multiple offenses were committed 8015  
as part of one or more courses of conduct, and the harm caused 8016  
by two or more of the multiple offenses so committed was so 8017  
great or unusual that no single prison term for any of the 8018  
offenses committed as part of any of the courses of conduct 8019  
adequately reflects the seriousness of the offender's conduct. 8020

(c) The offender's history of criminal conduct 8021  
demonstrates that consecutive sentences are necessary to protect 8022  
the public from future crime by the offender. 8023

(5) If a mandatory prison term is imposed upon an offender 8024  
pursuant to division (B) (5) or (6) of this section, the offender 8025  
shall serve the mandatory prison term consecutively to and prior 8026



to any prison term imposed for the underlying violation of 8027  
division (A) (1) or (2) of section 2903.06 of the Revised Code 8028  
pursuant to division (A) of this section or section 2929.142 of 8029  
the Revised Code. If a mandatory prison term is imposed upon an 8030  
offender pursuant to division (B) (5) of this section, and if a 8031  
mandatory prison term also is imposed upon the offender pursuant 8032  
to division (B) (6) of this section in relation to the same 8033  
violation, the offender shall serve the mandatory prison term 8034  
imposed pursuant to division (B) (5) of this section 8035  
consecutively to and prior to the mandatory prison term imposed 8036  
pursuant to division (B) (6) of this section and consecutively to 8037  
and prior to any prison term imposed for the underlying 8038  
violation of division (A) (1) or (2) of section 2903.06 of the 8039  
Revised Code pursuant to division (A) of this section or section 8040  
2929.142 of the Revised Code. 8041

(6) If a mandatory prison term is imposed on an offender 8042  
pursuant to division (B) (9) of this section, the offender shall 8043  
serve the mandatory prison term consecutively to and prior to 8044  
any prison term imposed for the underlying violation of division 8045  
(A) (1) or (2) of section 2903.11 of the Revised Code and 8046  
consecutively to and prior to any other prison term or mandatory 8047  
prison term previously or subsequently imposed on the offender. 8048

(7) If a mandatory prison term is imposed on an offender 8049  
pursuant to division (B) (10) of this section, the offender shall 8050  
serve that mandatory prison term consecutively to and prior to 8051  
any prison term imposed for the underlying felonious assault. 8052  
Except as otherwise provided in division (C) of this section, 8053  
any other prison term or mandatory prison term previously or 8054  
subsequently imposed upon the offender may be served 8055  
concurrently with, or consecutively to, the prison term imposed 8056  
pursuant to division (B) (10) of this section. 8057

(8) Any prison term imposed for a violation of section 8058  
2903.04 of the Revised Code that is based on a violation of 8059  
section 2925.03 or 2925.11 of the Revised Code or on a violation 8060  
of section 2925.05 of the Revised Code that is not funding of 8061  
marihuana trafficking shall run consecutively to any prison term 8062  
imposed for the violation of section 2925.03 or 2925.11 of the 8063  
Revised Code or for the violation of section 2925.05 of the 8064  
Revised Code that is not funding of marihuana trafficking. 8065

(9) When consecutive prison terms are imposed pursuant to 8066  
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 8067  
division (H) (1) or (2) of this section, subject to division (C) 8068  
(10) of this section, the term to be served is the aggregate of 8069  
all of the terms so imposed. 8070

(10) When a court sentences an offender to a non-life 8071  
felony indefinite prison term, any definite prison term or 8072  
mandatory definite prison term previously or subsequently 8073  
imposed on the offender in addition to that indefinite sentence 8074  
that is required to be served consecutively to that indefinite 8075  
sentence shall be served prior to the indefinite sentence. 8076

(11) If a court is sentencing an offender for a felony of 8077  
the first or second degree, if division (A) (1) (a) or (2) (a) of 8078  
this section applies with respect to the sentencing for the 8079  
offense, and if the court is required under the Revised Code 8080  
section that sets forth the offense or any other Revised Code 8081  
provision to impose a mandatory prison term for the offense, the 8082  
court shall impose the required mandatory prison term as the 8083  
minimum term imposed under division (A) (1) (a) or (2) (a) of this 8084  
section, whichever is applicable. 8085

(D) (1) If a court imposes a prison term, other than a term 8086  
of life imprisonment, for a felony of the first degree, for a 8087

felony of the second degree, for a felony sex offense, or for a 8088  
felony of the third degree that is an offense of violence and 8089  
that is not a felony sex offense, it shall include in the 8090  
sentence a requirement that the offender be subject to a period 8091  
of post-release control after the offender's release from 8092  
imprisonment, in accordance with section 2967.28 of the Revised 8093  
Code. If a court imposes a sentence including a prison term of a 8094  
type described in this division on or after July 11, 2006, the 8095  
failure of a court to include a post-release control requirement 8096  
in the sentence pursuant to this division does not negate, 8097  
limit, or otherwise affect the mandatory period of post-release 8098  
control that is required for the offender under division (B) of 8099  
section 2967.28 of the Revised Code. Section 2929.191 of the 8100  
Revised Code applies if, prior to July 11, 2006, a court imposed 8101  
a sentence including a prison term of a type described in this 8102  
division and failed to include in the sentence pursuant to this 8103  
division a statement regarding post-release control. 8104

(2) If a court imposes a prison term for a felony of the 8105  
third, fourth, or fifth degree that is not subject to division 8106  
(D)(1) of this section, it shall include in the sentence a 8107  
requirement that the offender be subject to a period of post- 8108  
release control after the offender's release from imprisonment, 8109  
in accordance with that division, if the parole board determines 8110  
that a period of post-release control is necessary. Section 8111  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 8112  
a court imposed a sentence including a prison term of a type 8113  
described in this division and failed to include in the sentence 8114  
pursuant to this division a statement regarding post-release 8115  
control. 8116

(E) The court shall impose sentence upon the offender in 8117  
accordance with section 2971.03 of the Revised Code, and Chapter 8118

2971. of the Revised Code applies regarding the prison term or 8119  
term of life imprisonment without parole imposed upon the 8120  
offender and the service of that term of imprisonment if any of 8121  
the following apply: 8122

(1) A person is convicted of or pleads guilty to a violent 8123  
sex offense or a designated homicide, assault, or kidnapping 8124  
offense, and, in relation to that offense, the offender is 8125  
adjudicated a sexually violent predator. 8126

(2) A person is convicted of or pleads guilty to a 8127  
violation of division (A) (1) (b) of section 2907.02 of the 8128  
Revised Code committed on or after January 2, 2007, and either 8129  
the court does not impose a sentence of life without parole when 8130  
authorized pursuant to division (B) of section 2907.02 of the 8131  
Revised Code, or division (B) of section 2907.02 of the Revised 8132  
Code provides that the court shall not sentence the offender 8133  
pursuant to section 2971.03 of the Revised Code. 8134

(3) A person is convicted of or pleads guilty to attempted 8135  
rape committed on or after January 2, 2007, and a specification 8136  
of the type described in section 2941.1418, 2941.1419, or 8137  
2941.1420 of the Revised Code. 8138

(4) A person is convicted of or pleads guilty to a 8139  
violation of section 2905.01 of the Revised Code committed on or 8140  
after January 1, 2008, and that section requires the court to 8141  
sentence the offender pursuant to section 2971.03 of the Revised 8142  
Code. 8143

(5) A person is convicted of or pleads guilty to 8144  
aggravated murder committed on or after January 1, 2008, and 8145  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 8146  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 8147

(a) (iv) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires the court to sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code.

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

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

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

(H) (1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or

towards a person in a school safety zone, the court shall impose 8178  
upon the offender an additional prison term of two years. The 8179  
offender shall serve the additional two years consecutively to 8180  
and prior to the prison term imposed for the underlying offense. 8181

(2) (a) If an offender is convicted of or pleads guilty to 8182  
a felony violation of section 2907.22, 2907.24, 2907.241, or 8183  
2907.25 of the Revised Code and to a specification of the type 8184  
described in section 2941.1421 of the Revised Code and if the 8185  
court imposes a prison term on the offender for the felony 8186  
violation, the court may impose upon the offender an additional 8187  
prison term as follows: 8188

(i) Subject to division (H) (2) (a) (ii) of this section, an 8189  
additional prison term of one, two, three, four, five, or six 8190  
months; 8191

(ii) If the offender previously has been convicted of or 8192  
pleaded guilty to one or more felony or misdemeanor violations 8193  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 8194  
the Revised Code and also was convicted of or pleaded guilty to 8195  
a specification of the type described in section 2941.1421 of 8196  
the Revised Code regarding one or more of those violations, an 8197  
additional prison term of one, two, three, four, five, six, 8198  
seven, eight, nine, ten, eleven, or twelve months. 8199

(b) In lieu of imposing an additional prison term under 8200  
division (H) (2) (a) of this section, the court may directly 8201  
impose on the offender a sanction that requires the offender to 8202  
wear a real-time processing, continual tracking electronic 8203  
monitoring device during the period of time specified by the 8204  
court. The period of time specified by the court shall equal the 8205  
duration of an additional prison term that the court could have 8206  
imposed upon the offender under division (H) (2) (a) of this 8207

section. A sanction imposed under this division shall commence 8208  
on the date specified by the court, provided that the sanction 8209  
shall not commence until after the offender has served the 8210  
prison term imposed for the felony violation of section 2907.22, 8211  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 8212  
residential sanction imposed for the violation under section 8213  
2929.16 of the Revised Code. A sanction imposed under this 8214  
division shall be considered to be a community control sanction 8215  
for purposes of section 2929.15 of the Revised Code, and all 8216  
provisions of the Revised Code that pertain to community control 8217  
sanctions shall apply to a sanction imposed under this division, 8218  
except to the extent that they would by their nature be clearly 8219  
inapplicable. The offender shall pay all costs associated with a 8220  
sanction imposed under this division, including the cost of the 8221  
use of the monitoring device. 8222

(I) At the time of sentencing, the court may recommend the 8223  
offender for placement in a program of shock incarceration under 8224  
section 5120.031 of the Revised Code or for placement in an 8225  
intensive program prison under section 5120.032 of the Revised 8226  
Code, disapprove placement of the offender in a program of shock 8227  
incarceration or an intensive program prison of that nature, or 8228  
make no recommendation on placement of the offender. In no case 8229  
shall the department of rehabilitation and correction place the 8230  
offender in a program or prison of that nature unless the 8231  
department determines as specified in section 5120.031 or 8232  
5120.032 of the Revised Code, whichever is applicable, that the 8233  
offender is eligible for the placement. 8234

If the court disapproves placement of the offender in a 8235  
program or prison of that nature, the department of 8236  
rehabilitation and correction shall not place the offender in 8237  
any program of shock incarceration or intensive program prison. 8238

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

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 8269  
section 2929.142 of the Revised Code. 8270

(K) (1) The court shall impose an additional mandatory 8271  
prison term of two, three, four, five, six, seven, eight, nine, 8272  
ten, or eleven years on an offender who is convicted of or 8273  
pleads guilty to a violent felony offense if the offender also 8274  
is convicted of or pleads guilty to a specification of the type 8275  
described in section 2941.1424 of the Revised Code that charges 8276  
that the offender is a violent career criminal and had a firearm 8277  
on or about the offender's person or under the offender's 8278  
control while committing the presently charged violent felony 8279  
offense and displayed or brandished the firearm, indicated that 8280  
the offender possessed a firearm, or used the firearm to 8281  
facilitate the offense. The offender shall serve the prison term 8282  
imposed under this division consecutively to and prior to the 8283  
prison term imposed for the underlying offense. The prison term 8284  
shall not be reduced pursuant to section 2929.20 ~~or 2967.19~~ or 8285  
any other provision of Chapter 2967. or 5120. of the Revised 8286  
Code. A court may not impose more than one sentence under 8287  
division (B) (2) (a) of this section and this division for acts 8288  
committed as part of the same act or transaction. 8289

(2) As used in division (K) (1) of this section, "violent 8290  
career criminal" and "violent felony offense" have the same 8291  
meanings as in section 2923.132 of the Revised Code. 8292

(L) If an offender receives or received a sentence of life 8293  
imprisonment without parole, a sentence of life imprisonment, a 8294  
definite sentence, or a sentence to an indefinite prison term 8295  
under this chapter for a felony offense that was committed when 8296  
the offender was under eighteen years of age, the offender's 8297  
parole eligibility shall be determined under section 2967.132 of 8298

the Revised Code. 8299

**Sec. 2929.20.** (A) As used in this section: 8300

(1) (a) Except as provided in division (A) (1) (b) of this 8301  
section, "eligible offender" means any person who, on or after 8302  
April 7, 2009, is serving a stated prison term that includes one 8303  
or more nonmandatory prison terms. A person may be an eligible 8304  
offender and, during a state of emergency declared by the 8305  
governor as a direct response to a pandemic or public health 8306  
emergency, also may be a state of emergency-qualifying offender. 8307

(b) "Eligible offender" does not include any person who, 8308  
on or after April 7, 2009, is serving a stated prison term for 8309  
any of the following criminal offenses that was a felony and was 8310  
committed while the person held a public office in this state: 8311

(i) A violation of section 2921.02, 2921.03, 2921.05, 8312  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 8313  
Code; 8314

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 8315  
2921.12 of the Revised Code, when the conduct constituting the 8316  
violation was related to the duties of the offender's public 8317  
office or to the offender's actions as a public official holding 8318  
that public office; 8319

(iii) A violation of an existing or former municipal 8320  
ordinance or law of this or any other state or the United States 8321  
that is substantially equivalent to any violation listed in 8322  
division (A) (1) (b) (i) of this section; 8323

(iv) A violation of an existing or former municipal 8324  
ordinance or law of this or any other state or the United States 8325  
that is substantially equivalent to any violation listed in 8326  
division (A) (1) (b) (ii) of this section, when the conduct 8327

constituting the violation was related to the duties of the 8328  
offender's public office or to the offender's actions as a 8329  
public official holding that public office; 8330

(v) A conspiracy to commit, attempt to commit, or 8331  
complicity in committing any offense listed in division (A) (1) 8332  
(b) (i) or described in division (A) (1) (b) (iii) of this section; 8333

(vi) A conspiracy to commit, attempt to commit, or 8334  
complicity in committing any offense listed in division (A) (1) 8335  
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 8336  
if the conduct constituting the offense that was the subject of 8337  
the conspiracy, that would have constituted the offense 8338  
attempted, or constituting the offense in which the offender was 8339  
complicit was or would have been related to the duties of the 8340  
offender's public office or to the offender's actions as a 8341  
public official holding that public office. 8342

(2) "State of emergency-qualifying offender" means any 8343  
inmate who is serving a stated prison term during a state of 8344  
emergency that is declared by the governor as a direct response 8345  
to a pandemic or public health emergency. 8346

(3) "Nonmandatory prison term" means a prison term that is 8347  
not a mandatory prison term. 8348

~~(3)~~ (4) "Public office" means any elected federal, state, 8349  
or local government office in this state. 8350

~~(4)~~ (5) "Victim's representative" has the same meaning as 8351  
in section 2930.01 of the Revised Code. 8352

~~(5)~~ (6) "Imminent danger of death," "medically 8353  
incapacitated," and "terminal illness" have the same meanings as 8354  
in section 2967.05 of the Revised Code. 8355

~~(6)~~(7) "Aggregated nonmandatory prison term or terms" 8356  
means the aggregate of the following: 8357

(a) All nonmandatory definite prison terms; 8358

(b) With respect to any non-life felony indefinite prison 8359  
term, all nonmandatory minimum prison terms imposed as part of 8360  
the non-life felony indefinite prison term or terms. 8361

(B) On the motion of an eligible offender, on the motion 8362  
of a state of emergency-qualifying offender made during the 8363  
state of emergency that was declared as a direct response to a 8364  
pandemic or public health emergency, or ~~upon~~ on its own motion 8365  
with respect to an eligible offender or with respect to a state 8366  
of emergency-qualifying offender during the state of emergency 8367  
that was declared as a direct response to a pandemic or public 8368  
health emergency, the sentencing court may reduce the ~~eligible~~ 8369  
offender's aggregated nonmandatory prison term or terms through 8370  
a judicial release under this section. 8371

(C) An eligible offender may file a motion for judicial 8372  
release with the sentencing court, or a state of emergency- 8373  
qualifying offender may file a motion for judicial release with 8374  
the sentencing court during the state of emergency that was 8375  
declared as a direct response to a pandemic or public health 8376  
emergency, within the following applicable periods: 8377

(1) If the aggregated nonmandatory prison term or terms is 8378  
less than two years, the eligible offender or state of 8379  
emergency-qualifying offender may file the motion at any time 8380  
after the offender is delivered to a state correctional 8381  
institution or, if the prison term includes a mandatory prison 8382  
term or terms, at any time after the expiration of all mandatory 8383  
prison terms. 8384

(2) If the aggregated nonmandatory prison term or terms is 8385  
at least two years but less than five years, the eligible 8386  
offender or state of emergency-qualifying offender may file the 8387  
motion not earlier than one hundred eighty days after the 8388  
offender is delivered to a state correctional institution or, if 8389  
the prison term includes a mandatory prison term or terms, not 8390  
earlier than one hundred eighty days after the expiration of all 8391  
mandatory prison terms. 8392

(3) If the aggregated nonmandatory prison term or terms is 8393  
five years, the eligible offender or state of emergency- 8394  
qualifying offender may file the motion not earlier than the 8395  
date on which the ~~eligible~~ offender has served four years of the 8396  
offender's stated prison term or, if the prison term includes a 8397  
mandatory prison term or terms, not earlier than four years 8398  
after the expiration of all mandatory prison terms. 8399

(4) If the aggregated nonmandatory prison term or terms is 8400  
more than five years but not more than ten years, the eligible 8401  
offender or state of emergency-qualifying offender may file the 8402  
motion not earlier than the date on which the ~~eligible~~ offender 8403  
has served five years of the offender's stated prison term or, 8404  
if the prison term includes a mandatory prison term or terms, 8405  
not earlier than five years after the expiration of all 8406  
mandatory prison terms. 8407

(5) If the aggregated nonmandatory prison term or terms is 8408  
more than ten years, the eligible offender or state of 8409  
emergency-qualifying offender may file the motion not earlier 8410  
than the later of the date on which the offender has served one- 8411  
half of the offender's stated prison term or the date specified 8412  
in division (C) (4) of this section. 8413

~~(D)~~ (6) With respect to a state of emergency-qualifying 8414

offender, if the offender's prison term does not include a 8415  
mandatory prison term or terms, or if the offender's prison term 8416  
includes one or more mandatory prison terms and the offender has 8417  
completed the mandatory prison term or terms, the state of 8418  
emergency-qualifying offender may file the motion at any time 8419  
during the offender's aggregated nonmandatory prison term or 8420  
terms, provided that time also is during the state of emergency 8421  
that was declared as a direct response to a pandemic or public 8422  
health emergency. 8423

(D) (1) (a) Upon receipt of a timely motion for judicial 8424  
release filed by an eligible offender or a state of emergency- 8425  
qualifying offender under division (C) of this section, or upon 8426  
the sentencing court's own motion made within the appropriate 8427  
time specified in that division, the court may deny the motion 8428  
without a hearing or schedule a hearing on the motion. The court 8429  
may grant the motion without a hearing for an offender under 8430  
consideration for judicial release as a state of emergency- 8431  
qualifying offender, but the court shall not grant the motion 8432  
without a hearing for an offender under consideration as an 8433  
eligible offender. If a court denies a motion without a hearing, 8434  
the court later may consider judicial release for that eligible 8435  
offender or that state of emergency-qualifying offender on a 8436  
subsequent motion ~~filed by that eligible offender unless~~. For 8437  
an offender under consideration for judicial release as an 8438  
eligible offender, but not for one under consideration as a 8439  
state of emergency-qualifying offender, the court ~~denies~~ may 8440  
deny the motion with prejudice. If a court denies a motion with 8441  
prejudice, the court may later consider judicial release on its 8442  
own motion. ~~If~~ For an offender under consideration for judicial 8443  
release as a state of emergency-qualifying offender, the court 8444  
shall not deny a motion with prejudice. For an offender under 8445

consideration for judicial release as an eligible offender, but 8446  
not for one under consideration as a state of emergency- 8447  
qualifying offender, if a court denies a motion after a hearing, 8448  
the court shall not consider a subsequent motion for that 8449  
offender based on the offender's classification as an eligible 8450  
offender. The court may hold multiple hearings for any offender 8451  
under consideration for judicial release as a state of 8452  
emergency-qualifying offender, but shall hold only one hearing 8453  
for any offender under consideration as an eligible offender. 8454

A-(b) If an offender is under consideration for judicial 8455  
release as an eligible offender and the motion is denied, and if 8456  
the offender at that time also is or subsequently becomes a 8457  
state of emergency-qualifying offender, the denial does not 8458  
limit or affect any right of the offender to file a motion under 8459  
this section for consideration for judicial release as a state 8460  
of emergency-qualifying offender or for the court on its own 8461  
motion to consider the offender for judicial release as a state 8462  
of emergency-qualifying offender. 8463

If an offender is under consideration for judicial release 8464  
as a state of emergency-qualifying offender and the motion is 8465  
denied, and if the offender at that time also is or subsequently 8466  
becomes an eligible offender, the denial does not limit or 8467  
affect any right of the offender to file a motion under this 8468  
section for consideration for judicial release as an eligible 8469  
offender or for the court on its own motion to consider the 8470  
offender for judicial release as an eligible offender. 8471

(2) (a) With respect to a motion for judicial release filed 8472  
by an offender as an eligible offender or made by the court on 8473  
its own motion for an offender as an eligible offender, a 8474  
hearing under this section shall be conducted in open court not 8475

less than thirty or more than sixty days after the motion is 8476  
filed, provided that the court may delay the hearing for one 8477  
hundred eighty additional days. If the court holds a hearing, 8478  
the court shall enter a ruling on the motion within ten days 8479  
after the hearing. If the court denies the motion without a 8480  
hearing, the court shall enter its ruling on the motion within 8481  
sixty days after the motion is filed. 8482

(b) With respect to a motion for judicial release filed by 8483  
an offender as a state of emergency-qualifying offender or made 8484  
by the court on its own motion for an offender as a state of 8485  
emergency-qualifying offender, the court may order the 8486  
prosecuting attorney of the county in which the offender was 8487  
indicted to respond to the motion in writing within ten days. 8488  
The prosecuting attorney shall include in the response any 8489  
statement that the victim wants to be represented to the court. 8490  
The court shall consider any response from the prosecuting 8491  
attorney and any statement from the victim in its ruling on the 8492  
motion. After receiving the response from the prosecuting 8493  
attorney, the court either shall order a hearing consistent with 8494  
divisions (E) to (I) of this section as soon as possible, or 8495  
shall enter its ruling on the motion for judicial release as 8496  
soon as possible. If the court conducts a hearing, the hearing 8497  
shall be conducted in open court or by a virtual, telephonic, or 8498  
other form of remote hearing. If the court holds a hearing, the 8499  
court shall enter a ruling on the motion within ten days after 8500  
the hearing. If the court denies the motion without a hearing, 8501  
the court shall enter its ruling on the motion within ten days 8502  
after the motion is filed or after it receives the response from 8503  
the prosecuting attorney. 8504

(E) If a court schedules a hearing under ~~division (D)~~ 8505  
divisions (D) (1) and (2) (a) of this section or under divisions 8506



(D) (1) and (2) (b) of this section, the court shall notify the 8507  
subject eligible offender or state of emergency-qualifying 8508  
offender and the head of the state correctional institution in 8509  
which ~~the eligible~~ that subject offender is confined prior to 8510  
the hearing. The head of the state correctional institution 8511  
immediately shall notify the appropriate person at the 8512  
department of rehabilitation and correction of the hearing, and 8513  
the department within twenty-four hours after receipt of the 8514  
notice, shall post on the database it maintains pursuant to 8515  
section 5120.66 of the Revised Code the subject offender's name 8516  
and all of the information specified in division (A) (1) (c) (i) of 8517  
that section. If the court schedules a hearing for judicial 8518  
release, the court promptly shall give notice of the hearing to 8519  
the prosecuting attorney of the county in which the subject 8520  
eligible offender or state of emergency-qualifying offender was 8521  
indicted. Upon receipt of the notice from the court, the 8522  
prosecuting attorney shall do whichever of the following is 8523  
applicable: 8524

(1) Subject to division (E) (2) of this section, notify the 8525  
victim of the offense or the victim's representative pursuant to 8526  
division (B) of section 2930.16 of the Revised Code; 8527

(2) If the offense was an offense of violence that is a 8528  
felony of the first, second, or third degree, except as 8529  
otherwise provided in this division, notify the victim or the 8530  
victim's representative of the hearing regardless of whether the 8531  
victim or victim's representative has requested the 8532  
notification. The notice of the hearing shall not be given under 8533  
this division to a victim or victim's representative if the 8534  
victim or victim's representative has requested pursuant to 8535  
division (B) (2) of section 2930.03 of the Revised Code that the 8536  
victim or the victim's representative not be provided the 8537

notice. If notice is to be provided to a victim or victim's 8538  
representative under this division, the prosecuting attorney may 8539  
give the notice by any reasonable means, including regular mail, 8540  
telephone, and electronic mail, in accordance with division (D) 8541  
(1) of section 2930.16 of the Revised Code. If the notice is 8542  
based on an offense committed prior to March 22, 2013, the 8543  
notice also shall include the opt-out information described in 8544  
division (D) (1) of section 2930.16 of the Revised Code. The 8545  
prosecuting attorney, in accordance with division (D) (2) of 8546  
section 2930.16 of the Revised Code, shall keep a record of all 8547  
attempts to provide the notice, and of all notices provided, 8548  
under this division. Division (E) (2) of this section, and the 8549  
notice-related provisions of division (K) of this section, 8550  
division (D) (1) of section 2930.16, division (H) of section 8551  
2967.12, division (E) (1) (b) of section 2967.19 as it existed 8552  
prior to the effective date of this amendment, division ~~(A) (3)~~ 8553  
~~(b)~~ (A) (2) (b) of section 2967.26, division (D) (1) of section 8554  
2967.28, and division (A) (2) of section 5149.101 of the Revised 8555  
Code enacted in the act in which division (E) (2) of this section 8556  
was enacted, shall be known as "Roberta's Law." 8557

(F) Upon an offender's successful completion of 8558  
rehabilitative activities, the head of the state correctional 8559  
institution may notify the sentencing court of the successful 8560  
completion of the activities. 8561

(G) Prior to the date of the hearing on a motion for 8562  
judicial release made by an eligible offender, by a state of 8563  
emergency-qualifying offender, or by a court on its own under 8564  
this section, the head of the state correctional institution in 8565  
which the ~~eligible~~ subject offender is confined shall send to 8566  
the court an institutional summary report on the ~~eligible~~ 8567  
offender's conduct in the institution and in any institution 8568

from which the ~~eligible~~-offender may have been transferred. Upon 8569  
the request of the prosecuting attorney of the county in which 8570  
the ~~eligible-subject~~ offender was indicted or of any law 8571  
enforcement agency, the head of the state correctional 8572  
institution, at the same time the person sends the institutional 8573  
summary report to the court, also shall send a copy of the 8574  
report to the requesting prosecuting attorney and law 8575  
enforcement agencies. The institutional summary report shall 8576  
cover the ~~eligible-subject~~ offender's participation in school, 8577  
vocational training, work, treatment, and other rehabilitative 8578  
activities and any disciplinary action taken against the 8579  
~~eligible-subject~~ offender. The report shall be made part of the 8580  
record of the hearing. A presentence investigation report is not 8581  
required for judicial release. 8582

(H) If the court grants a hearing on a motion for judicial 8583  
release made by an eligible offender, by a state of emergency- 8584  
qualifying offender, or by a court on its own under this 8585  
section, the ~~eligible-subject~~ offender shall attend the hearing 8586  
if ordered to do so by the court. Upon receipt of a copy of the 8587  
journal entry containing the order, the head of the state 8588  
correctional institution in which the ~~eligible-subject~~ offender 8589  
is incarcerated shall deliver the ~~eligible-subject~~ offender to 8590  
the sheriff of the county in which the hearing is to be held. 8591  
The sheriff shall convey the ~~eligible-subject~~ offender to and 8592  
from the hearing. 8593

(I) At the hearing on a motion for judicial release under 8594  
this section made by an eligible offender, by a state of 8595  
emergency-qualifying offender, or by a court on its own, the 8596  
court shall afford the ~~eligible-subject~~ offender and the 8597  
~~eligible~~-offender's attorney an opportunity to present written 8598  
and, if present, oral information relevant to the motion. The 8599

court shall afford a similar opportunity to the prosecuting attorney, the victim or the victim's representative, and any other person the court determines is likely to present additional relevant information. The court shall consider any statement of a victim made pursuant to section 2930.14 or 2930.17 of the Revised Code, any victim impact statement prepared pursuant to section 2947.051 of the Revised Code, and any report made under division (G) of this section. The court may consider any written statement of any person submitted to the court pursuant to division (L) of this section. After ruling on the motion, the court shall notify the victim of the ruling in accordance with sections 2930.03 and 2930.16 of the Revised Code.

(J) (1) A court shall not grant a judicial release under this section to an ~~eligible~~ offender who is imprisoned for a felony of the first or second degree and who is under consideration as an eligible offender, or to an ~~eligible~~ offender who committed an offense under Chapter 2925. or 3719. of the Revised Code, who is under consideration as an eligible offender, and for whom there was a presumption under section 2929.13 of the Revised Code in favor of a prison term, unless the court, with reference to factors under section 2929.12 of the Revised Code, finds both of the following:

(a) That a sanction other than a prison term would adequately punish the offender and protect the public from future criminal violations by the eligible offender because the applicable factors indicating a lesser likelihood of recidivism outweigh the applicable factors indicating a greater likelihood of recidivism;

(b) That a sanction other than a prison term would not

demean the seriousness of the offense because factors indicating 8630  
that the eligible offender's conduct in committing the offense 8631  
was less serious than conduct normally constituting the offense 8632  
outweigh factors indicating that the eligible offender's conduct 8633  
was more serious than conduct normally constituting the offense. 8634

(2) A court that grants a judicial release ~~to an eligible~~ 8635  
~~offender~~ under division (J) (1) of this section to an offender 8636  
who is under consideration as an eligible offender shall specify 8637  
on the record both findings required in that division and also 8638  
shall list all the factors described in that division that were 8639  
presented at the hearing. 8640

(3) (a) Subject to division (J) (3) (b) of this section, a 8641  
court shall grant a judicial release under this section to an 8642  
offender who is under consideration as a state of emergency- 8643  
qualifying offender if the court determines that the risks posed 8644  
by incarceration to the health and safety of the offender, 8645  
because of the nature of the state of emergency, outweigh the 8646  
risk to public safety if the offender were to be released from 8647  
incarceration. 8648

(b) A court shall not grant a judicial release under this 8649  
section to an offender who is imprisoned for a felony of the 8650  
first or second degree and is under consideration for judicial 8651  
release as a state of emergency-qualifying offender unless the 8652  
court, with reference to the factors specified under section 8653  
2929.12 of the Revised Code, finds both of the following: 8654

(i) That a sanction other than a prison term would 8655  
adequately punish the offender and protect the public from 8656  
future criminal violations by the offender, because the 8657  
applicable factors indicating a lesser likelihood of recidivism 8658  
outweigh the applicable factors indicating a greater likelihood 8659

of recidivism; 8660

(ii) That a sanction other than a prison term would not 8661  
demean the seriousness of the offense, because the applicable 8662  
factors indicating that the offender's conduct in committing the 8663  
offense was less serious than conduct normally constituting the 8664  
offense outweigh the applicable factors indicating that the 8665  
offender's conduct was more serious than conduct normally 8666  
constituting the offense. 8667

(K) If the court grants a motion for judicial release 8668  
under this section, the court shall order the release of the 8669  
eligible offender or state of emergency-qualifying offender, 8670  
shall place the ~~eligible~~-offender under an appropriate community 8671  
control sanction, under appropriate conditions, and under the 8672  
supervision of the department of probation serving the court and 8673  
shall reserve the right to reimpose the sentence that it reduced 8674  
if the offender violates the sanction. If the court reimposes 8675  
the reduced sentence, it may do so either concurrently with, or 8676  
consecutive to, any new sentence imposed ~~upon~~ on the eligible 8677  
offender or state of emergency-qualifying offender as a result 8678  
of the violation that is a new offense. Except as provided in 8679  
division ~~(R) (2)~~ (N) (5) (b) of this section, the period of 8680  
community control shall be no longer than five years. The court, 8681  
in its discretion, may reduce the period of community control by 8682  
the amount of time the ~~eligible~~-offender spent in jail or prison 8683  
for the offense and in prison. If the court made any findings 8684  
pursuant to division (J) (1) of this section, the court shall 8685  
serve a copy of the findings upon counsel for the parties within 8686  
fifteen days after the date on which the court grants the motion 8687  
for judicial release. 8688

If the court grants a motion for judicial release, the 8689

court shall notify the appropriate person at the department of 8690  
rehabilitation and correction, and the department shall post 8691  
notice of the release on the database it maintains pursuant to 8692  
section 5120.66 of the Revised Code. The court also shall notify 8693  
the prosecuting attorney of the county in which the eligible 8694  
offender or state of emergency-qualifying offender was indicted 8695  
that the motion has been granted. Unless the victim or the 8696  
victim's representative has requested pursuant to division (B) 8697  
(2) of section 2930.03 of the Revised Code that the victim or 8698  
victim's representative not be provided the notice, the 8699  
prosecuting attorney shall notify the victim or the victim's 8700  
representative of the judicial release in any manner, and in 8701  
accordance with the same procedures, pursuant to which the 8702  
prosecuting attorney is authorized to provide notice of the 8703  
hearing pursuant to division (E) (2) of this section. If the 8704  
notice is based on an offense committed prior to March 22, 2013, 8705  
the notice to the victim or victim's representative also shall 8706  
include the opt-out information described in division (D) (1) of 8707  
section 2930.16 of the Revised Code. 8708

(L) In addition to and independent of the right of a 8709  
victim to make a statement pursuant to section 2930.14, 2930.17, 8710  
or 2946.051 of the Revised Code and any right of a person to 8711  
present written information or make a statement pursuant to 8712  
division (I) of this section, any person may submit to the 8713  
court, at any time prior to the hearing on the ~~offender's~~ motion 8714  
for judicial release of the eligible offender or state of 8715  
emergency-qualifying offender, a written statement concerning 8716  
the effects of the offender's crime or crimes, the circumstances 8717  
surrounding the crime or crimes, the manner in which the crime 8718  
or crimes were perpetrated, and the person's opinion as to 8719  
whether the offender should be released. 8720

~~(M)~~ (M) (1) The changes to this section that are made on 8721  
September 30, 2011, apply to any judicial release decision made 8722  
on or after September 30, 2011, for any eligible offender, 8723  
subject to division (M) (2) of this section. 8724

~~(N)~~ (2) The changes to this section that are made on the 8725  
effective date of this amendment apply to any judicial release 8726  
decision made on or after the effective date of this amendment 8727  
for any eligible offender or state of emergency-qualifying 8728  
offender. 8729

(N) (1) Notwithstanding the eligibility requirements 8730  
specified in ~~division (A)~~ divisions (A) (1) and (2) of this 8731  
section and the filing time frames specified in division (C) of 8732  
this section and notwithstanding the findings required under 8733  
division ~~(J)~~ (J) (1) and the eligibility criteria specified in 8734  
division (J) (3) of this section, the sentencing court, upon the 8735  
court's own motion and after considering whether the release of 8736  
the offender into society would create undue risk to public 8737  
safety, may grant a judicial release to an offender who is not 8738  
serving a life sentence at any time during the offender's 8739  
imposed sentence when the director of rehabilitation and 8740  
correction certifies to the sentencing court through the chief 8741  
medical officer for the department of rehabilitation and 8742  
correction that the offender is in imminent danger of death, is 8743  
medically incapacitated, or is suffering from a terminal 8744  
illness. 8745

~~(O)~~ (2) The director of rehabilitation and correction shall 8746  
not certify any offender under division ~~(N)~~ (N) (1) of this 8747  
section who is serving a death sentence. 8748

~~(P)~~ (3) A motion made by the court under division ~~(N)~~ (N) (1) 8749  
of this section is subject to the notice, hearing, and other 8750



procedural requirements specified in divisions (D), (E), (G), 8751  
(H), (I), (K), and (L) of this section, except for the 8752  
following: 8753

~~(1)~~(a) The court may waive the offender's appearance at 8754  
any hearing scheduled by the court if the offender's condition 8755  
makes it impossible for the offender to participate meaningfully 8756  
in the proceeding. 8757

~~(2)~~(b) The court may grant the motion without a hearing, 8758  
provided that the prosecuting attorney and victim or victim's 8759  
representative to whom notice of the hearing was provided under 8760  
division (E) of this section indicate that they do not wish to 8761  
participate in the hearing or present information relevant to 8762  
the motion. 8763

~~(3)~~(4) The court may request health care records from the 8764  
department of rehabilitation and correction to verify the 8765  
certification made under division ~~(N)~~(N) (1) of this section. 8766

~~(R)~~~~(1)~~(5) (a) If the court grants judicial release under 8767  
division ~~(N)~~(N) (1) of this section, the court shall do all of 8768  
the following: 8769

~~(a)~~(i) Order the release of the offender; 8770

~~(b)~~(ii) Place the offender under an appropriate community 8771  
control sanction, under appropriate conditions; 8772

~~(c)~~(iii) Place the offender under the supervision of the 8773  
department of probation serving the court or under the 8774  
supervision of the adult parole authority. 8775

~~(2)~~(b) The court, in its discretion, may revoke the 8776  
judicial release if the offender violates the community control 8777  
sanction described in division ~~(R)~~~~(1)~~(N) (5) (a) of this section. 8778

The period of that community control is not subject to the five- 8779  
year limitation described in division (K) of this section and 8780  
shall not expire earlier than the date on which all of the 8781  
offender's mandatory prison terms expire. 8782

~~(S)~~ (6) If the health of an offender who is released under 8783  
division ~~(N)~~ (N) (1) of this section improves so that the offender 8784  
is no longer terminally ill, medically incapacitated, or in 8785  
imminent danger of death, the court shall, upon the court's own 8786  
motion, revoke the judicial release. The court shall not grant 8787  
the motion without a hearing unless the offender waives a 8788  
hearing. If a hearing is held, the court shall afford the 8789  
offender and the offender's attorney an opportunity to present 8790  
written and, if the offender or the offender's attorney is 8791  
present, oral information relevant to the motion. The court 8792  
shall afford a similar opportunity to the prosecuting attorney, 8793  
the victim or the victim's representative, and any other person 8794  
the court determines is likely to present additional relevant 8795  
information. A court that grants a motion under this division 8796  
shall specify its findings on the record. 8797

(O) (1) Separate from and independent of the provisions of 8798  
divisions (A) to (N) of this section, the director of the 8799  
department of rehabilitation and correction may recommend in 8800  
writing to the sentencing court that the court consider 8801  
releasing from prison, through a judicial release, any offender 8802  
who is confined in a state correctional institution, who is 8803  
servng a stated prison term of one year or more, and who is an 8804  
eligible offender. The director may file such a recommendation 8805  
for judicial release by submitting to the sentencing court a 8806  
notice, in writing, of the recommendation within the applicable 8807  
period specified in division (C) of this section, provided that 8808  
references in that division to "the motion" shall be construed 8809

for purposes of this division as being references to the notice 8810  
and recommendation specified in this division. 8811

The director shall include with any notice submitted to 8812  
the sentencing court under this division an institutional 8813  
summary report that covers the offender's participation while 8814  
confined in a state correctional institution in school, 8815  
training, work, treatment, and other rehabilitative activities 8816  
and any disciplinary action taken against the offender while so 8817  
confined. The director shall include with the notice any other 8818  
documentation requested by the court, if available. 8819

If the director submits a notice under this division 8820  
recommending judicial release, the department promptly shall 8821  
provide to the prosecuting attorney of the county in which the 8822  
offender was indicted a copy of the written notice and 8823  
recommendation, a copy of the institutional summary report, and 8824  
any other information provided to the court, and shall provide a 8825  
copy of the institutional summary report to any law enforcement 8826  
agency that requests the report. The department also shall 8827  
provide written notice of the submission of the director's 8828  
notice to any victim of the offender or victim's representative, 8829  
in the same manner as is specified in divisions (E)(1) and (2) 8830  
of this section with respect to notices of hearings. 8831

(2) A recommendation for judicial release in a notice 8832  
submitted by the director under division (O)(1) of this section 8833  
is subject to the notice, hearing, and other procedural 8834  
requirements specified in divisions (E), (H), (I), and (L) of 8835  
this section, except as otherwise specified in divisions (O)(3) 8836  
to (5) of this section, provided that references in divisions 8837  
(E), (H), (I), (K), and (L) of this section to "the motion" 8838  
shall be construed for purposes of division (O) of this section 8839

as being references to the notice and recommendation specified 8840  
in division (O) (1) of this section. 8841

(3) The director's submission of a notice under division 8842  
(O) (1) of this section constitutes a recommendation by the 8843  
director that the court strongly consider a judicial release of 8844  
the offender consistent with the purposes and principles of 8845  
sentencing set forth in sections 2929.11 and 2929.13 of the 8846  
Revised Code and establishes a rebuttable presumption that the 8847  
offender shall be released through a judicial release in 8848  
accordance with the recommendation. The presumption of release 8849  
may be rebutted only as described in division (O) (5) of this 8850  
section. Only an offender recommended by the director under 8851  
division (O) (1) of this section may be considered for a judicial 8852  
release under division (O) of this section. 8853

(4) Upon receipt of a notice recommending judicial release 8854  
submitted by the director under division (O) (1) of this section, 8855  
the court shall schedule a hearing to consider the 8856  
recommendation for the judicial release of the offender who is 8857  
the subject of the notice. Within thirty days after the notice 8858  
is submitted, the court shall inform the department and the 8859  
prosecuting attorney of the county in which the offender who is 8860  
the subject of the notice was indicted of the date, time, and 8861  
location of the hearing. Upon receipt of the notice from the 8862  
court, the prosecuting attorney shall comply with division (E) 8863  
of this section and the department shall post the information 8864  
specified in that division. 8865

(5) When a court schedules a hearing under division (O) (4) 8866  
of this section, at the hearing, the court shall consider the 8867  
institutional summary report submitted under division (O) (1) of 8868  
this section and all other information, statements, reports, and 8869

documentation described in division (I) of this section, in 8870  
determining whether to grant the offender judicial release under 8871  
division (O) of this section. The court shall grant the offender 8872  
judicial release unless the prosecuting attorney proves to the 8873  
court, by clear and convincing evidence, that the release of the 8874  
offender would constitute a present and substantial risk that 8875  
the offender will commit an offense of violence. If the court 8876  
grants a judicial release under this division, division (K) of 8877  
this section applies regarding the judicial release, provided 8878  
that references in division (K) of this section to "the motion" 8879  
shall be construed for purposes of the judicial release granted 8880  
under this division as being references to the notice and 8881  
recommendation specified in division (O)(1) of this section. 8882

After ruling on whether to grant the offender judicial 8883  
release under division (O) of this section, the court shall 8884  
notify the offender, the prosecuting attorney, and the 8885  
department of rehabilitation and correction of its decision, and 8886  
shall notify the victim of its decision in accordance with 8887  
sections 2930.03 and 2930.16 of the Revised Code. 8888

**Sec. 2929.34.** (A) A person who is convicted of or pleads 8889  
guilty to aggravated murder, murder, or an offense punishable by 8890  
life imprisonment and who is sentenced to a term of life 8891  
imprisonment or a prison term pursuant to that conviction shall 8892  
serve that term in an institution under the control of the 8893  
department of rehabilitation and correction. 8894

(B) (1) A person who is convicted of or pleads guilty to a 8895  
felony other than aggravated murder, murder, or an offense 8896  
punishable by life imprisonment and who is sentenced to a term 8897  
of imprisonment or a prison term pursuant to that conviction 8898  
shall serve that term as follows: 8899

(a) Subject to divisions (B) (1) (b), (B) (2), and (B) (3) of this section, in an institution under the control of the department of rehabilitation and correction if the term is a prison term or as otherwise determined by the sentencing court pursuant to section 2929.16 of the Revised Code if the term is not a prison term;

(b) In a facility of a type described in division (G) (1) of section 2929.13 of the Revised Code, if the offender is sentenced pursuant to that division.

(2) If the term is a prison term, the person may be imprisoned in a jail that is not a minimum security jail pursuant to agreement under section 5120.161 of the Revised Code between the department of rehabilitation and correction and the local authority that operates the jail.

(3) (a) As used in divisions (B) (3) (a) to (d) of this section, "voluntary county" means any county in which the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county enter into an agreement of the type described in division (B) (3) (b) of this section and in which the agreement has not been terminated as described in that division.

(b) In any voluntary county, the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county may agree to having the county participate in the procedures regarding local and state confinement established under division (B) (3) (c) of this section. A board of county commissioners and an administrative judge of a court of common pleas that enter into an agreement of the type described in this division may terminate the agreement, but a termination under this division

shall take effect only at the end of the state fiscal biennium 8930  
in which the termination decision is made. 8931

(c) Except as provided in division (B) (3) (d) of this 8932  
section, in any voluntary county, either division (B) (3) (c) (i) 8933  
or divisions (B) (3) (c) (i) and (ii) of this section shall apply: 8934

(i) On and after July 1, 2018, no person sentenced by the 8935  
court of common pleas of a voluntary county to a prison term for 8936  
a felony of the fifth degree shall serve the term in an 8937  
institution under the control of the department of 8938  
rehabilitation and correction. The person shall instead serve 8939  
the sentence as a term of confinement in a facility of a type 8940  
described in division (C) or (D) of this section. 8941

(ii) On and after ~~September 1, 2022~~ June 30, 2022, no 8942  
person sentenced by the court of common pleas of a voluntary 8943  
county to a prison term for a felony of the fourth degree shall 8944  
serve the term in an institution under the control of the 8945  
department of rehabilitation and correction. The person shall 8946  
instead serve the sentence as a term of confinement in a 8947  
facility of a type described in division (C) or (D) of this 8948  
section. 8949

Nothing in this division relieves the state of its 8950  
obligation to pay for the cost of confinement of the person in a 8951  
community-based correctional facility under division (D) of this 8952  
section. 8953

(d) Division (B) (3) (c) of this section does not apply to 8954  
any person to whom any of the following apply: 8955

(i) The felony of the fourth or fifth degree was an 8956  
offense of violence, as defined in section 2901.01 of the 8957  
Revised Code, a sex offense under Chapter 2907. of the Revised 8958

Code, a violation of section 2925.03 of the Revised Code, or any offense for which a mandatory prison term is required. 8959  
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(ii) The person previously has been convicted of or pleaded guilty to any felony offense of violence, as defined in section 2901.01 of the Revised Code, unless the felony of the fifth degree for which the person is being sentenced is a violation of division (I) (1) of section 2903.43 of the Revised Code. 8961  
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(iii) The person previously has been convicted of or pleaded guilty to any felony sex offense under Chapter 2907. of the Revised Code. 8967  
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(iv) The person's sentence is required to be served concurrently to any other sentence imposed upon the person for a felony that is required to be served in an institution under the control of the department of rehabilitation and correction. 8970  
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(C) A person who is convicted of or pleads guilty to one or more misdemeanors and who is sentenced to a jail term or term of imprisonment pursuant to the conviction or convictions shall serve that term in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse; in a community alternative sentencing center or district community alternative sentencing center when authorized by section 307.932 of the Revised Code; or, if the misdemeanor or misdemeanors are not offenses of violence, in a minimum security jail. 8974  
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(D) Nothing in this section prohibits the commitment, referral, or sentencing of a person who is convicted of or pleads guilty to a felony to a community-based correctional facility. 8983  
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**Sec. 2930.03.** (A) A person or entity required or 8987



authorized under this chapter to give notice to a victim shall 8988  
give the notice to the victim by any means reasonably calculated 8989  
to provide prompt actual notice. Except when a provision 8990  
requires that notice is to be given in a specific manner, a 8991  
notice may be oral or written. 8992

(B) (1) Except for receipt of the initial information and 8993  
notice required to be given to a victim under divisions (A) and 8994  
(B) of section 2930.04, section 2930.05, and divisions (A) and 8995  
(B) of section 2930.06 of the Revised Code and the notice 8996  
required to be given to a victim under division (D) of section 8997  
2930.16 of the Revised Code, a victim who wishes to receive any 8998  
notice authorized by this chapter shall make a request for the 8999  
notice to the prosecutor or the custodial agency that is to 9000  
provide the notice, as specified in this chapter. If the victim 9001  
does not make a request as described in this division, the 9002  
prosecutor or custodial agency is not required to provide any 9003  
notice described in this chapter other than the initial 9004  
information and notice required to be given to a victim under 9005  
divisions (A) and (B) of section 2930.04, section 2930.05, and 9006  
divisions (A) and (B) of section 2930.06 of the Revised Code and 9007  
the notice required to be given to a victim under division (D) 9008  
of section 2930.16 of the Revised Code. 9009

(2) A victim who does not wish to receive any of the 9010  
notices required to be given to a victim under division (E) (2) 9011  
or (K) of section 2929.20, division (D) of section 2930.16, 9012  
division (H) of section 2967.12, ~~division (E) (1) (b) of section~~ 9013  
~~2967.19, division (A) (3) (b) (A) (2) (b) of section 2967.26,~~ 9014  
division (D) (1) of section 2967.28, or division (A) (2) of 9015  
section 5149.101 of the Revised Code shall make a request to the 9016  
prosecutor or custodial agency that is to provide the particular 9017  
notice that the notice not be provided to the victim. Unless the 9018

victim makes a request as described in this division, the 9019  
prosecutor or custodial agency shall provide the notices 9020  
required to be given to a victim under division (E) (2) or (K) of 9021  
section 2929.20, division (D) of section 2930.16, division (H) 9022  
of section 2967.12, ~~division (E) (1) (b) of section 2967.19,~~ 9023  
division ~~(A) (3) (b)~~ (A) (2) (b) of section 2967.26, division (D) (1) 9024  
of section 2967.28, or division (A) (2) of section 5149.101 of 9025  
the Revised Code in any manner, and in accordance with the 9026  
procedures, specified in the particular division. This division 9027  
also applies to a victim's representative or a member of a 9028  
victim's immediate family that is authorized to receive any of 9029  
the notices specified in this division. 9030

(C) A person or agency that is required to furnish notice 9031  
under this chapter shall give the notice to the victim at the 9032  
address or telephone number provided to the person or agency by 9033  
the victim. A victim who requests to receive notice under this 9034  
chapter as described in division (B) of this section shall 9035  
inform the person or agency of the name, address, or telephone 9036  
number of the victim and of any change to that information. 9037

(D) A person or agency that has furnished information to a 9038  
victim in accordance with any requirement or authorization under 9039  
this chapter shall notify the victim promptly of any significant 9040  
changes to that information. 9041

(E) Divisions (A) to (D) of this section do not apply 9042  
regarding a notice that a prosecutor is required to provide 9043  
under section 2930.061 of the Revised Code. A prosecutor 9044  
required to provide notice under that section shall provide the 9045  
notice as specified in that section. 9046

**Sec. 2930.06.** (A) The prosecutor in a case, to the extent 9047  
practicable, shall confer with the victim in the case before 9048

pretrial diversion is granted to the defendant or alleged 9049  
juvenile offender in the case, before amending or dismissing an 9050  
indictment, information, or complaint against that defendant or 9051  
alleged juvenile offender, before agreeing to a negotiated plea 9052  
for that defendant or alleged juvenile offender, before a trial 9053  
of that defendant by judge or jury, or before the juvenile court 9054  
conducts an adjudicatory hearing for that alleged juvenile 9055  
offender. If the juvenile court disposes of a case prior to the 9056  
prosecutor's involvement in the case, the court or a court 9057  
employee shall notify the victim in the case that the alleged 9058  
juvenile offender will be granted pretrial diversion, the 9059  
complaint against that alleged juvenile offender will be amended 9060  
or dismissed, or the court will conduct an adjudicatory hearing 9061  
for that alleged juvenile offender. If the prosecutor fails to 9062  
confer with the victim at any of those times, the court, if 9063  
informed of the failure, shall note on the record the failure 9064  
and the prosecutor's reasons for the failure. A prosecutor's 9065  
failure to confer with a victim as required by this division and 9066  
a court's failure to provide the notice as required by this 9067  
division do not affect the validity of an agreement between the 9068  
prosecutor and the defendant or alleged juvenile offender in the 9069  
case, a pretrial diversion of the defendant or alleged juvenile 9070  
offender, an amendment or dismissal of an indictment, 9071  
information, or complaint filed against the defendant or alleged 9072  
juvenile offender, a plea entered by the defendant or alleged 9073  
juvenile defender, an admission entered by the defendant or 9074  
alleged juvenile offender, or any other disposition in the case. 9075  
A court shall not dismiss a criminal complaint, charge, 9076  
information, or indictment or a delinquent child complaint 9077  
solely at the request of the victim and over the objection of 9078  
the prosecuting attorney, village solicitor, city director of 9079  
law, or other chief legal officer responsible for the 9080

prosecution of the case. 9081

(B) After a prosecution in a case has been commenced, the 9082  
prosecutor or a designee of the prosecutor other than a court or 9083  
court employee, to the extent practicable, promptly shall give 9084  
the victim all of the following information, except that, if the 9085  
juvenile court disposes of a case prior to the prosecutor's 9086  
involvement in the case, the court or a court employee, to the 9087  
extent practicable, promptly shall give the victim all of the 9088  
following information: 9089

(1) The name of the crime or specified delinquent act with 9090  
which the defendant or alleged juvenile offender in the case has 9091  
been charged and the name of the defendant or alleged juvenile 9092  
offender; 9093

(2) The file number of the case; 9094

(3) A brief statement regarding the procedural steps in a 9095  
criminal prosecution or delinquency proceeding involving a crime 9096  
or specified delinquent act similar to the crime or specified 9097  
delinquent act with which the defendant or alleged juvenile 9098  
offender has been charged and the right of the victim to be 9099  
present during all proceedings held throughout the prosecution 9100  
of the case; 9101

(4) A summary of the rights of a victim under this 9102  
chapter; 9103

(5) Procedures the victim or the prosecutor may follow if 9104  
the victim becomes subject to threats or intimidation by the 9105  
defendant, alleged juvenile offender, or any other person; 9106

(6) The name and business telephone number of a person to 9107  
contact for further information with respect to the case; 9108

(7) The right of the victim to have a victim's 9109  
representative exercise the victim's rights under this chapter 9110  
in accordance with section 2930.02 of the Revised Code and the 9111  
procedure by which a victim's representative may be designated; 9112

(8) Notice that any notification under division (C) of 9113  
this section, sections 2930.07 to 2930.15, division (A), (B), or 9114  
(C) of section 2930.16, sections 2930.17 to 2930.19, and section 9115  
5139.56 of the Revised Code will be given to the victim only if 9116  
the victim asks to receive the notification and that notice 9117  
under division (E) (2) or (K) of section 2929.20, division (D) of 9118  
section 2930.16, division (H) of section 2967.12, ~~division (E)~~ 9119  
~~(1) (b) of section 2967.19, division (A) (3) (b) (A) (2) (b) of~~ 9120  
section 2967.26, division (D) (1) of section 2967.28, or division 9121  
(A) (2) of section 5149.101 of the Revised Code will be given 9122  
unless the victim asks that the notification not be provided. 9123

(C) Upon the request of the victim, the prosecutor or, if 9124  
it is a delinquency proceeding and a prosecutor is not involved 9125  
in the case, the court shall give the victim notice of the date, 9126  
time, and place of any scheduled criminal or juvenile 9127  
proceedings in the case and notice of any changes in those 9128  
proceedings or in the schedule in the case. 9129

(D) A victim who requests notice under division (C) of 9130  
this section and who elects pursuant to division (B) of section 9131  
2930.03 of the Revised Code to receive any further notice from 9132  
the prosecutor or, if it is a delinquency proceeding and a 9133  
prosecutor is not involved in the case, the court under this 9134  
chapter shall keep the prosecutor or the court informed of the 9135  
victim's current address and telephone number until the case is 9136  
dismissed or terminated, the defendant is acquitted or 9137  
sentenced, the delinquent child complaint is dismissed, the 9138

defendant is adjudicated a delinquent child, or the appellate 9139  
process is completed, whichever is the final disposition in the 9140  
case. 9141

(E) If a defendant is charged with the commission of a 9142  
misdemeanor offense that is not identified in division (A) (2) of 9143  
section 2930.01 of the Revised Code and if a police report or a 9144  
complaint, indictment, or information that charges the 9145  
commission of that offense and provides the basis for a criminal 9146  
prosecution of that defendant identifies one or more individuals 9147  
as individuals against whom that offense was committed, after a 9148  
prosecution in the case has been commenced, the prosecutor or a 9149  
designee of the prosecutor other than a court or court employee, 9150  
to the extent practicable, promptly shall notify each of the 9151  
individuals so identified in the report, complaint, indictment, 9152  
or information that, if the defendant is convicted of or pleads 9153  
guilty to the offense, the individual may make an oral or 9154  
written statement to the court hearing the case regarding the 9155  
sentence to be imposed upon the defendant and that the court 9156  
must consider any statement so made that is relevant. Before 9157  
imposing sentence in the case, the court shall permit the 9158  
individuals so identified in the report, complaint, indictment, 9159  
or information to make an oral or written statement. Division 9160  
(A) of section 2930.14 of the Revised Code applies regarding any 9161  
statement so made. The court shall consider a statement so made, 9162  
in accordance with division (B) of that section and division (D) 9163  
of section 2929.22 of the Revised Code. 9164

**Sec. 2930.16.** (A) If a defendant is incarcerated, a victim 9165  
in a case who has requested to receive notice under this section 9166  
shall be given notice of the incarceration of the defendant. If 9167  
an alleged juvenile offender is committed to the temporary 9168  
custody of a school, camp, institution, or other facility 9169

operated for the care of delinquent children or to the legal 9170  
custody of the department of youth services, a victim in a case 9171  
who has requested to receive notice under this section shall be 9172  
given notice of the commitment. Promptly after sentence is 9173  
imposed upon the defendant or the commitment of the alleged 9174  
juvenile offender is ordered, the prosecutor in the case shall 9175  
notify the victim of the date on which the defendant will be 9176  
released, or initially will be eligible for release, from 9177  
confinement or the prosecutor's reasonable estimate of that date 9178  
or the date on which the alleged juvenile offender will have 9179  
served the minimum period of commitment or the prosecutor's 9180  
reasonable estimate of that date. The prosecutor also shall 9181  
notify the victim of the name of the custodial agency of the 9182  
defendant or alleged juvenile offender and tell the victim how 9183  
to contact that custodial agency. If the custodial agency is the 9184  
department of rehabilitation and correction, the prosecutor 9185  
shall notify the victim of the services offered by the office of 9186  
victims' services pursuant to section 5120.60 of the Revised 9187  
Code. If the custodial agency is the department of youth 9188  
services, the prosecutor shall notify the victim of the services 9189  
provided by the office of victims' services within the release 9190  
authority of the department pursuant to section 5139.55 of the 9191  
Revised Code and the victim's right pursuant to section 5139.56 9192  
of the Revised Code to submit a written request to the release 9193  
authority to be notified of actions the release authority takes 9194  
with respect to the alleged juvenile offender. The victim shall 9195  
keep the custodial agency informed of the victim's current 9196  
address and telephone number. 9197

(B) (1) Upon the victim's request or in accordance with 9198  
division (D) of this section, the prosecutor promptly shall 9199  
notify the victim of any hearing for judicial release of the 9200

defendant pursuant to section 2929.20 of the Revised Code, ~~of~~ 9201  
~~any hearing for release of the defendant pursuant to section~~ 9202  
~~2967.19 of the Revised Code,~~ or of any hearing for judicial 9203  
release or early release of the alleged juvenile offender 9204  
pursuant to section 2151.38 of the Revised Code and of the 9205  
victim's right to make a statement under those sections. The 9206  
court shall notify the victim of its ruling in each of those 9207  
hearings and on each of those applications. 9208

(2) If an offender is sentenced to a prison term pursuant 9209  
to division (A) (3) or (B) of section 2971.03 of the Revised 9210  
Code, upon the request of the victim of the crime or in 9211  
accordance with division (D) of this section, the prosecutor 9212  
promptly shall notify the victim of any hearing to be conducted 9213  
pursuant to section 2971.05 of the Revised Code to determine 9214  
whether to modify the requirement that the offender serve the 9215  
entire prison term in a state correctional facility in 9216  
accordance with division (C) of that section, whether to 9217  
continue, revise, or revoke any existing modification of that 9218  
requirement, or whether to terminate the prison term in 9219  
accordance with division (D) of that section. The court shall 9220  
notify the victim of any order issued at the conclusion of the 9221  
hearing. 9222

(C) Upon the victim's request made at any time before the 9223  
particular notice would be due or in accordance with division 9224  
(D) of this section, the custodial agency of a defendant or 9225  
alleged juvenile offender shall give the victim any of the 9226  
following notices that is applicable: 9227

(1) At least sixty days before the adult parole authority 9228  
recommends a pardon or commutation of sentence for the defendant 9229  
or at least sixty days prior to a hearing before the adult 9230



parole authority regarding a grant of parole to the defendant, 9231  
notice of the victim's right to submit a statement regarding the 9232  
impact of the defendant's release in accordance with section 9233  
2967.12 of the Revised Code and, if applicable, of the victim's 9234  
right to appear at a full board hearing of the parole board to 9235  
give testimony as authorized by section 5149.101 of the Revised 9236  
Code; and at least sixty days prior to a hearing before the 9237  
department regarding a determination of whether the inmate must 9238  
be released under division (C) or (D) (2) of section 2967.271 of 9239  
the Revised Code if the inmate is serving a non-life felony 9240  
indefinite prison term, notice of the fact that the inmate will 9241  
be having a hearing regarding a possible grant of release, the 9242  
date of any hearing regarding a possible grant of release, and 9243  
the right of any person to submit a written statement regarding 9244  
the pending action; 9245

(2) At least sixty days before the defendant is 9246  
transferred to transitional control under section 2967.26 of the 9247  
Revised Code, notice of the pendency of the transfer and of the 9248  
victim's right under that section to submit a statement 9249  
regarding the impact of the transfer; 9250

(3) At least sixty days before the release authority of 9251  
the department of youth services holds a release review, release 9252  
hearing, or discharge review for the alleged juvenile offender, 9253  
notice of the pendency of the review or hearing, of the victim's 9254  
right to make an oral or written statement regarding the impact 9255  
of the crime upon the victim or regarding the possible release 9256  
or discharge, and, if the notice pertains to a hearing, of the 9257  
victim's right to attend and make statements or comments at the 9258  
hearing as authorized by section 5139.56 of the Revised Code; 9259

(4) Prompt notice of the defendant's or alleged juvenile 9260

offender's escape from a facility of the custodial agency in 9261  
which the defendant was incarcerated or in which the alleged 9262  
juvenile offender was placed after commitment, of the 9263  
defendant's or alleged juvenile offender's absence without leave 9264  
from a mental health or developmental disabilities facility or 9265  
from other custody, and of the capture of the defendant or 9266  
alleged juvenile offender after an escape or absence; 9267

(5) Notice of the defendant's or alleged juvenile 9268  
offender's death while in confinement or custody; 9269

(6) Notice of the filing of a petition by the director of 9270  
rehabilitation and correction pursuant to section ~~2967.19~~ 9271  
2929.20 of the Revised Code requesting the early release of the 9272  
defendant pursuant to a judicial release under that section ~~of~~ 9273  
~~the defendant~~; 9274

(7) Notice of the defendant's or alleged juvenile 9275  
offender's release from confinement or custody and the terms and 9276  
conditions of the release. 9277

(D) (1) If a defendant is incarcerated for the commission 9278  
of aggravated murder, murder, or an offense of violence that is 9279  
a felony of the first, second, or third degree or is under a 9280  
sentence of life imprisonment or if an alleged juvenile offender 9281  
has been charged with the commission of an act that would be 9282  
aggravated murder, murder, or an offense of violence that is a 9283  
felony of the first, second, or third degree or be subject to a 9284  
sentence of life imprisonment if committed by an adult, except 9285  
as otherwise provided in this division, the notices described in 9286  
divisions (B) and (C) of this section shall be given regardless 9287  
of whether the victim has requested the notification. The 9288  
notices described in divisions (B) and (C) of this section shall 9289  
not be given under this division to a victim if the victim has 9290

requested pursuant to division (B)(2) of section 2930.03 of the Revised Code that the victim not be provided the notice. Regardless of whether the victim has requested that the notices described in division (C) of this section be provided or not be provided, the custodial agency shall give notice similar to those notices to the prosecutor in the case, to the sentencing court, to the law enforcement agency that arrested the defendant or alleged juvenile offender if any officer of that agency was a victim of the offense, and to any member of the victim's immediate family who requests notification. If the notice given under this division to the victim is based on an offense committed prior to March 22, 2013, and if the prosecutor or custodial agency has not previously successfully provided any notice to the victim under this division or division (B) or (C) of this section with respect to that offense and the offender who committed it, the notice also shall inform the victim that the victim may request that the victim not be provided any further notices with respect to that offense and the offender who committed it and shall describe the procedure for making that request. If the notice given under this division to the victim pertains to a hearing regarding a grant of a parole to the defendant, the notice also shall inform the victim that the victim, a member of the victim's immediate family, or the victim's representative may request a victim conference, as described in division (E) of this section, and shall provide an explanation of a victim conference.

The prosecutor or custodial agency may give the notices to which this division applies by any reasonable means, including regular mail, telephone, and electronic mail. If the prosecutor or custodial agency attempts to provide notice to a victim under this division but the attempt is unsuccessful because the

prosecutor or custodial agency is unable to locate the victim, 9322  
is unable to provide the notice by its chosen method because it 9323  
cannot determine the mailing address, telephone number, or 9324  
electronic mail address at which to provide the notice, or, if 9325  
the notice is sent by mail, the notice is returned, the 9326  
prosecutor or custodial agency shall make another attempt to 9327  
provide the notice to the victim. If the second attempt is 9328  
unsuccessful, the prosecutor or custodial agency shall make at 9329  
least one more attempt to provide the notice. If the notice is 9330  
based on an offense committed prior to March 22, 2013, in each 9331  
attempt to provide the notice to the victim, the notice shall 9332  
include the opt-out information described in the preceding 9333  
paragraph. The prosecutor or custodial agency, in accordance 9334  
with division (D) (2) of this section, shall keep a record of all 9335  
attempts to provide the notice, and of all notices provided, 9336  
under this division. 9337

Division (D) (1) of this section, and the notice-related 9338  
provisions of divisions (E) (2) and (K) of section 2929.20, 9339  
division (H) of section 2967.12, division (E) (1) (b) of section 9340  
2967.19 as it existed prior to the effective date of this 9341  
amendment, division ~~(A) (3) (b)~~ (A) (2) (b) of section 2967.26, 9342  
division (D) (1) of section 2967.28, and division (A) (2) of 9343  
section 5149.101 of the Revised Code enacted in the act in which 9344  
division (D) (1) of this section was enacted, shall be known as 9345  
"Roberta's Law." 9346

(2) Each prosecutor and custodial agency that attempts to 9347  
give any notice to which division (D) (1) of this section applies 9348  
shall keep a record of all attempts to give the notice. The 9349  
record shall indicate the person who was to be the recipient of 9350  
the notice, the date on which the attempt was made, the manner 9351  
in which the attempt was made, and the person who made the 9352

attempt. If the attempt is successful and the notice is given, 9353  
the record shall indicate that fact. The record shall be kept in 9354  
a manner that allows public inspection of attempts and notices 9355  
given to persons other than victims without revealing the names, 9356  
addresses, or other identifying information relating to victims. 9357  
The record of attempts and notices given to victims is not a 9358  
public record, but the prosecutor or custodial agency shall 9359  
provide upon request a copy of that record to a prosecuting 9360  
attorney, judge, law enforcement agency, or member of the 9361  
general assembly. The record of attempts and notices given to 9362  
persons other than victims is a public record. A record kept 9363  
under this division may be indexed by offender name, or in any 9364  
other manner determined by the prosecutor or the custodial 9365  
agency. Each prosecutor or custodial agency that is required to 9366  
keep a record under this division shall determine the procedures 9367  
for keeping the record and the manner in which it is to be kept, 9368  
subject to the requirements of this division. 9369

(E) The adult parole authority shall adopt rules under 9370  
Chapter 119. of the Revised Code providing for a victim 9371  
conference, upon request of the victim, a member of the victim's 9372  
immediate family, or the victim's representative, prior to a 9373  
parole hearing in the case of a prisoner who is incarcerated for 9374  
the commission of aggravated murder, murder, or an offense of 9375  
violence that is a felony of the first, second, or third degree 9376  
or is under a sentence of life imprisonment. The rules shall 9377  
provide for, but not be limited to, all of the following: 9378

(1) Subject to division (E)(3) of this section, attendance 9379  
by the victim, members of the victim's immediate family, the 9380  
victim's representative, and, if practicable, other individuals; 9381

(2) Allotment of up to one hour for the conference; 9382

(3) A specification of the number of persons specified in 9383  
division (E) (1) of this section who may be present at any single 9384  
victim conference, if limited by the department pursuant to 9385  
division (F) of this section. 9386

(F) The department may limit the number of persons 9387  
specified in division (E) (1) of this section who may be present 9388  
at any single victim conference, provided that the department 9389  
shall not limit the number of persons who may be present at any 9390  
single conference to fewer than three. If the department limits 9391  
the number of persons who may be present at any single victim 9392  
conference, the department shall permit and schedule, upon 9393  
request of the victim, a member of the victim's immediate 9394  
family, or the victim's representative, multiple victim 9395  
conferences for the persons specified in division (E) (1) of this 9396  
section. 9397

(G) As used in this section, "victim's immediate family" 9398  
has the same meaning as in section 2967.12 of the Revised Code. 9399

**Sec. 2939.21.** (A) Once every three months, the grand 9400  
jurors shall visit the county jail, examine its condition, and 9401  
inquire into the discipline and treatment of the prisoners, 9402  
their habits, diet, and accommodations. ~~They~~ 9403

(B) (1) If a multicounty correctional center or 9404  
multicounty-municipal correctional center is established as 9405  
described in section 307.93 of the Revised Code to serve two or 9406  
more counties, once every three months, the grand jurors of any 9407  
or all of the counties served by the center may visit the 9408  
facility, examine its contents, and inquire into the discipline 9409  
and treatment of the prisoners, their habits, diet, and 9410  
accommodations. Only one visit by grand jurors may be made under 9411  
this division during any three-month period. 9412

(2) If a municipal-county correctional center is 9413  
established as described in section 307.93 of the Revised Code 9414  
to serve a county, once every three months, the grand jurors of 9415  
the county may visit the facility, examine its contents, and 9416  
inquire into the discipline and treatment of the prisoners, 9417  
their habits, diet, and accommodations. 9418

(C) When grand jurors visit a jail under division (A), (B) 9419  
(1), or (B) (2) of this section, they shall report on these—the 9420  
matters specified in the particular division to the court of 9421  
common pleas of the county served by the grand jurors in 9422  
writing. The clerk of the court of common pleas shall forward a 9423  
copy of the report to the department of rehabilitation and 9424  
correction. 9425

**Sec. 2941.1413.** (A) Imposition of a mandatory additional 9426  
prison term of one, two, three, four, or five years upon an 9427  
offender under division (G) (2) of section 2929.13 of the Revised 9428  
Code is precluded unless the indictment, count in the 9429  
indictment, or information charging a felony violation of 9430  
division (A) of section 4511.19 of the Revised Code specifies 9431  
that ~~the~~ either: 9432

(1) The offender, within twenty years of the offense, 9433  
previously has been convicted of or pleaded guilty to five or 9434  
more equivalent offenses; 9435

(2) The offender previously has been convicted of or 9436  
pleaded guilty to a specification of the type described in this 9437  
section. The 9438

(B) The specification shall be stated at the end of the 9439  
body of the indictment, count, or information and shall be 9440  
stated in substantially the following form: 9441

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or the prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender, within twenty years of committing the offense, previously had been convicted of or pleaded guilty to five or more equivalent offenses or previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code)."

~~(B)~~ (C) As used in ~~division (A)~~ of this section, "equivalent offense" has the same meaning as in section 4511.181 of the Revised Code.

**Sec. 2945.71.** (A) Subject to division (D) of this section, a person against whom a charge is pending in a court not of record, or against whom a charge of minor misdemeanor is pending in a court of record, shall be brought to trial within thirty days after the person's arrest or the service of summons.

(B) Subject to division (D) of this section, a person against whom a charge of misdemeanor, other than a minor misdemeanor, is pending in a court of record, shall be brought to trial as follows:

(1) Within forty-five days after the person's arrest or the service of summons, if the offense charged is a misdemeanor of the third or fourth degree, or other misdemeanor for which the maximum penalty is imprisonment for not more than sixty days;

(2) Within ninety days after the person's arrest or the service of summons, if the offense charged is a misdemeanor of the first or second degree, or other misdemeanor for which the maximum penalty is imprisonment for more than sixty days.



(C) A person against whom a charge of felony is pending: 9471

(1) Notwithstanding any provisions to the contrary in 9472  
Criminal Rule 5(B), shall be accorded a preliminary hearing 9473  
within fifteen consecutive days after the person's arrest if the 9474  
accused is not held in jail in lieu of bail on the pending 9475  
charge or within ten consecutive days after the person's arrest 9476  
if the accused is held in jail in lieu of bail on the pending 9477  
charge; 9478

(2) ~~Shall~~ Except as provided in division (C) of section 9479  
2945.73 of the Revised Code, shall be brought to trial within 9480  
two hundred seventy days after the person's arrest. 9481

(D) A person against whom one or more charges of different 9482  
degrees, whether felonies, misdemeanors, or combinations of 9483  
felonies and misdemeanors, all of which arose out of the same 9484  
act or transaction, are pending shall be brought to trial on all 9485  
of the charges within the time period required for the highest 9486  
degree of offense charged, as determined under divisions (A), 9487  
(B), and (C) of this section. 9488

(E) For purposes of computing time under divisions (A), 9489  
(B), (C) (2), and (D) of this section, each day during which the 9490  
accused is held in jail in lieu of bail on the pending charge 9491  
shall be counted as three days. This division does not apply for 9492  
purposes of computing time under division (C) (1) of this section 9493  
or for purposes of computing the fourteen-day period specified 9494  
in section 2945.73 of the Revised Code. 9495

(F) This section shall not be construed to modify in any 9496  
way section 2941.401 or sections 2963.30 to 2963.35 of the 9497  
Revised Code. 9498

**Sec. 2945.73.** (A) A charge of felony shall be dismissed if 9499

the accused is not accorded a preliminary hearing within the 9500  
time required by sections 2945.71 and 2945.72 of the Revised 9501  
Code. Such a dismissal has the same effect as a nolle prosequi. 9502

(B) (1) Upon motion made at or prior to the commencement of 9503  
trial, a person charged with ~~an offense~~ a misdemeanor shall be 9504  
discharged if ~~he~~ the person is not brought to trial within the 9505  
time required by sections 2945.71 and 2945.72 of the Revised 9506  
Code. Such a discharge is a bar to any further criminal 9507  
proceedings against the person based on the same conduct. 9508

~~(C)~~ (2) Regardless of whether a longer time limit may be 9509  
provided by sections 2945.71 and 2945.72 of the Revised Code, a 9510  
person charged with misdemeanor shall be discharged if ~~he~~ the 9511  
person is held in jail in lieu of bond awaiting trial on the 9512  
pending charge: 9513

~~(1)~~ (a) For a total period equal to the maximum term of 9514  
imprisonment which may be imposed for the most serious 9515  
misdemeanor charged; 9516

~~(2)~~ (b) For a total period equal to the term of 9517  
imprisonment allowed in lieu of payment of the maximum fine 9518  
which may be imposed for the most serious misdemeanor charged, 9519  
when the offense or offenses charged constitute minor 9520  
misdemeanors. 9521

~~(D)~~ When a charge of (3) A discharge under division (B) (2) 9522  
of this section is a bar to any further criminal proceedings 9523  
against the person based on the same conduct. 9524

~~(C) (1) A person charged with a felony is dismissed~~ 9525  
~~pursuant to division (A) of this section, such dismissal has the~~ 9526  
~~same effect as a nolle prosequi. When an accused is discharged~~ 9527  
~~pursuant to division (B) or (C) of this section, such discharge~~ 9528

~~is a bar to any further criminal proceedings against him based~~ 9529  
~~on the same conduct, who is not brought to trial within the time~~ 9530  
~~required by sections 2945.71 and 2945.72 of the Revised Code, is~~ 9531  
~~eligible for release from detention. The court may release the~~ 9532  
~~person from any detention in connection with the charges pending~~ 9533  
~~trial and may impose any terms or conditions on the release that~~ 9534  
~~the court considers appropriate.~~ 9535

(2) Upon motion made at or before the commencement of 9536  
trial, but not sooner than fourteen days before the day the 9537  
person would become eligible for release pursuant to division 9538  
(C)(1) of this section, the charges shall be dismissed with 9539  
prejudice unless the person is brought to trial on those charges 9540  
within fourteen days after the motion is filed and served on the 9541  
prosecuting attorney. If no motion is filed, the charges shall 9542  
be dismissed with prejudice unless the person is brought to 9543  
trial on those charges within fourteen days after it is 9544  
determined by the court that the time for trial required by 9545  
sections 2945.71 and 2945.72 of the Revised Code has expired. 9546  
The fourteen-day period specified under this division may be 9547  
extended at the request of the accused or on account of the 9548  
fault or misconduct of the accused. 9549

**Sec. 2951.041.** (A) (1) If an offender is charged with a 9550  
criminal offense, including but not limited to a violation of 9551  
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 9552  
of the Revised Code, and the court has reason to believe that 9553  
drug or alcohol usage by the offender was a factor leading to 9554  
the criminal offense with which the offender is charged or that, 9555  
at the time of committing that offense, the offender had a 9556  
mental illness, was a person with an intellectual disability, or 9557  
was a victim of a violation of section 2905.32 or 2907.21 of the 9558  
Revised Code and that the mental illness, status as a person 9559

with an intellectual disability, or fact that the offender was a 9560  
victim of a violation of section 2905.32 or 2907.21 of the 9561  
Revised Code was a factor leading to the offender's criminal 9562  
behavior, the court may accept, prior to the entry of a guilty 9563  
plea, the offender's request for intervention in lieu of 9564  
conviction. The request shall include a statement from the 9565  
offender as to whether the offender is alleging that drug or 9566  
alcohol usage by the offender was a factor leading to the 9567  
criminal offense with which the offender is charged or is 9568  
alleging that, at the time of committing that offense, the 9569  
offender had a mental illness, was a person with an intellectual 9570  
disability, or was a victim of a violation of section 2905.32 or 9571  
2907.21 of the Revised Code and that the mental illness, status 9572  
as a person with an intellectual disability, or fact that the 9573  
offender was a victim of a violation of section 2905.32 or 9574  
2907.21 of the Revised Code was a factor leading to the criminal 9575  
offense with which the offender is charged. The request also 9576  
shall include a waiver of the defendant's right to a speedy 9577  
trial, the preliminary hearing, the time period within which the 9578  
grand jury may consider an indictment against the offender, and 9579  
arraignment, unless the hearing, indictment, or arraignment has 9580  
already occurred. Unless an offender alleges that drug or 9581  
alcohol usage by the offender was a factor leading to the 9582  
criminal offense with which the offender is charged, the court 9583  
may reject an offender's request without a hearing. If the court 9584  
elects to consider an offender's request or the offender alleges 9585  
that drug or alcohol usage by the offender was a factor leading 9586  
to the criminal offense with which the offender is charged, the 9587  
court shall conduct a hearing to determine whether the offender 9588  
is eligible under this section for intervention in lieu of 9589  
conviction and shall stay all criminal proceedings pending the 9590  
outcome of the hearing. If the court schedules a hearing, the 9591

court shall order an assessment of the offender for the purpose 9592  
of determining the offender's program eligibility for 9593  
intervention in lieu of conviction and recommending an 9594  
appropriate intervention plan. 9595

If the offender alleges that drug or alcohol usage by the 9596  
offender was a factor leading to the criminal offense with which 9597  
the offender is charged, the court may order that the offender 9598  
be assessed by a community addiction services provider or a 9599  
properly credentialed professional for the purpose of 9600  
determining the offender's program eligibility for intervention 9601  
in lieu of conviction and recommending an appropriate 9602  
intervention plan. The community addiction services provider or 9603  
the properly credentialed professional shall provide a written 9604  
assessment of the offender to the court. 9605

(2) The victim notification provisions of division (C) of 9606  
section 2930.06 of the Revised Code apply in relation to any 9607  
hearing held under division (A) (1) of this section. 9608

(B) An offender is eligible for intervention in lieu of 9609  
conviction if the court finds all of the following: 9610

(1) The offender previously has not been convicted of or 9611  
pleaded guilty to any felony offense of violence. 9612

(2) The offense is not a felony of the first, second, or 9613  
third degree, is not an offense of violence, is not a felony sex 9614  
offense, is not a violation of division (A) (1) or (2) of section 9615  
2903.06 of the Revised Code, is not a violation of division (A) 9616  
(1) of section 2903.08 of the Revised Code, is not a violation 9617  
of division (A) of section 4511.19 of the Revised Code or a 9618  
municipal ordinance that is substantially similar to that 9619  
division, and is not an offense for which a sentencing court is 9620

required to impose a mandatory prison term. 9621

(3) The offender is not charged with a violation of 9622  
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 9623  
charged with a violation of section 2925.03 of the Revised Code 9624  
that is a felony of the first, second, third, or fourth degree, 9625  
and is not charged with a violation of section 2925.11 of the 9626  
Revised Code that is a felony of the first or second degree. 9627

(4) If an offender alleges that drug or alcohol usage by 9628  
the offender was a factor leading to the criminal offense with 9629  
which the offender is charged, the court has ordered that the 9630  
offender be assessed by a community addiction services provider 9631  
or a properly credentialed professional for the purpose of 9632  
determining the offender's program eligibility for intervention 9633  
in lieu of conviction and recommending an appropriate 9634  
intervention plan, the offender has been assessed by a community 9635  
addiction services provider of that nature or a properly 9636  
credentialed professional in accordance with the court's order, 9637  
and the community addiction services provider or properly 9638  
credentialed professional has filed the written assessment of 9639  
the offender with the court. 9640

(5) If an offender alleges that, at the time of committing 9641  
the criminal offense with which the offender is charged, the 9642  
offender had a mental illness, was a person with an intellectual 9643  
disability, or was a victim of a violation of section 2905.32 or 9644  
2907.21 of the Revised Code and that the mental illness, status 9645  
as a person with an intellectual disability, or fact that the 9646  
offender was a victim of a violation of section 2905.32 or 9647  
2907.21 of the Revised Code was a factor leading to that 9648  
offense, the offender has been assessed by a psychiatrist, 9649  
psychologist, independent social worker, licensed professional 9650

clinical counselor, or independent marriage and family therapist 9651  
for the purpose of determining the offender's program 9652  
eligibility for intervention in lieu of conviction and 9653  
recommending an appropriate intervention plan. 9654

(6) The offender's drug usage, alcohol usage, mental 9655  
illness, or intellectual disability, or the fact that the 9656  
offender was a victim of a violation of section 2905.32 or 9657  
2907.21 of the Revised Code, whichever is applicable, was a 9658  
factor leading to the criminal offense with which the offender 9659  
is charged, intervention in lieu of conviction would not demean 9660  
the seriousness of the offense, and intervention would 9661  
substantially reduce the likelihood of any future criminal 9662  
activity. 9663

(7) The alleged victim of the offense was not sixty-five 9664  
years of age or older, permanently and totally disabled, under 9665  
thirteen years of age, or a peace officer engaged in the 9666  
officer's official duties at the time of the alleged offense. 9667

(8) If the offender is charged with a violation of section 9668  
2925.24 of the Revised Code, the alleged violation did not 9669  
result in physical harm to any person. 9670

(9) The offender is willing to comply with all terms and 9671  
conditions imposed by the court pursuant to division (D) of this 9672  
section. 9673

(10) The offender is not charged with an offense that 9674  
would result in the offender being disqualified under Chapter 9675  
4506. of the Revised Code from operating a commercial motor 9676  
vehicle or would subject the offender to any other sanction 9677  
under that chapter. 9678

(C) At the conclusion of a hearing held pursuant to 9679

division (A) of this section, the court shall determine whether 9680  
the offender will be granted intervention in lieu of conviction. 9681  
In making this determination, the court shall presume that 9682  
intervention in lieu of conviction is appropriate. If the court 9683  
finds under this division and division (B) of this section that 9684  
the offender is eligible for intervention in lieu of conviction, 9685  
the court shall grant the offender's request unless the court 9686  
finds specific reasons to believe that the candidate's 9687  
participation in intervention in lieu of conviction would be 9688  
inappropriate. 9689

If the court denies an eligible offender's request for 9690  
intervention in lieu of conviction, the court shall state the 9691  
reasons for the denial, with particularity, in a written entry. 9692

If the court grants the offender's request, the court 9693  
shall accept the offender's plea of guilty and waiver of the 9694  
defendant's right to a speedy trial, the preliminary hearing, 9695  
the time period within which the grand jury may consider an 9696  
indictment against the offender, and arraignment, unless the 9697  
hearing, indictment, or arraignment has already occurred. In 9698  
addition, the court then may stay all criminal proceedings and 9699  
order the offender to comply with all terms and conditions 9700  
imposed by the court pursuant to division (D) of this section. 9701  
If the court finds that the offender is not eligible or does not 9702  
grant the offender's request, the criminal proceedings against 9703  
the offender shall proceed as if the offender's request for 9704  
intervention in lieu of conviction had not been made. 9705

(D) If the court grants an offender's request for 9706  
intervention in lieu of conviction, the court shall place the 9707  
offender under the general control and supervision of the county 9708  
probation department, the adult parole authority, or another 9709



appropriate local probation or court services agency, if one 9710  
exists, as if the offender was subject to a community control 9711  
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 9712  
the Revised Code. The court shall establish an intervention plan 9713  
for the offender. The terms and conditions of the intervention 9714  
plan shall require the offender, for at least one year, but not 9715  
more than five years, from the date on which the court grants 9716  
the order of intervention in lieu of conviction, to abstain from 9717  
the use of illegal drugs and alcohol, to participate in 9718  
treatment and recovery support services, and to submit to 9719  
regular random testing for drug and alcohol use and may include 9720  
any other treatment terms and conditions, or terms and 9721  
conditions similar to community control sanctions, which may 9722  
include community service or restitution, that are ordered by 9723  
the court. 9724

(E) If the court grants an offender's request for 9725  
intervention in lieu of conviction and the court finds that the 9726  
offender has successfully completed the intervention plan for 9727  
the offender, including the requirement that the offender 9728  
abstain from using illegal drugs and alcohol for a period of at 9729  
least one year, but not more than five years, from the date on 9730  
which the court granted the order of intervention in lieu of 9731  
conviction, the requirement that the offender participate in 9732  
treatment and recovery support services, and all other terms and 9733  
conditions ordered by the court, the court shall dismiss the 9734  
proceedings against the offender. Successful completion of the 9735  
intervention plan and period of abstinence under this section 9736  
shall be without adjudication of guilt and is not a criminal 9737  
conviction for purposes of any disqualification or disability 9738  
imposed by law and upon conviction of a crime, and the court may 9739  
order the sealing or expungement of records related to the 9740

offense in question, as a dismissal of the charges, in the 9741  
manner provided in sections ~~2953.51 to 2953.56~~ 2953.31, 2953.33, 9742  
2953.37, and 2953.521 of the Revised Code and divisions (H), 9743  
(K), and (L) of section 2953.34 of the Revised Code. 9744

(F) If the court grants an offender's request for 9745  
intervention in lieu of conviction and the offender fails to 9746  
comply with any term or condition imposed as part of the 9747  
intervention plan for the offender, the supervising authority 9748  
for the offender promptly shall advise the court of this 9749  
failure, and the court shall hold a hearing to determine whether 9750  
the offender failed to comply with any term or condition imposed 9751  
as part of the plan. If the court determines that the offender 9752  
has failed to comply with any of those terms and conditions, it 9753  
may continue the offender on intervention in lieu of conviction, 9754  
continue the offender on intervention in lieu of conviction with 9755  
additional terms, conditions, and sanctions, or enter a finding 9756  
of guilty and impose an appropriate sanction under Chapter 2929. 9757  
of the Revised Code. If the court sentences the offender to a 9758  
prison term, the court, after consulting with the department of 9759  
rehabilitation and correction regarding the availability of 9760  
services, may order continued court-supervised activity and 9761  
treatment of the offender during the prison term and, upon 9762  
consideration of reports received from the department concerning 9763  
the offender's progress in the program of activity and 9764  
treatment, may consider judicial release under section 2929.20 9765  
of the Revised Code. 9766

(G) As used in this section: 9767

(1) "Community addiction services provider" has the same 9768  
meaning as in section 5119.01 of the Revised Code. 9769

(2) "Community control sanction" has the same meaning as 9770

in section 2929.01 of the Revised Code. 9771

(3) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section. 9772  
9773

(4) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code. 9774  
9775

(5) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 9776  
9777

(6) "Mental illness" and "psychiatrist" have the same meanings as in section 5122.01 of the Revised Code. 9778  
9779

(7) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code. 9780  
9781

(8) "Felony sex offense" means a violation of a section contained in Chapter 2907. of the Revised Code that is a felony. 9782  
9783

**Sec. 2953.25.** (A) As used in this section: 9784

(1) "Collateral sanction" means a penalty, disability, or disadvantage that is related to employment or occupational licensing, however denominated, as a result of the individual's conviction of or plea of guilty to an offense and that applies by operation of law in this state whether or not the penalty, disability, or disadvantage is included in the sentence or judgment imposed. 9785  
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"Collateral sanction" does not include imprisonment, probation, parole, supervised release, forfeiture, restitution, fine, assessment, or costs of prosecution. 9792  
9793  
9794

(2) "Decision-maker" includes, but is not limited to, the state acting through a department, agency, board, commission, or instrumentality established by the law of this state for the 9795  
9796  
9797

exercise of any function of government, a political subdivision, 9798  
an educational institution, or a government contractor or 9799  
subcontractor made subject to this section by contract, law, or 9800  
ordinance. 9801

(3) "Department-funded program" means a residential or 9802  
nonresidential program that is not a term in a state 9803  
correctional institution, that is funded in whole or part by the 9804  
department of rehabilitation and correction, and that is imposed 9805  
as a sanction for an offense, as part of a sanction that is 9806  
imposed for an offense, or as a term or condition of any 9807  
sanction that is imposed for an offense. 9808

(4) "Designee" means the person designated by the deputy 9809  
director of the division of parole and community services to 9810  
perform the duties designated in division (B) of this section. 9811

(5) "Division of parole and community services" means the 9812  
division of parole and community services of the department of 9813  
rehabilitation and correction. 9814

(6) "Offense" means any felony or misdemeanor under the 9815  
laws of this state. 9816

(7) "Political subdivision" has the same meaning as in 9817  
section 2969.21 of the Revised Code. 9818

(8) "Discretionary civil impact," "licensing agency," and 9819  
"mandatory civil impact" have the same meanings as in section 9820  
2961.21 of the Revised Code. 9821

(B) (1) An individual who is subject to one or more 9822  
collateral sanctions as a result of being convicted of or 9823  
pleading guilty to an offense and who either has served a term 9824  
in a state correctional institution for any offense or has spent 9825  
time in a department-funded program for any offense may file a 9826

petition with the designee of the deputy director of the 9827  
division of parole and community services for a certificate of 9828  
qualification for employment. 9829

(2) An individual who is subject to one or more collateral 9830  
sanctions as a result of being convicted of or pleading guilty 9831  
to an offense and who is not in a category described in division 9832  
(B) (1) of this section may file for a certificate of 9833  
qualification for employment by doing either of the following: 9834

(a) In the case of an individual who resides in this 9835  
state, filing a petition with the court of common pleas of the 9836  
county in which the person resides or with the designee of the 9837  
deputy director of the division of parole and community 9838  
services; 9839

(b) In the case of an individual who resides outside of 9840  
this state, filing a petition with the court of common pleas of 9841  
any county in which any conviction or plea of guilty from which 9842  
the individual seeks relief was entered or with the designee of 9843  
the deputy director of the division of parole and community 9844  
services. 9845

(3) A petition under division (B) (1) or (2) of this 9846  
section shall be made on a copy of the form prescribed by the 9847  
division of parole and community services under division (J) of 9848  
this section, shall contain all of the information described in 9849  
division (F) of this section, and, except as provided in 9850  
division (B) (6) of this section, shall be accompanied by an 9851  
application fee of fifty dollars. 9852

(4) (a) Except as provided in division (B) (4) (b) of this 9853  
section, an individual may file a petition under division (B) (1) 9854  
or (2) of this section at any time after the expiration of 9855

whichever of the following is applicable: 9856

(i) If the offense that resulted in the collateral 9857  
sanction from which the individual seeks relief is a felony, at 9858  
any time after the expiration of one year from the date of 9859  
release of the individual from any period of incarceration in a 9860  
state or local correctional facility that was imposed for that 9861  
offense and all periods of supervision imposed after release 9862  
from the period of incarceration or, if the individual was not 9863  
incarcerated for that offense, at any time after the expiration 9864  
of one year from the date of the individual's final release from 9865  
all other sanctions imposed for that offense. 9866

(ii) If the offense that resulted in the collateral 9867  
sanction from which the individual seeks relief is a 9868  
misdemeanor, at any time after the expiration of six months from 9869  
the date of release of the individual from any period of 9870  
incarceration in a local correctional facility that was imposed 9871  
for that offense and all periods of supervision imposed after 9872  
release from the period of incarceration or, if the individual 9873  
was not incarcerated for that offense, at any time after the 9874  
expiration of six months from the date of the final release of 9875  
the individual from all sanctions imposed for that offense 9876  
including any period of supervision. 9877

(b) The department of rehabilitation and correction may 9878  
establish criteria by rule adopted under Chapter 119. of the 9879  
Revised Code that, if satisfied by an individual, would allow 9880  
the individual to file a petition before the expiration of six 9881  
months or one year from the date of final release, whichever is 9882  
applicable under division (B) (4) (a) of this section. 9883

(5) (a) A designee that receives a petition for a 9884  
certificate of qualification for employment from an individual 9885

under division (B) (1) or (2) of this section shall review the 9886  
petition to determine whether it is complete. If the petition is 9887  
complete, the designee shall forward the petition, the 9888  
application fee, and any other information the designee 9889  
possesses that relates to the petition, to the court of common 9890  
pleas of the county in which the individual resides if the 9891  
individual submitting the petition resides in this state or, if 9892  
the individual resides outside of this state, to the court of 9893  
common pleas of the county in which the conviction or plea of 9894  
guilty from which the individual seeks relief was entered. 9895

(b) A court of common pleas that receives a petition for a 9896  
certificate of qualification for employment from an individual 9897  
under division (B) (2) of this section, or that is forwarded a 9898  
petition for such a certificate under division (B) (5) (a) of this 9899  
section, shall attempt to determine all other courts in this 9900  
state in which the individual was convicted of or pleaded guilty 9901  
to an offense other than the offense from which the individual 9902  
is seeking relief. The court that receives or is forwarded the 9903  
petition shall notify all other courts in this state that it 9904  
determines under this division were courts in which the 9905  
individual was convicted of or pleaded guilty to an offense 9906  
other than the offense from which the individual is seeking 9907  
relief that the individual has filed the petition and that the 9908  
court may send comments regarding the possible issuance of the 9909  
certificate. 9910

A court of common pleas that receives a petition for a 9911  
certificate of qualification for employment under division (B) 9912  
(2) of this section shall notify the county's prosecuting 9913  
attorney that the individual has filed the petition. 9914

A court of common pleas that receives a petition for a 9915

certificate of qualification for employment under division (B) 9916  
(2) of this section, or that is forwarded a petition for 9917  
qualification under division (B) (5) (a) of this section may 9918  
direct the clerk of court to process and record all notices 9919  
required in or under this section. Except as provided in 9920  
division (B) (6) of this section, the court shall pay thirty 9921  
dollars of the application fee into the state treasury and 9922  
twenty dollars of the application fee into the county general 9923  
revenue fund. 9924

(6) Upon receiving a petition for a certificate of 9925  
qualification for employment filed by an individual under 9926  
division (B) (1) or (2) of this section, a court of common pleas 9927  
or the designee of the deputy director of the division of parole 9928  
and community services who receives the petition may waive all 9929  
or part of the fifty-dollar filing fee for an applicant who is 9930  
indigent. If an application fee is partially waived, the first 9931  
twenty dollars of the fee that is collected shall be paid into 9932  
the county general revenue fund. Any partial fee collected in 9933  
excess of twenty dollars shall be paid into the state treasury. 9934

(C) (1) Upon receiving a petition for a certificate of 9935  
qualification for employment filed by an individual under 9936  
division (B) (2) of this section or being forwarded a petition 9937  
for such a certificate under division (B) (5) (a) of this section, 9938  
the court shall review the individual's petition, the 9939  
individual's criminal history, except for information contained 9940  
in any record that has been sealed under section 2953.32 of the 9941  
Revised Code, all filings submitted by the prosecutor or by the 9942  
victim in accordance with rules adopted by the division of 9943  
parole and community services, the applicant's military service 9944  
record, if applicable, and whether the applicant has an 9945  
emotional, mental, or physical condition that is traceable to 9946



the applicant's military service in the armed forces of the 9947  
United States and that was a contributing factor in the 9948  
commission of the offense or offenses, and all other relevant 9949  
evidence. The court may order any report, investigation, or 9950  
disclosure by the individual that the court believes is 9951  
necessary for the court to reach a decision on whether to 9952  
approve the individual's petition for a certificate of 9953  
qualification for employment, except that the court shall not 9954  
require an individual to disclose information about any record 9955  
sealed under section 2953.32 of the Revised Code. 9956

(2) Upon receiving a petition for a certificate of 9957  
qualification for employment filed by an individual under 9958  
division (B) (2) of this section or being forwarded a petition 9959  
for such a certificate under division (B) (5) (a) of this section, 9960  
except as otherwise provided in this division, the court shall 9961  
decide whether to issue the certificate within sixty days after 9962  
the court receives or is forwarded the completed petition and 9963  
all information requested for the court to make that decision. 9964  
Upon request of the individual who filed the petition, the court 9965  
may extend the sixty-day period specified in this division. 9966

(3) Except as provided in division (C) (5) of this section 9967  
and subject to division (C) (7) of this section, a court that 9968  
receives an individual's petition for a certificate of 9969  
qualification for employment under division (B) (2) of this 9970  
section or that is forwarded a petition for such a certificate 9971  
under division (B) (5) (a) of this section may issue a certificate 9972  
of qualification for employment, at the court's discretion, if 9973  
the court finds that the individual has established all of the 9974  
following by a preponderance of the evidence: 9975

(a) Granting the petition will materially assist the 9976

individual in obtaining employment or occupational licensing. 9977

(b) The individual has a substantial need for the relief 9978  
requested in order to live a law-abiding life. 9979

(c) Granting the petition would not pose an unreasonable 9980  
risk to the safety of the public or any individual. 9981

(4) The submission of an incomplete petition by an 9982  
individual shall not be grounds for the designee or court to 9983  
deny the petition. 9984

(5) Subject to division (C)(6) of this section, an 9985  
individual is rebuttably presumed to be eligible for a 9986  
certificate of qualification for employment if the court that 9987  
receives the individual's petition under division (B)(2) of this 9988  
section or that is forwarded a petition under division (B)(5)(a) 9989  
of this section finds all of the following: 9990

(a) The application was filed after the expiration of the 9991  
applicable waiting period prescribed in division (B)(4) of this 9992  
section; 9993

(b) If the offense that resulted in the collateral 9994  
sanction from which the individual seeks relief is a felony, at 9995  
least three years have elapsed since the date of release of the 9996  
individual from any period of incarceration in a state or local 9997  
correctional facility that was imposed for that offense and all 9998  
periods of supervision imposed after release from the period of 9999  
incarceration or, if the individual was not incarcerated for 10000  
that offense, at least three years have elapsed since the date 10001  
of the individual's final release from all other sanctions 10002  
imposed for that offense; 10003

(c) If the offense that resulted in the collateral 10004  
sanction from which the individual seeks relief is a 10005

misdemeanor, at least one year has elapsed since the date of 10006  
release of the individual from any period of incarceration in a 10007  
local correctional facility that was imposed for that offense 10008  
and all periods of supervision imposed after release from the 10009  
period of incarceration or, if the individual was not 10010  
incarcerated for that offense, at least one year has elapsed 10011  
since the date of the final release of the individual from all 10012  
sanctions imposed for that offense including any period of 10013  
supervision. 10014

(6) An application that meets all of the requirements for 10015  
the presumption under division (C) (5) of this section shall be 10016  
denied only if the court that receives the petition finds that 10017  
the evidence reviewed under division (C) (1) of this section 10018  
rebutts the presumption of eligibility for issuance by 10019  
establishing, by clear and convincing evidence, that the 10020  
applicant has not been rehabilitated. 10021

(7) A certificate of qualification for employment shall 10022  
not create relief from any of the following collateral 10023  
sanctions: 10024

(a) Requirements imposed by Chapter 2950. of the Revised 10025  
Code and rules adopted under sections 2950.13 and 2950.132 of 10026  
the Revised Code; 10027

(b) A driver's license, commercial driver's license, or 10028  
probationary license suspension, cancellation, or revocation 10029  
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of 10030  
the Revised Code if the relief sought is available pursuant to 10031  
section 4510.021 or division (B) of section 4510.13 of the 10032  
Revised Code; 10033

(c) Restrictions on employment as a prosecutor or law 10034

enforcement officer; 10035

(d) The denial, ineligibility, or automatic suspension of 10036  
a license that is imposed upon an individual applying for or 10037  
holding a license as a health care professional under Title 10038  
XLVII of the Revised Code if the individual is convicted of, 10039  
pleads guilty to, is subject to a judicial finding of 10040  
eligibility for intervention in lieu of conviction in this state 10041  
under section 2951.041 of the Revised Code, or is subject to 10042  
treatment or intervention in lieu of conviction for a violation 10043  
of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 10044  
2907.03, 2907.05, 2909.02, 2911.01, 2911.11, 2919.123, or 10045  
2919.124 of the Revised Code; 10046

(e) The immediate suspension of a license, certificate, or 10047  
evidence of registration that is imposed upon an individual 10048  
holding a license as a health care professional under Title 10049  
XLVII of the Revised Code pursuant to division (C) of section 10050  
3719.121 of the Revised Code; 10051

(f) The denial or ineligibility for employment in a pain 10052  
clinic under division (B) (4) of section 4729.552 of the Revised 10053  
Code; 10054

(g) The mandatory suspension of a license that is imposed 10055  
on an individual applying for or holding a license as a health 10056  
care professional under Title XLVII of the Revised Code pursuant 10057  
to section 3123.43 of the Revised Code. 10058

(8) If a court that receives an individual's petition for 10059  
a certificate of qualification for employment under division (B) 10060  
(2) of this section or that is forwarded a petition for such a 10061  
certificate under division (B) (5) (a) of this section denies the 10062  
petition, the court shall provide written notice to the 10063

individual of the court's denial. The court may place conditions 10064  
on the individual regarding the individual's filing of any 10065  
subsequent petition for a certificate of qualification for 10066  
employment. The written notice must notify the individual of any 10067  
conditions placed on the individual's filing of a subsequent 10068  
petition for a certificate of qualification for employment. 10069

If a court of common pleas that receives an individual's 10070  
petition for a certificate of qualification for employment under 10071  
division (B) (2) of this section or that is forwarded a petition 10072  
for such a certificate under division (B) (5) (a) of this section 10073  
denies the petition, the individual may appeal the decision to 10074  
the court of appeals only if the individual alleges that the 10075  
denial was an abuse of discretion on the part of the court of 10076  
common pleas. 10077

(D) (1) A certificate of qualification for employment 10078  
issued to an individual lifts the automatic bar of a collateral 10079  
sanction, and a decision-maker shall consider on a case-by-case 10080  
basis whether to grant or deny the issuance or restoration of an 10081  
occupational license or an employment opportunity, 10082  
notwithstanding the individual's possession of the certificate, 10083  
without, however, reconsidering or rejecting any finding made by 10084  
a designee or court under division (C) (3) of this section. 10085

(2) The certificate constitutes a rebuttable presumption 10086  
that the person's criminal convictions are insufficient evidence 10087  
that the person is unfit for the license, employment 10088  
opportunity, or certification in question. Notwithstanding the 10089  
presumption established under this division, the agency may deny 10090  
the license or certification for the person if it determines 10091  
that the person is unfit for issuance of the license. 10092

(3) If an employer that has hired a person who has been 10093

issued a certificate of qualification for employment applies to 10094  
a licensing agency for a license or certification and the person 10095  
has a conviction or guilty plea that otherwise would bar the 10096  
person's employment with the employer or licensure for the 10097  
employer because of a mandatory civil impact, the agency shall 10098  
give the person individualized consideration, notwithstanding 10099  
the mandatory civil impact, the mandatory civil impact shall be 10100  
considered for all purposes to be a discretionary civil impact, 10101  
and the certificate constitutes a rebuttable presumption that 10102  
the person's criminal convictions are insufficient evidence that 10103  
the person is unfit for the employment, or that the employer is 10104  
unfit for the license or certification, in question. 10105

(E) A certificate of qualification for employment does not 10106  
grant the individual to whom the certificate was issued relief 10107  
from the mandatory civil impacts identified in division (A) (1) 10108  
of section 2961.01 or division (B) of section 2961.02 of the 10109  
Revised Code. 10110

(F) A petition for a certificate of qualification for 10111  
employment filed by an individual under division (B) (1) or (2) 10112  
of this section shall include all of the following: 10113

(1) The individual's name, date of birth, and social 10114  
security number; 10115

(2) All aliases of the individual and all social security 10116  
numbers associated with those aliases; 10117

(3) The individual's residence address, including the 10118  
city, county, and state of residence and zip code; 10119

(4) The length of time that the individual has resided in 10120  
the individual's current state of residence, expressed in years 10121  
and months of residence; 10122

(5) A general statement as to why the individual has filed the petition and how the certificate of qualification for employment would assist the individual;	10123 10124 10125
(6) A summary of the individual's criminal history, except for information contained in any record that has been sealed <u>or expunged</u> under section 2953.32 of the Revised Code, with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses;	10126 10127 10128 10129 10130 10131
(7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer;	10132 10133 10134
(8) Verifiable references and endorsements;	10135
(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan;	10136 10137 10138
(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted;	10139 10140
(11) Any other information required by rule by the department of rehabilitation and correction.	10141 10142
(G) (1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the certificate of qualification for employment was issued if the person knew of the certificate at the time of the alleged negligence or other	10143 10144 10145 10146 10147 10148 10149 10150 10151

fault. 10152

(2) In any proceeding on a claim against an employer for 10153  
negligent hiring, a certificate of qualification for employment 10154  
issued to an individual under this section shall provide 10155  
immunity for the employer as to the claim if the employer knew 10156  
of the certificate at the time of the alleged negligence. 10157

(3) If an employer hires an individual who has been issued 10158  
a certificate of qualification for employment under this 10159  
section, if the individual, after being hired, subsequently 10160  
demonstrates dangerousness or is convicted of or pleads guilty 10161  
to a felony, and if the employer retains the individual as an 10162  
employee after the demonstration of dangerousness or the 10163  
conviction or guilty plea, the employer may be held liable in a 10164  
civil action that is based on or relates to the retention of the 10165  
individual as an employee only if it is proved by a 10166  
preponderance of the evidence that the person having hiring and 10167  
firing responsibility for the employer had actual knowledge that 10168  
the employee was dangerous or had been convicted of or pleaded 10169  
guilty to the felony and was willful in retaining the individual 10170  
as an employee after the demonstration of dangerousness or the 10171  
conviction or guilty plea of which the person has actual 10172  
knowledge. 10173

(H) A certificate of qualification for employment issued 10174  
under this section shall be revoked if the individual to whom 10175  
the certificate of qualification for employment was issued is 10176  
convicted of or pleads guilty to a felony offense committed 10177  
subsequent to the issuance of the certificate of qualification 10178  
for employment. The department of rehabilitation and correction 10179  
shall periodically review the certificates listed in the 10180  
database described in division (K) of this section to identify 10181



those that are subject to revocation under this division. Upon 10182  
identifying a certificate of qualification for employment that 10183  
is subject to revocation, the department shall note in the 10184  
database that the certificate has been revoked, the reason for 10185  
revocation, and the effective date of revocation, which shall be 10186  
the date of the conviction or plea of guilty subsequent to the 10187  
issuance of the certificate. 10188

(I) A designee's forwarding, or failure to forward, a 10189  
petition for a certificate of qualification for employment to a 10190  
court or a court's issuance, or failure to issue, a petition for 10191  
a certificate of qualification for employment to an individual 10192  
under division (B) of this section does not give rise to a claim 10193  
for damages against the department of rehabilitation and 10194  
correction or court. 10195

(J) The division of parole and community services shall 10196  
adopt rules in accordance with Chapter 119. of the Revised Code 10197  
for the implementation and administration of this section and 10198  
shall prescribe the form for the petition to be used under 10199  
division (B)(1) or (2) of this section. The form for the 10200  
petition shall include places for all of the information 10201  
specified in division (F) of this section. 10202

(K) The department of rehabilitation and correction shall 10203  
maintain a database that identifies granted certificates and 10204  
revoked certificates and tracks the number of certificates 10205  
granted and revoked, the industries, occupations, and 10206  
professions with respect to which the certificates have been 10207  
most applicable, and the types of employers that have accepted 10208  
the certificates. The department shall annually create a report 10209  
that summarizes the information maintained in the database and 10210  
shall make the report available to the public on its internet 10211

web site. 10212

**Sec. 2953.31.** As used in sections 2953.31 to ~~2953.36~~ 10213  
2953.521 of the Revised Code: 10214

~~(A) (1) "Eligible offender" means either of the following:~~ 10215

~~(a) Anyone who has been convicted of one or more offenses~~ 10216  
~~in this state or any other jurisdiction, if all of the offenses~~ 10217  
~~in this state are felonies of the fourth or fifth degree or~~ 10218  
~~misdemeanors and none of those offenses are an offense of~~ 10219  
~~violence or a felony sex offense and all of the offenses in~~ 10220  
~~another jurisdiction, if committed in this state, would be~~ 10221  
~~felonies of the fourth or fifth degree or misdemeanors and none~~ 10222  
~~of those offenses would be an offense of violence or a felony~~ 10223  
~~sex offense;~~ 10224

~~(b) Anyone who has been convicted of an offense in this~~ 10225  
~~state or any other jurisdiction, to whom division (A) (1) (a) of~~ 10226  
~~this section does not apply, and who has not more than two~~ 10227  
~~felony convictions, has not more than four misdemeanor~~ 10228  
~~convictions, or, if the person has exactly two felony~~ 10229  
~~convictions, has not more than those two felony convictions and~~ 10230  
~~two misdemeanor convictions in this state or any other~~ 10231  
~~jurisdiction. The conviction that is requested to be sealed~~ 10232  
~~shall be a conviction that is eligible for sealing as provided~~ 10233  
~~in section 2953.36 of the Revised Code. When two or more~~ 10234  
~~convictions result from or are connected with the same act or~~ 10235  
~~result from offenses committed at the same time, they shall be~~ 10236  
~~counted as one conviction. When two or three convictions result~~ 10237  
~~from the same indictment, information, or complaint, from the~~ 10238  
~~same plea of guilty, or from the same official proceeding, and~~ 10239  
~~result from related criminal acts that were committed within a~~ 10240  
~~three month period but do not result from the same act or from~~ 10241

~~offenses committed at the same time, they shall be counted as one conviction, provided that a court may decide as provided in division (C) (1) (a) of section 2953.32 of the Revised Code that it is not in the public interest for the two or three convictions to be counted as one conviction.~~ 10242  
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~~(2) For purposes of, and except as otherwise provided in, division (A) (1) (b) of this section, a conviction for a minor misdemeanor, for a violation of any section in Chapter 4507., 4510., 4511., 4513., or 4549. of the Revised Code, or for a violation of a municipal ordinance that is substantially similar to any section in those chapters is not a conviction. However, a conviction for a violation of section 4511.19, 4511.251, 4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections 4549.41 to 4549.46 of the Revised Code, for a violation of section 4510.11 or 4510.14 of the Revised Code that is based upon the offender's operation of a vehicle during a suspension imposed under section 4511.191 or 4511.196 of the Revised Code, for a violation of a substantially equivalent municipal ordinance, for a felony violation of Title XLV of the Revised Code, or for a violation of a substantially equivalent former law of this state or former municipal ordinance shall be considered a conviction.~~ 10247  
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~~(B)~~ (A) "Prosecutor" means the county prosecuting attorney, city director of law, village solicitor, or similar chief legal officer, who has the authority to prosecute a criminal case in the court in which the case is filed. 10264  
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~~(C)~~ (B) "Bail forfeiture" means the forfeiture of bail by a defendant who is arrested for the commission of a misdemeanor, other than a defendant in a traffic case as defined in Traffic Rule 2, if the forfeiture is pursuant to an agreement with the 10268  
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court and prosecutor in the case. 10272

~~(D)~~ (C) "Official records" has the same meaning as in 10273  
division (D) of section 2953.51 of the Revised Code, except that 10274  
it also includes means all records that are possessed by any 10275  
public office or agency that relate to a criminal case, 10276  
including, but not limited to: the notation to the case in the 10277  
criminal docket; all subpoenas issued in the case; all papers 10278  
and documents filed by the defendant or the prosecutor in the 10279  
case; all records of all testimony and evidence presented in all 10280  
proceedings in the case; all court files, papers, documents, 10281  
folders, entries, affidavits, or writs that pertain to the case; 10282  
all computer, microfilm, microfiche, or microdot records, 10283  
indices, or references to the case; all index references to the 10284  
case; all fingerprints and photographs; all DNA specimens, DNA 10285  
records, and DNA profiles; all records and investigative reports 10286  
pertaining to the case that are possessed by any law enforcement 10287  
officer or agency, except that any records or reports that are 10288  
the specific investigatory work product of a law enforcement 10289  
officer or agency are not and shall not be considered to be 10290  
official records when they are in the possession of that officer 10291  
or agency; all investigative records and reports other than 10292  
those possessed by a law enforcement officer or agency 10293  
pertaining to the case; and all records that are possessed by 10294  
any public office or agency that relate to an application for, 10295  
or the issuance or denial of, a certificate of qualification for 10296  
employment under section 2953.25 of the Revised Code. 10297

~~(E)~~ "Official records" does not include any of the 10298  
following: 10299

(1) Records or reports maintained pursuant to section 10300  
2151.421 of the Revised Code by a public children services 10301

<u>agency or the department of job and family services;</u>	10302
<u>(2) Any report of an investigation maintained by the</u>	10303
<u>inspector general pursuant to section 121.42 of the Revised</u>	10304
<u>Code, to the extent that the report contains information that</u>	10305
<u>pertains to an individual who was convicted of or pleaded guilty</u>	10306
<u>to an offense discovered in or related to the investigation and</u>	10307
<u>whose conviction or guilty plea was not overturned on appeal;</u>	10308
<u>(3) Records, reports, or audits maintained by the auditor</u>	10309
<u>of state pursuant to Chapter 117. of the Revised Code.</u>	10310
<u>(D) "Official proceeding" has the same meaning as in</u>	10311
<u>section 2921.01 of the Revised Code.</u>	10312
<del>(F)</del> <u>(E) "Community control sanction" has the same meaning</u>	10313
<u>as in section 2929.01 of the Revised Code.</u>	10314
<del>(G)</del> <u>(F) "Post-release control" and "post-release control</u>	10315
<u>sanction" have the same meanings as in section 2967.01 of the</u>	10316
<u>Revised Code.</u>	10317
<del>(H)</del> <u>(G) "DNA database," "DNA record," and "law enforcement</u>	10318
<u>agency" have the same meanings as in section 109.573 of the</u>	10319
<u>Revised Code.</u>	10320
<del>(I)</del> <u>(H) "Fingerprints filed for record" means any</u>	10321
<u>fingerprints obtained by the superintendent of the bureau of</u>	10322
<u>criminal identification and investigation pursuant to sections</u>	10323
<u>109.57 and 109.571 of the Revised Code.</u>	10324
<u>(I) "Investigatory work product" means any records or</u>	10325
<u>reports of a law enforcement officer or agency that are excepted</u>	10326
<u>from the definition of "official records" and that pertain to a</u>	10327
<u>conviction or bail forfeiture, the records of which have been</u>	10328
<u>ordered sealed or expunged pursuant to division (D) (2) of</u>	10329

section 2953.32 of the Revised Code, or that pertain to a 10330  
conviction or delinquent child adjudication, the records of 10331  
which have been ordered expunged pursuant to division (E) of 10332  
section 2151.358, division (C)(2) of section 2953.35, or 10333  
division (F) of section 2953.36 of the Revised Code. 10334

(J) "Law enforcement or justice system matter" means an 10335  
arrest, complaint, indictment, trial, hearing, adjudication, 10336  
conviction, or correctional supervision. 10337

(K) "Expunge" means to destroy, delete, and erase a record 10338  
as appropriate for the record's physical or electronic form or 10339  
characteristic so that the record is permanently irretrievable. 10340

(L) "Record of conviction" means the record related to a 10341  
conviction of or plea of guilty to an offense. 10342

(M) "Victim of human trafficking" means a person who is or 10343  
was a victim of a violation of section 2905.32 of the Revised 10344  
Code, regardless of whether anyone has been convicted of a 10345  
violation of that section or of any other section for 10346  
victimizing the person. 10347

(N) "No bill" means a report by the foreperson or deputy 10348  
foreperson of a grand jury that an indictment is not found by 10349  
the grand jury against a person who has been held to answer 10350  
before the grand jury for the commission of an offense. 10351

(O) "Court" means the court in which a case is pending at 10352  
the time a finding of not guilty in the case or a dismissal of 10353  
the complaint, indictment, or information in the case is entered 10354  
on the minutes or journal of the court, or the court to which 10355  
the foreperson or deputy foreperson of a grand jury reports, 10356  
pursuant to section 2939.23 of the Revised Code, that the grand 10357  
jury has returned a no bill. 10358

Sec. 2953.32. ~~(A)(1)~~(A) Sections 2953.32 to 2953.34 of 10359  
the Revised Code do not apply to any of the following: 10360

(1) Convictions under Chapter 4506., 4507., 4510., 4511., 10361  
or 4549. of the Revised Code, or a conviction for a violation of 10362  
a municipal ordinance that is substantially similar to any 10363  
section contained in any of those chapters; 10364

(2) Convictions of a felony offense of violence that is 10365  
not a sexually oriented offense; 10366

(3) Convictions of a sexually oriented offense when the 10367  
offender is subject to the requirements of Chapter 2950. of the 10368  
Revised Code or Chapter 2950. of the Revised Code as it existed 10369  
prior to January 1, 2008; 10370

(4) Convictions of an offense in circumstances in which 10371  
the victim of the offense was less than thirteen years of age, 10372  
except for convictions under section 2919.21 of the Revised 10373  
Code; 10374

(5) Convictions of a felony of the first or second degree. 10375

(B)(1) Except as provided in section 2953.61 of the 10376  
Revised Code or as otherwise provided in division ~~(A)(1)(d)~~(B) 10377  
(1)(c) of this section, an eligible offender may apply to the 10378  
sentencing court if convicted in this state, or to a court of 10379  
common pleas if convicted in another state or in a federal 10380  
court, for the sealing or expungement of the record of the case 10381  
that pertains to the conviction, except for convictions listed 10382  
under in division (A) of this section-2953.36 of the Revised- 10383  
Code. Application may be made at one of the following times: 10384

(a) ~~At~~ Except as otherwise provided in division (B)(1)(d) 10385  
of this section, at the expiration of three years after the 10386  
offender's final discharge if convicted of a felony one or more 10387

felonies of the third degree, so long as none of the offenses is 10388  
a violation of section 2921.43 of the Revised Code; 10389

(b) ~~At~~ Except as otherwise provided in divisions (B) (1) (d) 10390  
and (e) of this section, at the expiration of one year after the 10391  
offender's final discharge if convicted of a felony one or more 10392  
felonies of the fourth or fifth degree or ~~a misdemeanor~~ one or 10393  
more misdemeanors, so long as none of the offenses is a 10394  
violation of section 2921.43 of the Revised Code. ~~or a felony~~ 10395  
offense of violence; 10396

(c) At the expiration of seven years after the offender's 10397  
final discharge if the record includes ~~a conviction~~ one or more 10398  
convictions of soliciting improper compensation in violation of 10399  
section 2921.43 of the Revised Code. ~~;~~ 10400

(d) If the offender was subject to the requirements of 10401  
Chapter 2950. of the Revised Code or Chapter 2950. of the 10402  
Revised Code as it existed prior to January 1, 2008, at the 10403  
expiration of five years after the requirements have ended under 10404  
section 2950.07 of the Revised Code or section 2950.07 of the 10405  
Revised Code as it existed prior to January 1, 2008, or are 10406  
terminated under section 2950.15 of the Revised Code; 10407

(e) At the expiration of five years after the offender's 10408  
final discharge if convicted of a violation of section 2919.25 10409  
of the Revised Code that is a misdemeanor of the first degree or 10410  
a violation of a municipal ordinance that is substantially 10411  
similar to that section and that would be a misdemeanor of the 10412  
first degree if the offender had been convicted of a violation 10413  
of that section; 10414

(f) At the expiration of six months after the offender's 10415  
final discharge if convicted of a minor misdemeanor. 10416



(2) Any person who has been arrested for any misdemeanor 10417  
offense and who has effected a bail forfeiture for the offense 10418  
charged may apply to the court in which the misdemeanor criminal 10419  
case was pending when bail was forfeited for the sealing or 10420  
expungement of the record of the case that pertains to the 10421  
charge. Except as provided in section 2953.61 of the Revised 10422  
Code, the application may be filed at any time after ~~the~~ 10423  
~~expiration of one year from~~ the date on which the bail 10424  
forfeiture was entered upon the minutes of the court or the 10425  
journal, whichever entry occurs first. 10426

~~(B)~~ (C) Upon the filing of an application under this 10427  
section, the court shall set a date for a hearing and shall 10428  
notify the prosecutor for the case of the hearing on the 10429  
application. The court shall hold the hearing not less than 10430  
forty-five days and not more than ninety days from the date of 10431  
the filing of the application. The prosecutor may object to the 10432  
granting of the application by filing ~~an~~ a written objection 10433  
with the court not later than thirty days prior to the date set 10434  
for the hearing. The prosecutor shall specify in the objection 10435  
the reasons for believing a denial of the application is 10436  
justified. The prosecutor shall provide notice of the 10437  
application and that date and time of the hearing to the victim 10438  
of the offense in the case pursuant to the Ohio Constitution. 10439  
The court shall direct its regular probation officer, a state 10440  
probation officer, or the department of probation of the county 10441  
in which the applicant resides to make inquiries and written 10442  
reports as the court requires concerning the applicant. The 10443  
probation officer or county department of probation that the 10444  
court directs to make inquiries and written reports as the court 10445  
requires concerning the applicant shall determine whether or not 10446  
the applicant was fingerprinted at the time of arrest or under 10447

section 109.60 of the Revised Code. If the applicant was so 10448  
fingerprinted, the probation officer or county department of 10449  
probation shall include with the written report a record of the 10450  
applicant's fingerprints. If the applicant was convicted of or 10451  
pleaded guilty to a violation of division (A) (2) or (B) of 10452  
section 2919.21 of the Revised Code, the probation officer or 10453  
county department of probation that the court directed to make 10454  
inquiries concerning the applicant shall contact the child 10455  
support enforcement agency enforcing the applicant's obligations 10456  
under the child support order to inquire about the offender's 10457  
compliance with the child support order. 10458

~~(C) (1) (D) (1)~~ The court shall do each of the following: 10459

(a) Determine whether the applicant is ~~an eligible~~ 10460  
~~offender pursuing sealing a conviction of an offense that is~~ 10461  
~~prohibited under division (A) of this section~~ or whether the 10462  
forfeiture of bail was agreed to by the applicant and the 10463  
prosecutor in the case. ~~If the applicant applies as an eligible~~ 10464  
~~offender pursuant to division (A) (1) of this section and has two~~ 10465  
~~or three convictions that result from the same indictment,~~ 10466  
~~information, or complaint, from the same plea of guilty, or from~~ 10467  
~~the same official proceeding, and result from related criminal~~ 10468  
~~acts that were committed within a three-month period but do not~~ 10469  
~~result from the same act or from offenses committed at the same~~ 10470  
~~time, in making its determination under this division, the court~~ 10471  
~~initially shall determine whether it is not in the public~~ 10472  
~~interest for the two or three convictions to be counted as one~~ 10473  
~~conviction. If the court determines that it is not in the public~~ 10474  
~~interest for the two or three convictions to be counted as one~~ 10475  
~~conviction, the court shall determine that the applicant is not~~ 10476  
~~an eligible offender; if the court does not make that~~ 10477  
~~determination, the court shall determine that the offender is an~~ 10478

<del>eligible offender.;</del>	10479
(b) Determine whether criminal proceedings are pending against the applicant;	10480 10481
(c) <del>If the applicant is an eligible offender who applies pursuant to division (A) (1) of this section, determine</del> <u>Determine</u> whether the applicant has been rehabilitated to the satisfaction of the court;	10482 10483 10484 10485
(d) If the prosecutor has filed an objection in accordance with division <del>(B)</del> <u>(C)</u> of this section, consider the reasons against granting the application specified by the prosecutor in the objection;	10486 10487 10488 10489
(e) <u>If the victim objected, pursuant to the Ohio Constitution, consider the reasons against granting the application specified by the victim in the objection;</u>	10490 10491 10492
<u>(f)</u> Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed <u>or expunged</u> against the legitimate needs, if any, of the government to maintain those records;	10493 10494 10495 10496
<del>(f)</del> <u>(g)</u> If the applicant <del>is</del> <u>was</u> an eligible offender of the type described in division (A) (3) of section 2953.36 of the Revised Code <u>as it existed prior to the effective date of this amendment</u> , determine whether the offender has been rehabilitated to a satisfactory degree. In making the determination, the court may consider all of the following:	10497 10498 10499 10500 10501 10502
(i) The age of the offender;	10503
(ii) The facts and circumstances of the offense;	10504
(iii) The cessation or continuation of criminal behavior;	10505

(iv) The education and employment of the offender; 10506

(v) Any other circumstances that may relate to the 10507  
offender's rehabilitation. 10508

(2) If the court determines, after complying with division 10509  
~~(C) (1) (D) (1)~~ of this section, ~~that the applicant is an eligible~~ 10510  
~~offender or the subject of a bail forfeiture,~~ that no criminal 10511  
proceeding is pending against the applicant, that the interests 10512  
of the applicant in having the records pertaining to the 10513  
applicant's conviction or bail forfeiture sealed or expunged are 10514  
not outweighed by any legitimate governmental needs to maintain 10515  
those records, and that the rehabilitation of ~~an~~ the applicant 10516  
~~who is an eligible offender applying pursuant to division (A) (1)~~ 10517  
~~of this section~~ has been attained to the satisfaction of the 10518  
court, the court, except as provided in division ~~(C) (4), (G),~~ 10519  
~~(H), or (I)~~ (D) (4) of this section or division (D), (F), or (G) 10520  
of section 2953.34 of the Revised Code, shall order all official 10521  
records of the case that pertain to the conviction or bail 10522  
forfeiture sealed or expunged and, except as provided in 10523  
division ~~(F)~~ (C) of ~~this section~~ 2953.34 of the Revised Code, 10524  
all index references to the case that pertain to the conviction 10525  
or bail forfeiture deleted and, in the case of bail forfeitures, 10526  
shall dismiss the charges in the case. The proceedings in the 10527  
case that pertain to the conviction or bail forfeiture shall be 10528  
considered not to have occurred and the conviction or bail 10529  
forfeiture of the person who is the subject of the proceedings 10530  
shall be sealed or expunged, except that upon conviction of a 10531  
subsequent offense, ~~the~~ a sealed record of prior conviction or 10532  
bail forfeiture may be considered by the court in determining 10533  
the sentence or other appropriate disposition, including the 10534  
relief provided for in sections ~~2953.31 to 2953.33, 2953.32, and~~ 10535  
2953.34 of the Revised Code. 10536

(3) An applicant may request the sealing or expungement of 10537  
the records of more than one case in a single application under 10538  
this section. Upon the filing of an application under this 10539  
section, the applicant, unless indigent, shall pay a fee of 10540  
fifty dollars, regardless of the number of records the 10541  
application requests to have sealed or expunged. The court shall 10542  
pay thirty dollars of the fee into the state treasury, with 10543  
fifteen dollars of that amount credited to the attorney general 10544  
reimbursement fund created by section 109.11 of the Revised 10545  
Code. It shall pay twenty dollars of the fee into the county 10546  
general revenue fund if the sealed or expunged conviction or 10547  
bail forfeiture was pursuant to a state statute, or into the 10548  
general revenue fund of the municipal corporation involved if 10549  
the sealed or expunged conviction or bail forfeiture was 10550  
pursuant to a municipal ordinance. 10551

(4) If the court orders the official records pertaining to 10552  
the case sealed or expunged, the court shall do one of the 10553  
following: 10554

(a) If the applicant was fingerprinted at the time of 10555  
arrest or under section 109.60 of the Revised Code and the 10556  
record of the applicant's fingerprints was provided to the court 10557  
under division ~~(B)~~ (C) of this section, forward a copy of the 10558  
sealing or expungement order and the record of the applicant's 10559  
fingerprints to the bureau of criminal identification and 10560  
investigation. 10561

(b) If the applicant was not fingerprinted at the time of 10562  
arrest or under section 109.60 of the Revised Code, or the 10563  
record of the applicant's fingerprints was not provided to the 10564  
court under division ~~(B)~~ (C) of this section, but fingerprinting 10565  
was required for the offense, order the applicant to appear 10566

before a sheriff to have the applicant's fingerprints taken 10567  
according to the fingerprint system of identification on the 10568  
forms furnished by the superintendent of the bureau of criminal 10569  
identification and investigation. The sheriff shall forward the 10570  
applicant's fingerprints to the court. The court shall forward 10571  
the applicant's fingerprints and a copy of the sealing or 10572  
expungement order to the bureau of criminal identification and 10573  
investigation. 10574

Failure of the court to order fingerprints at the time of 10575  
sealing or expungement does not constitute a reversible error. 10576

~~(D) Inspection of the sealed records included in the order 10577  
may be made only by the following persons or for the following 10578  
purposes:— 10579~~

~~(1) By a law enforcement officer or prosecutor, or the 10580  
assistants of either, to determine whether the nature and 10581  
character of the offense with which a person is to be charged 10582  
would be affected by virtue of the person's previously having 10583  
been convicted of a crime;— 10584~~

~~(2) By the parole or probation officer of the person who 10585  
is the subject of the records, for the exclusive use of the 10586  
officer in supervising the person while on parole or under a 10587  
community control sanction or a post-release control sanction, 10588  
and in making inquiries and written reports as requested by the 10589  
court or adult parole authority;— 10590~~

~~(3) Upon application by the person who is the subject of 10591  
the records, by the persons named in the application;— 10592~~

~~(4) By a law enforcement officer who was involved in the 10593  
case, for use in the officer's defense of a civil action arising 10594  
out of the officer's involvement in that case;— 10595~~

~~(5) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code;~~ 10596  
10597  
10598  
10599

~~(6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction or department of youth services as part of a background investigation of a person who applies for employment with the agency or with the department;~~ 10600  
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~~(7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, section 2953.321 of the Revised Code;~~ 10605  
10606  
10607  
10608

~~(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;~~ 10609  
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10611  
10612

~~(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;~~ 10613  
10614  
10615  
10616  
10617

~~(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;~~ 10618  
10619  
10620  
10621  
10622  
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~~(11) By the bureau of criminal identification and~~ 10624

~~investigation, an authorized employee of the bureau, a sheriff, 10625  
or an authorized employee of a sheriff in connection with a 10626  
criminal records check described in section 311.41 of the 10627  
Revised Code; 10628~~

~~(12) By the attorney general or an authorized employee of 10629  
the attorney general or a court for purposes of determining a 10630  
person's classification pursuant to Chapter 2950. of the Revised 10631  
Code; 10632~~

~~(13) By a court, the registrar of motor vehicles, a 10633  
prosecuting attorney or the prosecuting attorney's assistants, 10634  
or a law enforcement officer for the purpose of assessing points 10635  
against a person under section 4510.036 of the Revised Code or 10636  
for taking action with regard to points assessed. 10637~~

~~When the nature and character of the offense with which a 10638  
person is to be charged would be affected by the information, it 10639  
may be used for the purpose of charging the person with an 10640  
offense. 10641~~

~~(E) In any criminal proceeding, proof of any otherwise 10642  
admissible prior conviction may be introduced and proved, 10643  
notwithstanding the fact that for any such prior conviction an 10644  
order of sealing previously was issued pursuant to sections 10645  
2953.31 to 2953.36 of the Revised Code. 10646~~

~~(F) The person or governmental agency, office, or 10647  
department that maintains sealed records pertaining to 10648  
convictions or bail forfeitures that have been sealed pursuant 10649  
to this section may maintain a manual or computerized index to 10650  
the sealed records. The index shall contain only the name of, 10651  
and alphanumeric identifiers that relate to, the persons who are 10652  
the subject of the sealed records, the word "sealed," and the 10653~~



~~name of the person, agency, office, or department that has  
custody of the sealed records, and shall not contain the name of  
the crime committed. The index shall be made available by the  
person who has custody of the sealed records only for the  
purposes set forth in divisions (C), (D), and (E) of this  
section.~~

~~(G) Notwithstanding any provision of this section or  
section 2953.33 of the Revised Code that requires otherwise, a  
board of education of a city, local, exempted village, or joint-  
vocational school district that maintains records of an  
individual who has been permanently excluded under sections  
3301.121 and 3313.662 of the Revised Code is permitted to  
maintain records regarding a conviction that was used as the  
basis for the individual's permanent exclusion, regardless of a  
court order to seal the record. An order issued under this  
section to seal the record of a conviction does not revoke the  
adjudication order of the superintendent of public instruction  
to permanently exclude the individual who is the subject of the  
sealing order. An order issued under this section to seal the  
record of a conviction of an individual may be presented to a  
district superintendent as evidence to support the contention  
that the superintendent should recommend that the permanent  
exclusion of the individual who is the subject of the sealing  
order be revoked. Except as otherwise authorized by this  
division and sections 3301.121 and 3313.662 of the Revised Code,  
any school employee in possession of or having access to the  
sealed conviction records of an individual that were the basis  
of a permanent exclusion of the individual is subject to section  
2953.35 of the Revised Code.~~

~~(H) Notwithstanding any provision of this section or  
section 2953.33 of the Revised Code that requires otherwise, if~~

~~the auditor of state or a prosecutor maintains records, reports, 10685  
or audits of an individual who has been forever disqualified 10686  
from holding public office, employment, or position of trust in 10687  
this state under sections 2921.41 and 2921.43 of the Revised 10688  
Code, or has otherwise been convicted of an offense based upon 10689  
the records, reports, or audits of the auditor of state, the 10690  
auditor of state or prosecutor is permitted to maintain those 10691  
records to the extent they were used as the basis for the 10692  
individual's disqualification or conviction, and shall not be 10693  
compelled by court order to seal those records. 10694~~

~~(I) For purposes of sections 2953.31 to 2953.36 of the 10695  
Revised Code, DNA records collected in the DNA database and 10696  
fingerprints filed for record by the superintendent of the 10697  
bureau of criminal identification and investigation shall not be 10698  
sealed unless the superintendent receives a certified copy of a 10699  
final court order establishing that the offender's conviction 10700  
has been overturned. For purposes of this section, a court order 10701  
is not "final" if time remains for an appeal or application for 10702  
discretionary review with respect to the order. 10703~~

~~(J) The sealing of a record under this section does not 10704  
affect the assessment of points under section 4510.036 of the 10705  
Revised Code and does not erase points assessed against a person 10706  
as a result of the sealed record. A record that is expunged 10707  
under this section shall be destroyed, deleted, and erased, as 10708  
appropriate for the record's physical or electronic form or 10709  
characteristic, so that the record is permanently irretrievable. 10710~~

**Sec. 2953.52 2953.33.** (A) (1) Any person, who is found not 10711  
guilty of an offense by a jury or a court or who is the 10712  
defendant named in a dismissed complaint, indictment, or 10713  
information, may apply to the court for an order to seal the 10714

person's official records in the case. Except as provided in 10715  
section 2953.61 of the Revised Code, the application may be 10716  
filed at any time after the finding of not guilty or the 10717  
dismissal of the complaint, indictment, or information is 10718  
entered upon the minutes of the court or the journal, whichever 10719  
entry occurs first. 10720

(2) Any person, against whom a no bill is entered by a 10721  
grand jury, may apply to the court for an order to seal his 10722  
official records in the case. Except as provided in section 10723  
2953.61 of the Revised Code, the application may be filed at any 10724  
time after the expiration of two years after the date on which 10725  
the foreperson or deputy foreperson of the grand jury reports to 10726  
the court that the grand jury has reported a no bill. 10727

(3) Any person who is granted by the governor under 10728  
division (B) of section 2967.02 of the Revised Code an absolute 10729  
and entire pardon, a partial pardon, or a pardon upon conditions 10730  
precedent or subsequent may apply to the court for an order to 10731  
seal the person's official records in the case in which the 10732  
person was convicted of the offense for which any of those types 10733  
of pardons are granted. The application may be filed at any time 10734  
after an absolute and entire pardon or a partial pardon is 10735  
granted or at any time after all of the conditions precedent or 10736  
subsequent to the pardon are met. 10737

(B) (1) Upon the filing of an application pursuant to 10738  
division (A) of this section, the court shall set a date for a 10739  
hearing and shall notify the prosecutor in the case of the 10740  
hearing on the application. The court shall hold the hearing not 10741  
less than forty-five days and not more than ninety days from the 10742  
date of the filing of the application. The prosecutor may object 10743  
to the granting of the application by filing ~~an~~ a written 10744

objection with the court not later than thirty days prior to the 10745  
date set for the hearing. The prosecutor shall specify in the 10746  
objection the reasons the prosecutor believes justify a denial 10747  
of the application. 10748

(2) The court shall do each of the following, except as 10749  
provided in division (B)(3) of this section: 10750

(a)(i) Determine whether the person was found not guilty 10751  
in the case, or the complaint, indictment, or information in the 10752  
case was dismissed, or a no bill was returned in the case and a 10753  
period of two years or a longer period as required by section 10754  
2953.61 of the Revised Code has expired from the date of the 10755  
report to the court of that no bill by the foreperson or deputy 10756  
foreperson of the grand jury; 10757

(ii) If the complaint, indictment, or information in the 10758  
case was dismissed, determine whether it was dismissed with 10759  
prejudice or without prejudice and, if it was dismissed without 10760  
prejudice, determine whether the relevant statute of limitations 10761  
has expired; 10762

(b) Determine whether criminal proceedings are pending 10763  
against the person; 10764

(c) If the prosecutor has filed an objection in accordance 10765  
with division (B)(1) of this section, consider the reasons 10766  
against granting the application specified by the prosecutor in 10767  
the objection; 10768

(d) If the person was granted a pardon upon conditions 10769  
precedent or subsequent for the offense for which the person was 10770  
convicted, determine whether all of those conditions have been 10771  
met; 10772

(e) Weigh the interests of the person in having the 10773

official records pertaining to the case sealed against the 10774  
legitimate needs, if any, of the government to maintain those 10775  
records. 10776

(3) If the court determines after complying with division 10777  
(B) (2) (a) of this section that the person was found not guilty 10778  
in the case, that the complaint, indictment, or information in 10779  
the case was dismissed with prejudice, ~~or~~ that the complaint, 10780  
indictment, or information in the case was dismissed without 10781  
prejudice and that the relevant statute of limitations has 10782  
expired, or the individual was granted by the governor an 10783  
absolute and entire pardon, a partial pardon, or a pardon upon 10784  
conditions precedent or subsequent that have been met, the court 10785  
shall issue an order to the superintendent of the bureau of 10786  
criminal identification and investigation directing that the 10787  
superintendent seal or cause to be sealed the official records 10788  
in the case consisting of DNA specimens that are in the 10789  
possession of the bureau and all DNA records and DNA profiles. 10790  
The determinations and considerations described in divisions (B) 10791  
(2) (b), (c), and (d) of this section do not apply with respect 10792  
to a determination of the court described in this division. 10793

(4) The determinations described in this division are 10794  
separate from the determination described in division (B) (3) of 10795  
this section. If the court determines, after complying with 10796  
division (B) (2) of this section, that the person was found not 10797  
guilty in the case, that the complaint, indictment, or 10798  
information in the case was dismissed, the individual was 10799  
granted by the governor an absolute and entire pardon, a partial 10800  
pardon, or a pardon upon conditions precedent or subsequent that 10801  
have been met, or that a no bill was returned in the case and 10802  
that the appropriate period of time has expired from the date of 10803  
the report to the court of the no bill by the foreperson or 10804

deputy foreperson of the grand jury; that no criminal 10805  
proceedings are pending against the person; and the interests of 10806  
the person in having the records pertaining to the case sealed 10807  
are not outweighed by any legitimate governmental needs to 10808  
maintain such records, or if division (E) (2) (b) of section 10809  
4301.69 of the Revised Code applies, in addition to the order 10810  
required under division (B) (3) of this section, the court shall 10811  
issue an order directing that all official records pertaining to 10812  
the case be sealed and that, except as provided in section 10813  
~~2953.53~~2953.34 of the Revised Code, the proceedings in the case 10814  
be deemed not to have occurred. 10815

(5) Any DNA specimens, DNA records, and DNA profiles 10816  
ordered to be sealed under this section shall not be sealed if 10817  
the person with respect to whom the order applies is otherwise 10818  
eligible to have DNA records or a DNA profile in the national 10819  
DNA index system. 10820

**Sec. 2953.34.** (A) Inspection of the sealed records 10821  
included in a sealing order may be made only by the following 10822  
persons or for the following purposes: 10823

(1) By a law enforcement officer or prosecutor, or the 10824  
assistants of either, to determine whether the nature and 10825  
character of the offense with which a person is to be charged 10826  
would be affected by virtue of the person's previously having 10827  
been convicted of a crime; 10828

(2) By the parole or probation officer of the person who 10829  
is the subject of the records, for the exclusive use of the 10830  
officer in supervising the person while on parole or under a 10831  
community control sanction or a post-release control sanction, 10832  
and in making inquiries and written reports as requested by the 10833  
court or adult parole authority; 10834

- (3) Upon application by the person who is the subject of the records, by the persons named in the application; 10835  
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- (4) By a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case; 10837  
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- (5) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code; 10840  
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- (6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction or department of youth services as part of a background investigation of a person who applies for employment with the agency or with the department; 10844  
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- (7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, division (I) of section 2953.34 of the Revised Code; 10849  
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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; 10853  
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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; 10857  
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- (10) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the 10862  
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purpose of conducting a criminal records check of an individual 10864  
pursuant to division (B) of section 109.572 of the Revised Code 10865  
that was requested pursuant to any of the sections identified in 10866  
division (B)(1) of that section; 10867

(11) By the bureau of criminal identification and 10868  
investigation, an authorized employee of the bureau, a sheriff, 10869  
or an authorized employee of a sheriff in connection with a 10870  
criminal records check described in section 311.41 of the 10871  
Revised Code; 10872

(12) By the attorney general or an authorized employee of 10873  
the attorney general or a court for purposes of determining a 10874  
person's classification pursuant to Chapter 2950. of the Revised 10875  
Code; 10876

(13) By a court, the registrar of motor vehicles, a 10877  
prosecuting attorney or the prosecuting attorney's assistants, 10878  
or a law enforcement officer for the purpose of assessing points 10879  
against a person under section 4510.036 of the Revised Code or 10880  
for taking action with regard to points assessed. 10881

When the nature and character of the offense with which a 10882  
person is to be charged would be affected by the information, it 10883  
may be used for the purpose of charging the person with an 10884  
offense. 10885

(B) In any criminal proceeding, proof of any otherwise 10886  
admissible prior conviction may be introduced and proved, 10887  
notwithstanding the fact that for any such prior conviction an 10888  
order of sealing or expungement previously was issued pursuant 10889  
to sections 2953.31 to 2953.34 of the Revised Code. 10890

(C) The person or governmental agency, office, or 10891  
department that maintains sealed records pertaining to 10892



convictions or bail forfeitures that have been sealed pursuant 10893  
to section 2953.32 of the Revised Code may maintain a manual or 10894  
computerized index to the sealed records. The index shall 10895  
contain only the name of, and alphanumeric identifiers that 10896  
relate to, the persons who are the subject of the sealed 10897  
records, the word "sealed," and the name of the person, agency, 10898  
office, or department that has custody of the sealed records, 10899  
and shall not contain the name of the crime committed. The index 10900  
shall be made available by the person who has custody of the 10901  
sealed records only for the purposes set forth in divisions (A), 10902  
(B), and (D) of this section. 10903

(D) Notwithstanding any provision of this section or 10904  
section 2953.32 of the Revised Code that requires otherwise, a 10905  
board of education of a city, local, exempted village, or joint 10906  
vocational school district that maintains records of an 10907  
individual who has been permanently excluded under sections 10908  
3301.121 and 3313.662 of the Revised Code is permitted to 10909  
maintain records regarding a conviction that was used as the 10910  
basis for the individual's permanent exclusion, regardless of a 10911  
court order to seal or expunge the record. An order issued under 10912  
this section to seal or expunge the record of a conviction does 10913  
not revoke the adjudication order of the superintendent of 10914  
public instruction to permanently exclude the individual who is 10915  
the subject of the sealing or expungement order. An order issued 10916  
under this section to seal or expunge the record of a conviction 10917  
of an individual may be presented to a district superintendent 10918  
as evidence to support the contention that the superintendent 10919  
should recommend that the permanent exclusion of the individual 10920  
who is the subject of the sealing or expungement order be 10921  
revoked. Except as otherwise authorized by this division and 10922  
sections 3301.121 and 3313.662 of the Revised Code, any school 10923

employee in possession of or having access to the sealed or 10924  
expunged conviction records of an individual that were the basis 10925  
of a permanent exclusion of the individual is subject to 10926  
division (J) of this section. 10927

(E) Notwithstanding any provision of this section or 10928  
section 2953.32 of the Revised Code that requires otherwise, if 10929  
the auditor of state or a prosecutor maintains records, reports, 10930  
or audits of an individual who has been forever disqualified 10931  
from holding public office, employment, or a position of trust 10932  
in this state under sections 2921.41 and 2921.43 of the Revised 10933  
Code, or has otherwise been convicted of an offense based upon 10934  
the records, reports, or audits of the auditor of state, the 10935  
auditor of state or prosecutor is permitted to maintain those 10936  
records to the extent they were used as the basis for the 10937  
individual's disqualification or conviction, and shall not be 10938  
compelled by court order to seal or expunge those records. 10939

(F) For purposes of sections 2953.31 and 2953.34 of the 10940  
Revised Code, DNA records collected in the DNA database and 10941  
fingerprints filed for record by the superintendent of the 10942  
bureau of criminal identification and investigation shall not be 10943  
sealed or expunged unless the superintendent receives a 10944  
certified copy of a final court order establishing that the 10945  
offender's conviction has been overturned. For purposes of this 10946  
section, a court order is not "final" if time remains for an 10947  
appeal or application for discretionary review with respect to 10948  
the order. 10949

(G) The sealing of a record under this section does not 10950  
affect the assessment of points under section 4510.036 of the 10951  
Revised Code and does not erase points assessed against a person 10952  
as a result of the sealed record. 10953

(H) (1) The court shall send notice of any order to seal official records issued pursuant to division (B) (3) of section 2953.33 of the Revised Code to the bureau of criminal identification and investigation and shall send notice of any order issued pursuant to division (B) (4) of that section to any public office or agency that the court knows or has reason to believe may have any record of the case, whether or not it is an official record, that is the subject of the order. 10954  
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(2) A person whose official records have been sealed pursuant to an order issued pursuant to section 2953.33 of the Revised Code may present a copy of that order and a written request to comply with it, to a public office or agency that has a record of the case that is the subject of the order. 10962  
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(3) An order to seal official records issued pursuant to section 2953.33 of the Revised Code applies to every public office or agency that has a record of the case that is the subject of the order, regardless of whether it receives notice of the hearing on the application for the order to seal the official records or receives a copy of the order to seal the official records pursuant to division (H) (1) or (2) of this section. 10967  
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(4) Upon receiving a copy of an order to seal official records pursuant to division (H) (1) or (2) of this section or upon otherwise becoming aware of an applicable order to seal official records issued pursuant to section 2953.33 of the Revised Code, a public office or agency shall comply with the order and, if applicable, with division (K) of this section, except that it may maintain a record of the case that is the subject of the order if the record is maintained for the purpose of compiling statistical data only and does not contain any 10975  
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reference to the person who is the subject of the case and the 10984  
order. 10985

(5) A public office or agency also may maintain an index 10986  
of sealed official records, in a form similar to that for sealed 10987  
records of conviction as set forth in division (C) of this 10988  
section, access to which may not be afforded to any person other 10989  
than the person who has custody of the sealed official records. 10990  
The sealed official records to which such an index pertains 10991  
shall not be available to any person, except that the official 10992  
records of a case that have been sealed may be made available to 10993  
the following persons for the following purposes: 10994

(a) To the person who is the subject of the records upon 10995  
written application, and to any other person named in the 10996  
application, for any purpose; 10997

(b) To a law enforcement officer who was involved in the 10998  
case, for use in the officer's defense of a civil action arising 10999  
out of the officer's involvement in that case; 11000

(c) To a prosecuting attorney or the prosecuting 11001  
attorney's assistants to determine a defendant's eligibility to 11002  
enter a pre-trial diversion program established pursuant to 11003  
section 2935.36 of the Revised Code; 11004

(d) To a prosecuting attorney or the prosecuting 11005  
attorney's assistants to determine a defendant's eligibility to 11006  
enter a pre-trial diversion program under division (E) (2) (b) of 11007  
section 4301.69 of the Revised Code. 11008

(I) (1) Upon the issuance of an order by a court pursuant 11009  
to division (D) (2) of section 2953.32 of the Revised Code 11010  
directing that all official records of a case pertaining to a 11011  
conviction or bail forfeiture be sealed or expunged or an order 11012

by a court pursuant to division (E) of section 2151.358, 11013  
division (C) (2) of section 2953.35, or division (E) of section 11014  
2953.36 of the Revised Code directing that all official records 11015  
of a case pertaining to a conviction or delinquent child 11016  
adjudication be expunged: 11017

(a) Every law enforcement officer who possesses 11018  
investigatory work product immediately shall deliver that work 11019  
product to the law enforcement officer's employing law 11020  
enforcement agency. 11021

(b) Except as provided in divisions (I) (1) (c) and (d) of 11022  
this section, every law enforcement agency that possesses 11023  
investigatory work product shall close that work product to all 11024  
persons who are not directly employed by the law enforcement 11025  
agency and shall treat that work product, in relation to all 11026  
persons other than those who are directly employed by the law 11027  
enforcement agency, as if it did not exist and never had 11028  
existed. 11029

(c) A law enforcement agency that possesses investigatory 11030  
work product may permit another law enforcement agency to use 11031  
that work product in the investigation of another offense if the 11032  
facts incident to the offense being investigated by the other 11033  
law enforcement agency and the facts incident to an offense that 11034  
is the subject of the case are reasonably similar. The agency 11035  
that permits the use of investigatory work product may provide 11036  
the other agency with the name of the person who is the subject 11037  
of the case if it believes that the name of the person is 11038  
necessary to the conduct of the investigation by the other 11039  
agency. 11040

(d) The auditor of state may provide to or discuss with 11041  
other parties investigatory work product maintained pursuant to 11042

Chapter 117. of the Revised Code by the auditor of state. 11043

(2) (a) Except as provided in divisions (I) (1) (c) and (d) 11044  
of this section, no law enforcement officer or other person 11045  
employed by a law enforcement agency shall knowingly release, 11046  
disseminate, or otherwise make the investigatory work product or 11047  
any information contained in that work product available to, or 11048  
discuss any information contained in it with, any person not 11049  
employed by the employing law enforcement agency. 11050

(b) No law enforcement agency, or person employed by a law 11051  
enforcement agency, that receives investigatory work product 11052  
pursuant to divisions (I) (1) (c) and (d) of this section shall 11053  
use that work product for any purpose other than the 11054  
investigation of the offense for which it was obtained from the 11055  
other law enforcement agency, or disclose the name of the person 11056  
who is the subject of the work product except when necessary for 11057  
the conduct of the investigation of the offense, or the 11058  
prosecution of the person for committing the offense, for which 11059  
it was obtained from the other law enforcement agency. 11060

(3) Whoever violates division (I) (2) (a) or (b) of this 11061  
section is guilty of divulging confidential investigatory work 11062  
product, a misdemeanor of the fourth degree. 11063

(J) (1) Except as authorized by divisions (A) to (C) of 11064  
this section or by Chapter 2950. of the Revised Code and subject 11065  
to division (J) (2) of this section, any officer or employee of 11066  
the state, or a political subdivision of the state, who releases 11067  
or otherwise disseminates or makes available for any purpose 11068  
involving employment, bonding, or licensing in connection with 11069  
any business, trade, or profession to any person, or to any 11070  
department, agency, or other instrumentality of the state, or 11071  
any political subdivision of the state, any information or other 11072

data concerning any law enforcement or justice system matter the 11073  
records with respect to which the officer or employee had 11074  
knowledge of were sealed by an existing order issued pursuant to 11075  
section 2953.32 of the Revised Code, division (E) of section 11076  
2151.358, section 2953.35, or section 2953.36 of the Revised 11077  
Code, or were expunged by an order issued pursuant to section 11078  
2953.42 of the Revised Code as it existed prior to June 29, 11079  
1988, is guilty of divulging confidential information, a 11080  
misdemeanor of the fourth degree. 11081

(2) Division (J) (1) of this section does not apply to an 11082  
officer or employee of the state, or a political subdivision of 11083  
the state, who releases or otherwise disseminates or makes 11084  
available for any purpose specified in that division any 11085  
information or other data concerning a law enforcement or 11086  
justice system matter the records of which the officer had 11087  
knowledge were sealed or expunged by an order of a type 11088  
described in that division, if all of the following apply: 11089

(a) The officer or employee released, disseminated, or 11090  
made available the information or data from the sealed or 11091  
expunged records together with information or data concerning 11092  
another law enforcement or justice system matter. 11093

(b) The records of the other law enforcement or justice 11094  
system matter were not sealed or expunged by any order of a type 11095  
described in division (J) (1) of this section. 11096

(c) The law enforcement or justice system matter covered 11097  
by the information or data from the sealed or expunged records 11098  
and the other law enforcement or justice system matter covered 11099  
by the information or data from the records that were not sealed 11100  
or expunged resulted from or were connected to the same act. 11101

(d) The officer or employee made a good faith effort to 11102  
not release, disseminate, or make available any information or 11103  
other data concerning any law enforcement or justice system 11104  
matter from the sealed or expunged records, and the officer or 11105  
employee did not release, disseminate, or make available the 11106  
information or other data from the sealed or expunged records 11107  
with malicious purpose, in bad faith, or in a wanton or reckless 11108  
manner. 11109

(3) Any person who, in violation of this section, uses, 11110  
disseminates, or otherwise makes available any index prepared 11111  
pursuant to division (C) of this section is guilty of a 11112  
misdemeanor of the fourth degree. 11113

(K) (1) Except as otherwise provided in Chapter 2950. of 11114  
the Revised Code, upon the issuance of an order by a court under 11115  
division (B) of section 2953.33 of the Revised Code directing 11116  
that all official records pertaining to a case be sealed and 11117  
that the proceedings in the case be deemed not to have occurred: 11118

(a) Every law enforcement officer possessing records or 11119  
reports pertaining to the case that are the officer's specific 11120  
investigatory work product and that are excepted from the 11121  
definition of official records shall immediately deliver the 11122  
records and reports to the officer's employing law enforcement 11123  
agency. Except as provided in division (K) (1) (c) or (d) of this 11124  
section, no such officer shall knowingly release, disseminate, 11125  
or otherwise make the records and reports or any information 11126  
contained in them available to, or discuss any information 11127  
contained in them with, any person not employed by the officer's 11128  
employing law enforcement agency. 11129

(b) Every law enforcement agency that possesses records or 11130  
reports pertaining to the case that are its specific 11131



investigatory work product and that are excepted from the 11132  
definition of official records, or that are the specific 11133  
investigatory work product of a law enforcement officer it 11134  
employs and that were delivered to it under division (K) (1) (a) 11135  
of this section shall, except as provided in division (K) (1) (c) 11136  
or (d) of this section, close the records and reports to all 11137  
persons who are not directly employed by the law enforcement 11138  
agency and shall, except as provided in division (K) (1) (c) or 11139  
(d) of this section, treat the records and reports, in relation 11140  
to all persons other than those who are directly employed by the 11141  
law enforcement agency, as if they did not exist and had never 11142  
existed. Except as provided in division (K) (1) (c) or (d) of this 11143  
section, no person who is employed by the law enforcement agency 11144  
shall knowingly release, disseminate, or otherwise make the 11145  
records and reports in the possession of the employing law 11146  
enforcement agency or any information contained in them 11147  
available to, or discuss any information contained in them with, 11148  
any person not employed by the employing law enforcement agency. 11149

(c) A law enforcement agency that possesses records or 11150  
reports pertaining to the case that are its specific 11151  
investigatory work product and that are excepted from the 11152  
definition of official records, or that are the specific 11153  
investigatory work product of a law enforcement officer it 11154  
employs and that were delivered to it under division (K) (1) (a) 11155  
of this section may permit another law enforcement agency to use 11156  
the records or reports in the investigation of another offense, 11157  
if the facts incident to the offense being investigated by the 11158  
other law enforcement agency and the facts incident to an 11159  
offense that is the subject of the case are reasonably similar. 11160  
The agency that provides the records and reports may provide the 11161  
other agency with the name of the person who is the subject of 11162

the case, if it believes that the name of the person is 11163  
necessary to the conduct of the investigation by the other 11164  
agency. 11165

No law enforcement agency, or person employed by a law 11166  
enforcement agency, that receives from another law enforcement 11167  
agency records or reports pertaining to a case the records of 11168  
which have been ordered sealed pursuant to division (B) of 11169  
section 2953.33 of the Revised Code shall use the records and 11170  
reports for any purpose other than the investigation of the 11171  
offense for which they were obtained from the other law 11172  
enforcement agency, or disclose the name of the person who is 11173  
the subject of the records or reports except when necessary for 11174  
the conduct of the investigation of the offense, or the 11175  
prosecution of the person for committing the offense, for which 11176  
they were obtained from the other law enforcement agency. 11177

(d) The auditor of state may provide to or discuss with 11178  
other parties records, reports, or audits maintained by the 11179  
auditor of state pursuant to Chapter 117. of the Revised Code 11180  
pertaining to the case that are the auditor of state's specific 11181  
investigatory work product and that are excepted from the 11182  
definition of "official records" contained in division (C) of 11183  
section 2953.31 of the Revised Code, or that are the specific 11184  
investigatory work product of a law enforcement officer the 11185  
auditor of state employs and that were delivered to the auditor 11186  
of state under division (K)(1)(a) of this section. 11187

(2) Whoever violates division (K)(1) of this section is 11188  
guilty of divulging confidential information, a misdemeanor of 11189  
the fourth degree. 11190

(L)(1) In any application for employment, license, or any 11191  
other right or privilege, any appearance as a witness, or any 11192

other inquiry, a person may not be questioned with respect to 11193  
any record that has been sealed pursuant to section 2953.33 of 11194  
the Revised Code. If an inquiry is made in violation of this 11195  
division, the person whose official record was sealed may 11196  
respond as if the arrest underlying the case to which the sealed 11197  
official records pertain and all other proceedings in that case 11198  
did not occur, and the person whose official record was sealed 11199  
shall not be subject to any adverse action because of the 11200  
arrest, the proceedings, or the person's response. 11201

(2) An officer or employee of the state or any of its 11202  
political subdivisions who knowingly releases, disseminates, or 11203  
makes available for any purpose involving employment, bonding, 11204  
licensing, or education to any person or to any department, 11205  
agency, or other instrumentality of the state, or of any of its 11206  
political subdivisions, any information or other data concerning 11207  
any arrest, complaint, indictment, information, trial, 11208  
adjudication, or correctional supervision, the records of which 11209  
have been sealed pursuant to section 2953.33 of the Revised 11210  
Code, is guilty of divulging confidential information, a 11211  
misdemeanor of the fourth degree. 11212

(M) It is not a violation of division (I), (J), (K), or 11213  
(L) of this section for the bureau of criminal identification 11214  
and investigation or any authorized employee of the bureau 11215  
participating in the investigation of criminal activity to 11216  
release, disseminate, or otherwise make available to, or discuss 11217  
with, a person directly employed by a law enforcement agency DNA 11218  
records collected in the DNA database or fingerprints filed for 11219  
record by the superintendent of the bureau of criminal 11220  
identification and investigation. 11221

(N) (1) An order issued under section 2953.35 of the 11222

Revised Code to expunge the record of a person's conviction or, 11223  
except as provided in division (D) of this section, an order 11224  
issued under that section to seal the record of a person's 11225  
conviction restores the person who is the subject of the order 11226  
to all rights and privileges not otherwise restored by 11227  
termination of the sentence or community control sanction or by 11228  
final release on parole or post-release control. 11229

(2) (a) In any application for employment, license, or 11230  
other right or privilege, any appearance as a witness, or any 11231  
other inquiry, except as provided in division (B) of this 11232  
section and in section 3319.292 of the Revised Code and subject 11233  
to division (N) (2) (c) of this section, a person may be 11234  
questioned only with respect to convictions not sealed, bail 11235  
forfeitures not expunged under section 2953.42 of the Revised 11236  
Code as it existed prior to June 29, 1988, and bail forfeitures 11237  
not sealed, unless the question bears a direct and substantial 11238  
relationship to the position for which the person is being 11239  
considered. 11240

(b) In any application for a certificate of qualification 11241  
for employment under section 2953.25 of the Revised Code, a 11242  
person may be questioned only with respect to convictions not 11243  
sealed and bail forfeitures not sealed. 11244

(c) A person may not be questioned in any application, 11245  
appearance, or inquiry of a type described in division (N) (2) (a) 11246  
of this section with respect to any conviction expunged under 11247  
section 2953.35 of the Revised Code. 11248

(O) Nothing in ~~sections 2953.31 to 2953.33~~ section 2953.32 11249  
or 2953.34 of the Revised Code precludes an ~~eligible~~ offender 11250  
from taking an appeal or seeking any relief from the ~~eligible~~ 11251  
offender's conviction or from relying on it in lieu of any 11252

subsequent prosecution for the same offense. 11253

**Sec. ~~2953.37~~ 2953.35.** (A) ~~As used in this section:~~ 11254

~~(1) "Expunge" means to destroy, delete, and erase a record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable.~~ 11255  
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~~(2) "Official records" has the same meaning as in section 2953.51 of the Revised Code.~~ 11258  
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~~(3) "Prosecutor" has the same meaning as in section 2953.31 of the Revised Code.~~ 11260  
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~~(4) "Record of conviction" means the record related to a conviction of or plea of guilty to an offense.~~ 11262  
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~~(B) Any person who is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (B), (C), or (E) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, or a violation of division (E) (1) or (2) of section 2923.16 of the Revised Code as the division existed prior to ~~the effective date of this amendment~~ June 13, 2022, and who is authorized by division (H) (2) (a) of that section to file an application under this section for the expungement of the conviction record may apply to the sentencing court for the expungement of the record of conviction. Any person who is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (B) (1) of section 2923.12 of the Revised Code as it existed prior to ~~the effective date of this amendment~~ June 13, 2022, and who is authorized by division (E) (2) of that section may apply to the sentencing court for the expungement of the record of conviction. The person may file the application at any time on or after September 30, 2011, with respect to violations~~ 11264  
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of division (B), (C), or (E) of section 2923.16 of the Revised Code as they existed prior to that date, or at any time on or after ~~the effective date of this amendment~~ June 13, 2022, with respect to a violation of division (B) (1) of section 2923.12 of the Revised Code or of division (E) (1) or (2) of section 2923.16 of the Revised Code as the particular division existed prior to ~~the effective date of this amendment~~ June 13, 2022. The application shall do all of the following:

(1) Identify the applicant, the offense for which the expungement is sought, the date of the conviction of or plea of guilty to that offense, and the court in which the conviction occurred or the plea of guilty was entered;

(2) Include evidence that the offense was a violation of division (B), (C), or (E) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, or was a violation of division (B) (1) of section 2923.12 of the Revised Code or of division (E) (1) or (2) of section 2923.16 of the Revised Code as the particular division existed prior to ~~the effective date of this amendment~~ June 13, 2022, and that the applicant is authorized by division (H) (2) (a) of section 2923.16 or division (E) (2) of section 2923.12 of the Revised Code, whichever is applicable, to file an application under this section;

(3) Include a request for expungement of the record of conviction of that offense under this section.

~~(C)~~ (B) Upon the filing of an application under division ~~(B)~~ (A) of this section and the payment of the fee described in division ~~(D)~~ ~~(3)~~ (C) (3) of this section if applicable, the court shall set a date for a hearing and shall notify the prosecutor for the case of the hearing on the application. The prosecutor

may object to the granting of the application by filing an objection with the court prior to the date set for the hearing. The prosecutor shall specify in the objection the reasons for believing a denial of the application is justified. The court shall direct its regular probation officer, a state probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant. The court shall hold the hearing scheduled under this division.

~~(D)~~ ~~(1)~~ (C) (1) At the hearing held under division ~~(C)~~ (B) of this section, the court shall do each of the following:

(a) Determine whether the applicant has been convicted of or pleaded guilty to a violation of division (E) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, and whether the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011;

(b) Determine whether the applicant has been convicted of or pleaded guilty to a violation of division (B) or (C) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, and whether the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011, due to the application of division (F) (5) of that section as it exists on and after September 30, 2011;

(c) Determine whether the applicant has been convicted of or pleaded guilty to a violation of division (B) (1) of section 2923.12 of the Revised Code or of division (E) (1) or (2) of section 2923.16 of the Revised Code as the particular division existed prior to ~~the effective date of this amendment~~ June 13,

2022; 11342

(d) If the prosecutor has filed an objection in accordance 11343  
with division ~~(C)~~(B) of this section, consider the reasons 11344  
against granting the application specified by the prosecutor in 11345  
the objection; 11346

(e) Weigh the interests of the applicant in having the 11347  
records pertaining to the applicant's conviction or guilty plea 11348  
expunged against the legitimate needs, if any, of the government 11349  
to maintain those records. 11350

(2) (a) The court may order the expungement of all official 11351  
records pertaining to the case and the deletion of all index 11352  
references to the case and, if it does order the expungement, 11353  
shall send notice of the order to each public office or agency 11354  
that the court has reason to believe may have an official record 11355  
pertaining to the case if the court, after complying with 11356  
division ~~(D)~~(1)~~(C)~~(1) of this section, determines both of the 11357  
following: 11358

(i) That the applicant has been convicted of or pleaded 11359  
guilty to a violation of division (E) of section 2923.16 of the 11360  
Revised Code as it existed prior to September 30, 2011, and the 11361  
conduct that was the basis of the violation no longer would be a 11362  
violation of that division on or after September 30, 2011; that 11363  
the applicant has been convicted of or pleaded guilty to a 11364  
violation of division (B) or (C) of section 2923.16 of the 11365  
Revised Code as the division existed prior to September 30, 11366  
2011, and the conduct that was the basis of the violation no 11367  
longer would be a violation of that division on or after 11368  
September 30, 2011, due to the application of division (F) (5) of 11369  
that section as it exists on and after September 30, 2011; or 11370  
that the applicant has been convicted of or pleaded guilty to a 11371



violation of division (B) (1) of section 2923.12 of the Revised Code or of division (E) (1) or (2) of section 2923.16 of the Revised Code as the particular division existed prior to ~~the effective date of this amendment~~ June 13, 2022;

(ii) That the interests of the applicant in having the records pertaining to the applicant's conviction or guilty plea expunged are not outweighed by any legitimate needs of the government to maintain those records.

(b) The proceedings in the case that is the subject of an order issued under division ~~(D) (2) (a)~~ (C) (2) (a) of this section shall be considered not to have occurred and the conviction or guilty plea of the person who is the subject of the proceedings shall be expunged. The record of the conviction shall not be used for any purpose, including, but not limited to, a criminal records check under section 109.572 of the Revised Code or a determination under section 2923.125 or 2923.1213 of the Revised Code of eligibility for a concealed handgun license. The applicant may, and the court shall, reply that no record exists with respect to the applicant upon any inquiry into the matter.

(3) Upon the filing of an application under this section, the applicant, unless indigent, shall pay a fee of fifty dollars. The court shall pay thirty dollars of the fee into the state treasury and shall pay twenty dollars of the fee into the county general revenue fund.

**Sec. ~~2953.38~~ 2953.36.** (A) ~~As used in this section:~~

~~(1) "Expunge" means to destroy, delete, or erase a record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable.~~

~~(2) "Prosecutor" has the same meaning as in section~~

~~2953.31 of the Revised Code.~~ 11401

~~(3) "Record of conviction" means any record related to a conviction of or plea of guilty to an offense.~~ 11402  
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~~(4) "Victim of human trafficking" means a person who is or was a victim of a violation of section 2905.32 of the Revised Code, regardless of whether anyone has been convicted of a violation of that section or of any other section for victimizing the person.~~ 11404  
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~~(B)~~ Any person who is or was convicted of a violation of section 2907.24, 2907.241, or 2907.25 of the Revised Code may apply to the sentencing court for the expungement of the record of conviction of any offense, other than a record of conviction of a violation of section 2903.01, 2903.02, or 2907.02 of the Revised Code, the person's participation in which was a result of the person having been a victim of human trafficking. The person may file the application at any time. The application may request an order to expunge the record of conviction for more than one offense, but if it does, the court shall consider the request for each offense separately as if a separate application had been made for each offense and all references in divisions ~~(B)~~ (A) to ~~(H)~~ (G) of this section to "the offense" or "that offense" mean each of those offenses that are the subject of the application. The application shall do all of the following: 11409  
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(1) Identify the applicant, the offense for which the expungement is sought, the date of the conviction of that offense, and the court in which the conviction occurred; 11424  
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(2) Describe the evidence and provide copies of any documentation showing that the person is entitled to relief under this section; 11427  
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(3) Include a request for expungement of the record of conviction of that offense under this section. 11430  
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~~(C)~~ (B) The court may deny an application made under division ~~(B)~~ (A) of this section if it finds that the application fails to assert grounds on which relief may be granted. 11432  
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~~(D)~~ (C) If the court does not deny an application under division ~~(C)~~ (B) of this section, it shall set a date for a hearing and shall notify the prosecutor for the case from which the record of conviction resulted of the hearing on the application. The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing. The prosecutor shall specify in the objection the reasons for believing a denial of the application is justified. The court may direct its regular probation officer, a state probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant. 11436  
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~~(E) (1)~~ (D) (1) At the hearing held under division ~~(D)~~ (C) of this section, the court shall do both of the following: 11449  
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(a) If the prosecutor has filed an objection, consider the reasons against granting the application specified by the prosecutor in the objection; 11451  
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(b) Determine whether the applicant has demonstrated by a preponderance of the evidence that the applicant's participation in the offense that is the subject of the application was a result of the applicant having been a victim of human trafficking. 11454  
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(2) If the court at the hearing held under division ~~(D)~~ (C) of this section determines that the applicant's participation in the offense that is the subject of the application was a result of the applicant having been a victim of human trafficking and if that subject offense is a felony of the first or second degree, the court at the hearing also shall consider all of the following factors and, upon consideration of the factors, shall determine whether the interests of the applicant in having the record of the conviction of that offense expunged are outweighed by any legitimate needs of the government to maintain that record of conviction:

(a) The degree of duress under which the applicant acted in committing the subject offense, including, but not limited to, the history of the use of force or threatened use of force against the applicant or another person, whether the applicant's judgment or control was impaired by the administration to the applicant of any intoxicant, drug, or controlled substance, and the threat of withholding from the applicant food, water, or any drug;

(b) The seriousness of the subject offense;

(c) The relative degree of physical harm done to any person in the commission of the subject offense;

(d) The length of time that has expired since the commission of the subject offense;

(e) Whether the prosecutor represents to the court that criminal proceedings are likely to still be initiated against the applicant for a felony offense for which the period of limitations has not expired;

(f) Whether the applicant at the time of the hearing is

subject to supervision as a result of the subject offense. 11488

~~(F)~~(E) If after a hearing held under division ~~(D)~~(C) of 11489  
this section the court finds that the applicant has demonstrated 11490  
by a preponderance of the evidence that the applicant's 11491  
participation in the offense that is the subject of the 11492  
application was the result of the applicant having been a victim 11493  
of human trafficking, and, if the offense that is the subject of 11494  
the application is a felony of the first or second degree, after 11495  
consideration of the factors required under division ~~(E)(2)~~(D) 11496  
(2) of this section, it finds that the interests of the 11497  
applicant in having the record of the conviction of that offense 11498  
expunged are not outweighed by any legitimate needs of the 11499  
government to maintain that record of conviction, the court 11500  
shall grant the application and order that the record of 11501  
conviction be expunged. 11502

~~(G)(1)~~(F)(1) The court shall send notice of the order of 11503  
expungement issued under division ~~(F)~~(E) of this section to 11504  
each public office or agency that the court has reason to 11505  
believe may have an official record pertaining to the case if 11506  
the court, after complying with division ~~(E)~~(D) of this 11507  
section, determines both of the following: 11508

(a) That the applicant has been convicted of a violation 11509  
of section 2907.24, 2907.241, or 2907.25 of the Revised Code; 11510

(b) That the interests of the applicant in having the 11511  
records pertaining to the applicant's conviction expunged are 11512  
not outweighed by any legitimate needs of the government to 11513  
maintain those records. 11514

(2) The proceedings in the case that is the subject of an 11515  
order of expungement issued under division ~~(F)~~(E) of this 11516

section shall be considered not to have occurred and the 11517  
conviction of the person who is the subject of the proceedings 11518  
shall be expunged. The record of the conviction shall not be 11519  
used for any purpose, including, but not limited to, a criminal 11520  
records check under section 109.572 of the Revised Code. The 11521  
applicant may, and the court shall, reply that no record exists 11522  
with respect to the applicant upon any inquiry into the matter. 11523

~~(H)~~(G) Upon the filing of an application under this 11524  
section, the applicant, unless indigent, shall pay a fee of 11525  
fifty dollars. The court shall pay thirty dollars of the fee 11526  
into the state treasury and shall pay twenty dollars of the fee 11527  
into the county general revenue fund. 11528

**Sec. ~~2953.56~~ 2953.37.** Violations of sections 2953.31 to 11529  
2953.61 of the Revised Code shall not provide the basis to 11530  
exclude or suppress any of the following evidence that is 11531  
otherwise admissible in a criminal proceeding, delinquent child 11532  
proceeding, or other legal proceeding: 11533

(A) DNA records collected in the DNA database; 11534

(B) Fingerprints filed for record by the superintendent of 11535  
the bureau of criminal identification and investigation; 11536

(C) Other evidence that was obtained or discovered as the 11537  
direct or indirect result of divulging or otherwise using the 11538  
records described in divisions (A) and (B) of this section. 11539

**Sec. 2953.521.** (A) ~~As used in this section, "expunge" has~~ 11540  
~~the same meaning as in section 2953.38 of the Revised Code.~~ 11541

~~(B)~~ Any person who is found not guilty of an offense by a 11542  
jury or a court or who is the defendant named in a dismissed 11543  
complaint, indictment, or information may apply to the court for 11544  
an order to expunge the person's official records in the case if 11545

the complaint, indictment, information, or finding of not guilty 11546  
that is the subject of the application was the result of the 11547  
applicant having been a victim of human trafficking. The 11548  
application may be filed at any time after the finding of not 11549  
guilty or the dismissal of the complaint, indictment, or 11550  
information is entered upon the minutes of the court or the 11551  
journal, whichever entry occurs first. The application may 11552  
request an order to expunge official records for more than one 11553  
offense, but if it does, the court shall consider the request 11554  
for each offense separately as if a separate application had 11555  
been made for each offense and all references in divisions ~~(B)~~ 11556  
(A) to ~~(H)~~(G) of this section to "the offense" or "that 11557  
offense" mean each of those offenses that are the subject of the 11558  
application. 11559

~~(C)~~(B) The court may deny an application made under 11560  
division ~~(B)~~(A) of this section if it finds that the 11561  
application fails to assert grounds on which relief may be 11562  
granted. 11563

~~(D)~~(C) If the court does not deny an application under 11564  
division ~~(C)~~(B) of this section, the court shall set a date for 11565  
a hearing and shall notify the prosecutor for the case of the 11566  
hearing on the application. The prosecutor may object to the 11567  
granting of the application by filing an objection with the 11568  
court prior to the date set for the hearing. The prosecutor 11569  
shall specify in the objection the reasons for believing a 11570  
denial of the application is justified. 11571

~~(E)~~(D) At the hearing held under division ~~(D)~~(C) of this 11572  
section, the court shall do all of the following: 11573

(1) If the prosecutor has filed an objection, consider the 11574  
reasons against granting the application specified by the 11575

prosecutor in the objection; 11576

(2) Determine whether the applicant has demonstrated by a 11577  
preponderance of the evidence that the complaint, indictment, 11578  
information, or finding of not guilty that is the subject of the 11579  
application was the result of the applicant having been a victim 11580  
of human trafficking; 11581

(3) If the application pertains to a dismissed complaint, 11582  
indictment, or information, determine whether the dismissal was 11583  
with prejudice or without prejudice and, if the dismissal was 11584  
without prejudice, whether the period of limitations applicable 11585  
to the offense that was the subject of that complaint, 11586  
indictment, or information has expired; 11587

(4) Determine whether any criminal proceedings are pending 11588  
against the applicant. 11589

~~(F)(1)~~ (E)(1) Subject to division ~~(F)(2)~~ (E)(2) of this 11590  
section, if the court finds that the applicant has demonstrated 11591  
by a preponderance of the evidence that the complaint, 11592  
indictment, information, or finding of not guilty that is the 11593  
subject of the application was the result of the applicant 11594  
having been a victim of human trafficking, the court shall grant 11595  
the application and order that the official records be expunged. 11596

(2) The court shall not grant the application and order 11597  
that the official records be expunged unless the court 11598  
determines that the interests of the applicant in having the 11599  
official records pertaining to the complaint, indictment, or 11600  
information or finding of not guilty that is the subject of the 11601  
application expunged are not outweighed by any legitimate needs 11602  
of the government to maintain those records. 11603

~~(G)~~ (F) If an expungement is ordered under division ~~(F)~~ 11604



(E) of this section, the court shall send notice of the order of expungement to each public office or agency that the court has reason to believe may have an official record pertaining to the case. 11605  
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~~(H)~~(G) The proceedings in the case that is the subject of an order issued under division ~~(F)~~(E) of this section shall be considered not to have occurred and the official records shall be expunged. The official records shall not be used for any purpose, including a criminal records check under section 109.572 of the Revised Code. The applicant may, and the court shall, reply that no record exists with respect to the applicant upon any inquiry into the matter. 11609  
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**Sec. 2953.57.** (A) A court that enters a judgment that vacates and sets aside the conviction of a person because of DNA testing that was performed under sections 2953.71 to 2953.81 of the Revised Code or under section 2953.82 of the Revised Code shall issue ninety days after the court vacates and sets aside the conviction an order directing that all official records pertaining to the case involving the vacated conviction be sealed and that the proceedings in the case shall be deemed not to have occurred. 11617  
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(B) As used in sections 2953.57 to 2953.60 of the Revised Code, "official records" has the same meaning as in section ~~2953.51~~2953.31 of the Revised Code. 11626  
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**Sec. 2953.58.** (A) The court shall send notice of an order to seal official records issued pursuant to section 2953.57 of the Revised Code to any public office or agency that the court knows or has reason to believe may have any record of the case, whether or not it is an official record, that is the subject of the order. The notice shall be sent by certified mail, return 11629  
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receipt requested. 11635

(B) A person whose official records have been sealed 11636  
pursuant to an order issued pursuant to section 2953.57 of the 11637  
Revised Code may present a copy of that order and a written 11638  
request to comply with it, to a public office or agency that has 11639  
a record of the case that is the subject of the order. 11640

(C) An order to seal official records issued pursuant to 11641  
section 2953.57 of the Revised Code applies to every public 11642  
office or agency that has a record of the case that is the 11643  
subject of the order, regardless of whether it receives a copy 11644  
of the order to seal the official records pursuant to division 11645  
(A) or (B) of this section. 11646

(D) Upon receiving a copy of an order to seal official 11647  
records pursuant to division (A) or (B) of this section or upon 11648  
otherwise becoming aware of an applicable order to seal official 11649  
records issued pursuant to section 2953.57 of the Revised Code, 11650  
a public office or agency shall comply with the order and, if 11651  
applicable, with the provisions of section 2953.59 of the 11652  
Revised Code, except that it may maintain a record of the case 11653  
that is the subject of the order if the record is maintained for 11654  
the purpose of compiling statistical data only and does not 11655  
contain any reference to the person who is the subject of the 11656  
case and the order. 11657

A public office or agency also may maintain an index of 11658  
sealed official records, in a form similar to that for sealed 11659  
records of conviction as set forth in division ~~(F)~~ (C) of 11660  
section ~~2953.32~~ 2953.34 of the Revised Code, access to which may 11661  
not be afforded to any person other than the person who has 11662  
custody of the sealed official records. The sealed official 11663  
records to which such an index pertains shall not be available 11664

to any person, except that the official records of a case that 11665  
have been sealed may be made available to the following persons 11666  
for the following purposes: 11667

(1) To the person who is the subject of the records upon 11668  
written application, and to any other person named in the 11669  
application, for any purpose; 11670

(2) To a law enforcement officer who was involved in the 11671  
case, for use in the officer's defense of a civil action arising 11672  
out of the officer's involvement in that case. 11673

**Sec. 2953.59.** (A) Except as otherwise provided in Chapter 11674  
2950. of the Revised Code, upon the issuance of an order by a 11675  
court under section 2953.57 of the Revised Code directing that 11676  
all official records pertaining to a case be sealed and that the 11677  
proceedings in the case be deemed not to have occurred: 11678

(1) Every law enforcement officer possessing records or 11679  
reports pertaining to the case that are the officer's specific 11680  
investigatory work product and that are excepted from the 11681  
definition of "official records" contained in section ~~2953.51~~ 11682  
2953.31 of the Revised Code shall immediately deliver the 11683  
records and reports to the officer's employing law enforcement 11684  
agency. Except as provided in division (A)(3) of this section, 11685  
no such officer shall knowingly release, disseminate, or 11686  
otherwise make the records and reports or any information 11687  
contained in them available to, or discuss any information 11688  
contained in them with, any person not employed by the officer's 11689  
employing law enforcement agency. 11690

(2) Every law enforcement agency that possesses records or 11691  
reports pertaining to the case that are its specific 11692  
investigatory work product and that are excepted from the 11693

definition of "official records" contained in section ~~2953.51~~ 11694  
2953.31 of the Revised Code, or that are the specific 11695  
investigatory work product of a law enforcement officer it 11696  
employs and that were delivered to it under division (A) (1) of 11697  
this section shall, except as provided in division (A) (3) of 11698  
this section, close the records and reports to all persons who 11699  
are not directly employed by the law enforcement agency and 11700  
shall, except as provided in division (A) (3) of this section, 11701  
treat the records and reports, in relation to all persons other 11702  
than those who are directly employed by the law enforcement 11703  
agency, as if they did not exist and had never existed. Except 11704  
as provided in division (A) (3) of this section, no person who is 11705  
employed by the law enforcement agency shall knowingly release, 11706  
disseminate, or otherwise make the records and reports in the 11707  
possession of the employing law enforcement agency or any 11708  
information contained in them available to, or discuss any 11709  
information contained in them with, any person not employed by 11710  
the employing law enforcement agency. 11711

(3) A law enforcement agency that possesses records or 11712  
reports pertaining to the case that are its specific 11713  
investigatory work product and that are excepted from the 11714  
definition of "official records" contained in division ~~(D)~~ (C) 11715  
of section ~~2953.51~~ 2953.31 of the Revised Code, or that are the 11716  
specific investigatory work product of a law enforcement officer 11717  
it employs and that were delivered to it under division (A) (1) 11718  
of this section may permit another law enforcement agency to use 11719  
the records or reports in the investigation of another offense, 11720  
if the facts incident to the offense being investigated by the 11721  
other law enforcement agency and the facts incident to an 11722  
offense that is the subject of the case are reasonably similar 11723  
and if all references to the name or identifying information of 11724

the person whose records were sealed are redacted from the 11725  
records or reports. The agency that provides the records and 11726  
reports may not provide the other agency with the name of the 11727  
person who is the subject of the case the records of which were 11728  
sealed. 11729

(B) Whoever violates division (A) (1), (2), or (3) of this 11730  
section is guilty of divulging confidential information, a 11731  
misdemeanor of the fourth degree. 11732

**Sec. 2953.61.** (A) Except as provided in division (B) (1) of 11733  
this section, a person charged with two or more offenses as a 11734  
result of or in connection with the same act may not apply to 11735  
the court pursuant to section 2953.32 ~~or 2953.52~~, 2953.33, or 11736  
2953.521 of the Revised Code for the sealing or expungement of 11737  
the person's record in relation to any of the charges when at 11738  
least one of the charges has a final disposition that is 11739  
different from the final disposition of the other charges until 11740  
such time as the person would be able to apply to the court and 11741  
have all of the records pertaining to all of those charges 11742  
sealed or expunged pursuant to section 2953.32 ~~or 2953.52~~, 11743  
2953.33, or 2953.521 of the Revised Code. 11744

(B) (1) When a person is charged with two or more offenses 11745  
as a result of or in connection with the same act and the final 11746  
disposition of one, and only one, of the charges is a conviction 11747  
under any section of Chapter 4507., 4510., 4511., or 4549., 11748  
other than section 4511.19 or 4511.194 of the Revised Code, or 11749  
under a municipal ordinance that is substantially similar to any 11750  
section other than section 4511.19 or 4511.194 of the Revised 11751  
Code contained in any of those chapters, and if the records 11752  
pertaining to all the other charges would be eligible for 11753  
sealing or expungement under section ~~2953.52~~ 2953.33 or 2953.521 11754

of the Revised Code in the absence of that conviction, the court 11755  
may order that the records pertaining to all the charges be 11756  
sealed or expunged. In such a case, the court shall not order 11757  
that only a portion of the records be sealed or expunged. 11758

(2) Division (B)(1) of this section does not apply if the 11759  
person convicted of the offenses currently holds a commercial 11760  
driver's license or commercial driver's license temporary 11761  
instruction permit. 11762

**Sec. 2967.04.** (A) A pardon or commutation may be granted 11763  
upon such conditions precedent or subsequent as the governor may 11764  
impose, which conditions shall be stated in the warrant. Such 11765  
pardon or commutation shall not take effect until the conditions 11766  
so imposed are accepted by the convict or prisoner so pardoned 11767  
or having a sentence commuted, and the convict's or prisoner's 11768  
acceptance is indorsed upon the warrant, signed by the prisoner 11769  
or convict, and attested by one witness. Such witness shall go 11770  
before the clerk of the court of common pleas in whose office 11771  
the sentence is recorded and prove the signature of the convict. 11772  
The clerk shall thereupon record the warrant, indorsement, and 11773  
proof in the journal of the court, which record, or a duly 11774  
certified transcript thereof, shall be evidence of such pardon 11775  
or commutation, the conditions thereof, and the acceptance of 11776  
the conditions. 11777

(B) An unconditional pardon relieves the person to whom it 11778  
is granted of all disabilities arising out of the conviction or 11779  
convictions from which it is granted. For purposes of this 11780  
section, "unconditional pardon" includes a conditional pardon 11781  
with respect to which all conditions have been performed or have 11782  
transpired. 11783

(C) In the case of an unconditional pardon, the governor 11784

may include as a condition of the pardon that records related to 11785  
the conviction be sealed or expunged as if the records are 11786  
related to an offense that is eligible to be sealed or expunged. 11787  
The governor may issue a writ for the records related to the 11788  
pardoned conviction or convictions to be sealed or expunged. 11789  
However, such a writ shall not seal or expunge the records 11790  
required to be kept under division (E) of section 107.10 of the 11791  
Revised Code and shall not have any impact on the governor's 11792  
office or on reports required to be made under law. Other than 11793  
the records required to be kept under division (E) of section 11794  
107.10 of the Revised Code, no records of the governor's office 11795  
related to a pardon that have been sealed or expunged under this 11796  
division are subject to public inspection unless directed by the 11797  
governor. Inspection of the records or disclosure of information 11798  
contained in the records may be made pursuant to division ~~(D)~~ 11799  
(A) of section ~~2953.32-2953.34~~ of the Revised Code or as the 11800  
governor may direct. A disclosure of records sealed or expunged 11801  
under a writ issued by the governor is not a criminal offense. 11802

**Sec. 2967.12.** (A) Except as provided in division (G) of 11803  
this section, at least sixty days before the adult parole 11804  
authority recommends any pardon or commutation of sentence, or 11805  
grants any parole, the authority shall provide a notice of the 11806  
pendency of the pardon, commutation, or parole, setting forth 11807  
the name of the person on whose behalf it is made, the offense 11808  
of which the person was convicted or to which the person pleaded 11809  
guilty, the time of conviction or the guilty plea, and the term 11810  
of the person's sentence, to the prosecuting attorney and the 11811  
judge of the court of common pleas of the county in which the 11812  
indictment against the person was found. If there is more than 11813  
one judge of that court of common pleas, the authority shall 11814  
provide the notice to the presiding judge. Upon the request of 11815

the prosecuting attorney or of any law enforcement agency, the 11816  
authority shall provide to the requesting prosecuting attorney 11817  
and law enforcement agencies an institutional summary report 11818  
that covers the subject person's participation while confined in 11819  
a state correctional institution in training, work, and other 11820  
rehabilitative activities and any disciplinary action taken 11821  
against the person while so confined. The department of 11822  
rehabilitation and correction may utilize electronic means to 11823  
provide this notice. The department of rehabilitation and 11824  
correction, at the same time that it provides the notice to the 11825  
prosecuting attorney and judge under this division, also shall 11826  
post on the database it maintains pursuant to section 5120.66 of 11827  
the Revised Code the offender's name and all of the information 11828  
specified in division (A) (1) (c) (iii) of that section. 11829

(B) If a request for notification has been made pursuant 11830  
to section 2930.16 of the Revised Code or if division (H) of 11831  
this section applies, the office of victim services or the adult 11832  
parole authority also shall provide notice to the victim or the 11833  
victim's representative at least sixty days prior to 11834  
recommending any pardon or commutation of sentence for, or 11835  
granting any parole to, the person. The notice shall include the 11836  
information required by division (A) of this section and may be 11837  
provided by telephone or through electronic means. The notice 11838  
also shall inform the victim or the victim's representative that 11839  
the victim or representative may send a written statement 11840  
relative to the victimization and the pending action to the 11841  
adult parole authority and that, if the authority receives any 11842  
written statement prior to recommending a pardon or commutation 11843  
or granting a parole for a person, the authority will consider 11844  
the statement before it recommends a pardon or commutation or 11845  
grants a parole. If the person is being considered for parole, 11846



the notice shall inform the victim or the victim's 11847  
representative that a full board hearing of the parole board may 11848  
be held and that the victim or victim's representative may 11849  
contact the office of victims' services for further information. 11850  
If the person being considered for parole was convicted of or 11851  
pleaded guilty to a violation of section 2903.01 or 2903.02 of 11852  
the Revised Code, an offense of violence that is a felony of the 11853  
first, second, or third degree, or an offense punished by a 11854  
sentence of life imprisonment, the notice shall inform the 11855  
victim of that offense, the victim's representative, or a member 11856  
of the victim's immediate family that the victim, the victim's 11857  
representative, and the victim's immediate family have the right 11858  
to give testimony at a full board hearing of the parole board 11859  
and that the victim or victim's representative may contact the 11860  
office of victims' services for further information. 11861

(C) When notice of the pendency of any pardon, commutation 11862  
of sentence, or parole has been provided to a judge or 11863  
prosecutor or posted on the database as required in division (A) 11864  
of this section and a hearing on the pardon, commutation, or 11865  
parole is continued to a date certain, the authority shall 11866  
provide notice of the further consideration of the pardon, 11867  
commutation, or parole at least sixty days before the further 11868  
consideration. The notice of the further consideration shall be 11869  
provided to the proper judge and prosecuting attorney at least 11870  
sixty days before the further consideration, and may be provided 11871  
using electronic means, and, if the initial notice was posted on 11872  
the database as provided in division (A) of this section, the 11873  
notice of the further consideration shall be posted on the 11874  
database at least sixty days before the further consideration. 11875  
If the prosecuting attorney or a law enforcement agency was 11876  
provided a copy of the institutional summary report relative to 11877

the subject person under division (A) of this section, the 11878  
authority shall include with the notice of the further 11879  
consideration sent to the prosecuting attorney any new 11880  
information with respect to the person that relates to 11881  
activities and actions of the person that are of a type covered 11882  
by the report and shall send to the law enforcement agency a 11883  
report that provides notice of the further consideration and 11884  
includes any such new information with respect to the person. 11885  
When notice of the pendency of any pardon, commutation, or 11886  
parole has been given as provided in division (B) of this 11887  
section and the hearing on it is continued to a date certain, 11888  
the authority shall give notice of the further consideration to 11889  
the victim or the victim's representative in accordance with 11890  
section 2930.03 of the Revised Code. 11891

(D) In case of an application for the pardon or 11892  
commutation of sentence of a person sentenced to capital 11893  
punishment, the governor may modify the requirements of 11894  
notification and publication if there is not sufficient time for 11895  
compliance with the requirements before the date fixed for the 11896  
execution of sentence. 11897

(E) If an offender is serving a prison term imposed under 11898  
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 11899  
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 11900  
Code and if the parole board terminates its control over the 11901  
offender's service of that term pursuant to section 2971.04 of 11902  
the Revised Code, the parole board immediately shall provide 11903  
written notice of its termination of control or the transfer of 11904  
control to the entities and persons specified in section 2971.04 11905  
of the Revised Code. 11906

(F) The failure of the adult parole authority to comply 11907

with the notice or posting provisions of division (A), (B), or 11908  
(C) of this section or the failure of the parole board to comply 11909  
with the notice provisions of division (E) of this section do 11910  
not give any rights or any grounds for appeal or post-conviction 11911  
relief to the person serving the sentence. 11912

(G) Divisions (A), (B), and (C) of this section do not 11913  
apply to any release of a person that is of the type described 11914  
in division (B) (2) (b) of section 5120.031 of the Revised Code. 11915

(H) If a defendant is incarcerated for the commission of 11916  
aggravated murder, murder, or an offense of violence that is a 11917  
felony of the first, second, or third degree or is under a 11918  
sentence of life imprisonment, except as otherwise provided in 11919  
this division, the notice described in division (B) of this 11920  
section shall be given to the victim or victim's representative 11921  
regardless of whether the victim or victim's representative has 11922  
made a request for notification. The notice described in 11923  
division (B) of this section shall not be given under this 11924  
division to a victim or victim's representative if the victim or 11925  
victim's representative has requested pursuant to division (B) 11926  
(2) of section 2930.03 of the Revised Code that the victim or 11927  
the victim's representative not be provided the notice. The 11928  
notice described in division (B) of this section does not have 11929  
to be given under this division to a victim or victim's 11930  
representative if notice was given to the victim or victim's 11931  
representative with respect to at least two prior considerations 11932  
of pardon, commutation, or parole of a person and the victim or 11933  
victim's representative did not provide any written statement 11934  
relative to the victimization and the pending action, did not 11935  
attend any hearing conducted relative to the pending action, and 11936  
did not otherwise respond to the office with respect to the 11937  
pending action. Regardless of whether the victim or victim's 11938

representative has requested that the notice described in 11939  
division (B) of this section be provided or not be provided, the 11940  
office of victim services or adult parole authority shall give 11941  
similar notice to the law enforcement agency that arrested the 11942  
defendant if any officer of that agency was a victim of the 11943  
offense and to any member of the victim's immediate family who 11944  
requests notification. If notice is to be given under this 11945  
division, the office or authority may give the notice by any 11946  
reasonable means, including regular mail, telephone, and 11947  
electronic mail, in accordance with division (D) (1) of section 11948  
2930.16 of the Revised Code. If the notice is based on an 11949  
offense committed prior to ~~the effective date of this amendment~~ 11950  
March 22, 2013, the notice to the victim or victim's 11951  
representative also shall include the opt-out information 11952  
described in division (D) (1) of section 2930.16 of the Revised 11953  
Code. The office or authority, in accordance with division (D) 11954  
(2) of section 2930.16 of the Revised Code, shall keep a record 11955  
of all attempts to provide the notice, and of all notices 11956  
provided, under this division. 11957

Division (H) of this section, and the notice-related 11958  
provisions of divisions (E) (2) and (K) of section 2929.20, 11959  
division (D) (1) of section 2930.16, division (E) (1) (b) of 11960  
section 2967.19 as it existed prior to the effective date of 11961  
this amendment, division ~~(A) (3) (b)~~ (A) (2) (b) of section 2967.26, 11962  
division (D) (1) of section 2967.28, and division (A) (2) of 11963  
section 5149.101 of the Revised Code enacted in the act in which 11964  
division (H) of this section was enacted, shall be known as 11965  
"Roberta's Law." 11966

(I) In addition to and independent of the right of a 11967  
victim to make a statement as described in division (A) of this 11968  
section or pursuant to section 2930.17 of the Revised Code or to 11969

otherwise make a statement, the authority for a judge or 11970  
prosecuting attorney to furnish statements and information, make 11971  
recommendations, and give testimony as described in division (A) 11972  
of this section, the right of a prosecuting attorney, judge, or 11973  
victim to give testimony or submit a statement at a full parole 11974  
board hearing pursuant to section 5149.101 of the Revised Code, 11975  
and any other right or duty of a person to present information 11976  
or make a statement, any person may send to the adult parole 11977  
authority at any time prior to the authority's recommending a 11978  
pardon or commutation or granting a parole for the offender a 11979  
written statement relative to the offense and the pending 11980  
action. 11981

(J) As used in this section, "victim's immediate family" 11982  
means the mother, father, spouse, sibling, or child of the 11983  
victim, provided that in no case does "victim's immediate 11984  
family" include the offender with respect to whom the notice in 11985  
question applies. 11986

**Sec. 2967.132.** (A) As used in this section: 11987

(1) "Aggravated homicide offense" means any of the 11988  
following that involved the purposeful killing of three or more 11989  
persons, when the offender is the principal offender in each 11990  
offense: 11991

(a) Aggravated murder; 11992

(b) Any other offense or combination of offenses that 11993  
involved the purposeful killing of three or more persons. 11994

(2) "Homicide offense" means a violation of section 11995  
2903.02, 2903.03, 2903.04, or 2903.041 of the Revised Code or a 11996  
violation of section 2903.01 of the Revised Code that is not an 11997  
aggravated homicide offense. 11998

(B) This section applies to any prisoner serving a prison sentence for one or more offenses committed when the prisoner was under eighteen years of age. Regardless of whether the prisoner's stated prison term includes mandatory time, this section shall apply automatically and cannot be limited by the sentencing court.

(C) Notwithstanding any provision of the Revised Code to the contrary, and regardless of when the offense or offenses were committed and when the sentence was imposed, a prisoner who is serving a prison sentence for an offense other than an aggravated homicide offense and who was under eighteen years of age at the time of the offense, or who is serving consecutive prison sentences for multiple offenses none of which is an aggravated homicide offense and who was under eighteen years of age at the time of the offenses, is eligible for parole as follows:

(1) Except as provided in division (C) (2) or (3) of this section, the prisoner is eligible for parole after serving eighteen years in prison.

(2) Except as provided in division (C) (3) or (4) of this section, if the prisoner is serving a sentence for one or more homicide offenses, none of which are an aggravated homicide offense, the prisoner is eligible for parole after serving twenty-five years in prison.

(3) Except as provided in division (C) (4) of this section, if the prisoner is serving a sentence for two or more homicide offenses, none of which are an aggravated homicide offense, and the offender was the principal offender in two or more of those offenses, the prisoner is eligible for parole after serving thirty years in prison.

(4) If the prisoner is serving a sentence for one or more offenses and the sentence permits parole earlier than the parole eligibility date specified in division (C) (1), (2), or (3) of this section, the prisoner is eligible for parole after serving the period of time in prison that is specified in the sentence.

(D) If the prisoner is serving a sentence for an aggravated homicide offense, or for a violation of section 2909.24 of the Revised Code when the most serious underlying specified offense the defendant committed in the violation was aggravated murder or murder, the prisoner is not eligible for parole review other than in accordance with the sentence imposed for the offense.

(E) (1) Once a prisoner is eligible for parole pursuant to division (C) or (D) of this section, the parole board, within a reasonable time after the prisoner becomes eligible, shall conduct a hearing to consider the prisoner's release on parole under parole supervision. The board shall conduct the hearing in accordance with Chapters 2930., 2967., and 5149. of the Revised Code and in accordance with the board's policies and procedures. Those policies and procedures must permit the prisoner's privately retained counsel or the state public defender to appear at the prisoner's hearing to make a statement in support of the prisoner's release.

(2) The parole board shall ensure that the review process provides the prisoner a meaningful opportunity to obtain release. In addition to any other factors the board is required or authorized to consider by rule or statute, the board shall consider the following factors as mitigating factors:

(a) The chronological age of the prisoner at the time of the offense and that age's hallmark features, including

intellectual capacity, immaturity, impetuosity, and a failure to appreciate risks and consequences; 12059  
12060

(b) The family and home environment of the prisoner at the time of the offense, the prisoner's inability to control the prisoner's surroundings, a history of trauma regarding the prisoner, and the prisoner's school and special education history; 12061  
12062  
12063  
12064  
12065

(c) The circumstances of the offense, including the extent of the prisoner's participation in the conduct and the way familial and peer pressures may have impacted the prisoner's conduct; 12066  
12067  
12068  
12069

(d) Whether the prisoner might have been charged and convicted of a lesser offense if not for the incompetencies associated with youth such as the prisoner's inability to deal with police officers and prosecutors during the prisoner's interrogation or possible plea agreement, or the prisoner's inability to assist the prisoner's own attorney; 12070  
12071  
12072  
12073  
12074  
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(e) Examples of the prisoner's rehabilitation, including any subsequent growth or increase in maturity during imprisonment. 12076  
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12078

(F) In accordance with section 2967.131 of the Revised Code, the parole board shall impose appropriate terms and conditions of release upon each prisoner granted a parole under this section. 12079  
12080  
12081  
12082

(G) If the parole board denies release on parole pursuant to this section, the board shall conduct a subsequent release review not later than five years after release was denied. 12083  
12084  
12085

(H) In addition to any notice required by rule or statute, the parole board shall notify the state public defender, the 12086  
12087



victim, and the appropriate prosecuting attorney of a prisoner's 12088  
eligibility for review under this section at least sixty days 12089  
before the board begins any review or proceedings involving that 12090  
prisoner under this section. 12091

~~(I)(1)~~ (1) This section shall apply to determine the parole 12092  
eligibility of all prisoners described in this section who 12093  
committed an offense prior to, on, or after ~~the effective date~~ 12094  
~~of this section~~ April 12, 2021, regardless of when the prisoner 12095  
committed or was sentenced for the offense and, for purposes of 12096  
this section, a prisoner is "serving" a prison sentence for an 12097  
offense if on or after ~~the effective date of this section~~ April 12098  
12, 2021, the prisoner is serving a prison sentence for that 12099  
offense, regardless of when the sentence was imposed or the 12100  
offense was committed. 12101

(2) The provisions of this section do not apply to an 12102  
offender who is paroled on an offense committed when the 12103  
offender was under eighteen years of age who subsequently 12104  
returns to prison for a violation of parole committed as an 12105  
adult or for a new felony conviction committed as an adult. 12106

**Sec. 2967.193.** (A) (1) Except as provided in division (C) 12107  
of this section and subject to the maximum aggregate total 12108  
specified in division (A) (3) of this section, a person confined 12109  
in a state correctional institution or placed in the substance 12110  
use disorder treatment program may provisionally earn one day or 12111  
five days of credit, based on the category set forth in division 12112  
(D) (1), (2), (3), (4), or (5) of this section in which the 12113  
person is included, toward satisfaction of the person's stated 12114  
prison term, as described in division (F) of this section, for 12115  
each completed month during which the person, if confined in a 12116  
state correctional institution, productively participates in an 12117

education program, vocational training, employment in prison 12118  
industries, treatment for substance abuse, or any other 12119  
constructive program developed by the department with specific 12120  
standards for performance by prisoners or during which the 12121  
person, if placed in the substance use disorder treatment 12122  
program, productively participates in the program. Except as 12123  
provided in division (C) of this section and subject to the 12124  
maximum aggregate total specified in division (A) (3) of this 12125  
section, a person so confined in a state correctional 12126  
institution who successfully completes two programs or 12127  
activities of that type may, in addition, provisionally earn up 12128  
to five days of credit toward satisfaction of the person's 12129  
stated prison term, as described in division (F) of this 12130  
section, for the successful completion of the second program or 12131  
activity. The person shall not be awarded any provisional days 12132  
of credit for the successful completion of the first program or 12133  
activity or for the successful completion of any program or 12134  
activity that is completed after the second program or activity. 12135  
At the end of each calendar month in which a person productively 12136  
participates in a program or activity listed in this division or 12137  
successfully completes a program or activity listed in this 12138  
division, the department of rehabilitation and correction shall 12139  
determine and record the total number of days credit that the 12140  
person provisionally earned in that calendar month. If the 12141  
person in a state correctional institution violates prison rules 12142  
or the person in the substance use disorder treatment program 12143  
violates program or department rules, the department may deny 12144  
the person a credit that otherwise could have been provisionally 12145  
awarded to the person or may withdraw one or more credits 12146  
previously provisionally earned by the person. Days of credit 12147  
provisionally earned by a person shall be finalized and awarded 12148  
by the department subject to administrative review by the 12149

department of the person's conduct. 12150

(2) Unless a person is serving a mandatory prison term or 12151  
a prison term for an offense of violence or a sexually oriented 12152  
offense, and notwithstanding the maximum aggregate total 12153  
specified in division (A) (3) of this section, a person who 12154  
successfully completes any of the following shall earn ninety 12155  
days of credit toward satisfaction of the person's stated prison 12156  
term or a ten per cent reduction of the person's stated prison 12157  
term, whichever is less: 12158

(a) An Ohio high school diploma or Ohio certificate of 12159  
high school equivalence certified by the Ohio central school 12160  
system; 12161

(b) A therapeutic drug community program; 12162

(c) All three phases of the department of rehabilitation 12163  
and correction's intensive outpatient drug treatment program; 12164

(d) A career technical vocational school program; 12165

(e) A college certification program; 12166

(f) The criteria for a certificate of achievement and 12167  
employability as specified in division (A) (1) of section 2961.22 12168  
of the Revised Code. 12169

(3) Except for persons described in division (A) (2) of 12170  
this section, the aggregate days of credit provisionally earned 12171  
by a person for program or activity participation and program 12172  
and activity completion under this section and the aggregate 12173  
days of credit finally credited to a person under this section 12174  
shall not exceed ~~eight~~ fifteen per cent of the total number of 12175  
days in the person's stated prison term. 12176

(B) The department of rehabilitation and correction shall 12177

adopt rules that specify the programs or activities for which 12178  
credit may be earned under this section, the criteria for 12179  
determining productive participation in, or completion of, the 12180  
programs or activities and the criteria for awarding credit, 12181  
including criteria for awarding additional credit for successful 12182  
program or activity completion, and the criteria for denying or 12183  
withdrawing previously provisionally earned credit as a result 12184  
of a violation of prison rules, or program or department rules, 12185  
whichever is applicable. 12186

(C) No person confined in a state correctional institution 12187  
or placed in a substance use disorder treatment program to whom 12188  
any of the following applies shall be awarded any days of credit 12189  
under division (A) of this section: 12190

(1) The person is serving a prison term that section 12191  
2929.13 or section 2929.14 of the Revised Code specifies cannot 12192  
be reduced pursuant to this section or this chapter or is 12193  
serving a sentence for which section 2967.13 or division (B) of 12194  
section 2929.143 of the Revised Code specifies that the person 12195  
is not entitled to any earned credit under this section. 12196

(2) The person is sentenced to death or is serving a 12197  
prison term or a term of life imprisonment for aggravated 12198  
murder, murder, or a conspiracy or attempt to commit, or 12199  
complicity in committing, aggravated murder or murder. 12200

(3) The person is serving a sentence of life imprisonment 12201  
without parole imposed pursuant to section 2929.03 or 2929.06 of 12202  
the Revised Code, a prison term or a term of life imprisonment 12203  
without parole imposed pursuant to section 2971.03 of the 12204  
Revised Code, or a sentence for a sexually oriented offense that 12205  
was committed on or after September 30, 2011. 12206

(D) This division does not apply to a determination of whether a person confined in a state correctional institution or placed in a substance use disorder treatment program may earn any days of credit under division (A) of this section for successful completion of a second program or activity. The determination of whether a person confined in a state correctional institution may earn one day of credit or five days of credit under division (A) of this section for each completed month during which the person productively participates in a program or activity specified under that division shall be made in accordance with the following:

(1) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the most serious offense for which the offender is confined is any of the following that is a felony of the first or second degree:

(a) A violation of division (A) of section 2903.04 or of section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.15, 2919.151, 2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 of the Revised Code;

(b) A conspiracy or attempt to commit, or complicity in committing, any other offense for which the maximum penalty is imprisonment for life or any offense listed in division (D)(1)(a) of this section.

(2) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term that includes a prison term imposed for a sexually oriented offense

that the offender committed prior to September 30, 2011. 12237

(3) The offender may earn one day of credit under division 12238  
(A) of this section, except as provided in division (C) of this 12239  
section, if the offender is serving a stated prison term that 12240  
includes a prison term imposed for a felony other than carrying 12241  
a concealed weapon an essential element of which is any conduct 12242  
or failure to act expressly involving any deadly weapon or 12243  
dangerous ordnance. 12244

(4) Except as provided in division (C) of this section, if 12245  
the most serious offense for which the offender is confined is a 12246  
felony of the first or second degree and divisions (D) (1), (2), 12247  
and (3) of this section do not apply to the offender, the 12248  
offender may earn one day of credit under division (A) of this 12249  
section if the offender committed that offense prior to 12250  
September 30, 2011, and the offender may earn five days of 12251  
credit under division (A) of this section if the offender 12252  
committed that offense on or after September 30, 2011. 12253

(5) Except as provided in division (C) of this section, if 12254  
the most serious offense for which the offender is confined is a 12255  
felony of the third, fourth, or fifth degree or an unclassified 12256  
felony and neither division (D) (2) nor (3) of this section 12257  
applies to the offender, the offender may earn one day of credit 12258  
under division (A) of this section if the offender committed 12259  
that offense prior to September 30, 2011, and the offender may 12260  
earn five days of credit under division (A) of this section if 12261  
the offender committed that offense on or after September 30, 12262  
2011. 12263

(E) The department annually shall seek and consider the 12264  
written feedback of the Ohio prosecuting attorneys association, 12265  
the Ohio judicial conference, the Ohio public defender, the Ohio 12266

association of criminal defense lawyers, and other organizations 12267  
and associations that have an interest in the operation of the 12268  
corrections system and the earned credits program under this 12269  
section as part of its evaluation of the program and in 12270  
determining whether to modify the program. 12271

(F) Days of credit awarded under this section shall be 12272  
applied toward satisfaction of a person's stated prison term as 12273  
follows: 12274

(1) Toward the definite prison term of a prisoner serving 12275  
a definite prison term as a stated prison term; 12276

(2) Toward the minimum and maximum terms of a prisoner 12277  
serving an indefinite prison term imposed under division (A) (1) 12278  
(a) or (2) (a) of section 2929.14 of the Revised Code for a 12279  
felony of the first or second degree committed on or after ~~the~~ 12280  
~~effective date of this amendment~~ March 22, 2019. 12281

(G) As used in this section: 12282

(1) "Sexually oriented offense" has the same meaning as in 12283  
section 2950.01 of the Revised Code. 12284

(2) "Substance use disorder treatment program" means the 12285  
substance use disorder treatment program established by the 12286  
department of rehabilitation and correction under section 12287  
5120.035 of the Revised Code. 12288

**Sec. 2967.26.** (A) (1) The department of rehabilitation and 12289  
correction, by rule, may establish a transitional control 12290  
program for the purpose of closely monitoring a prisoner's 12291  
adjustment to community supervision during the final one hundred 12292  
eighty days of the prisoner's confinement. If the department 12293  
establishes a transitional control program under this division, 12294  
the division of parole and community services of the department 12295

of rehabilitation and correction may transfer eligible prisoners 12296  
to transitional control status under the program during the 12297  
final one hundred eighty days of their confinement and under the 12298  
terms and conditions established by the department, shall 12299  
provide for the confinement as provided in this division of each 12300  
eligible prisoner so transferred, and shall supervise each 12301  
eligible prisoner so transferred in one or more community 12302  
control sanctions. Each eligible prisoner who is transferred to 12303  
transitional control status under the program shall be confined 12304  
in a suitable facility that is licensed pursuant to division (C) 12305  
of section 2967.14 of the Revised Code, or shall be confined in 12306  
a residence the department has approved for this purpose and be 12307  
monitored pursuant to an electronic monitoring device, as 12308  
defined in section 2929.01 of the Revised Code. If the 12309  
department establishes a transitional control program under this 12310  
division, the rules establishing the program shall include 12311  
criteria that define which prisoners are eligible for the 12312  
program, criteria that must be satisfied to be approved as a 12313  
residence that may be used for confinement under the program of 12314  
a prisoner that is transferred to it and procedures for the 12315  
department to approve residences that satisfy those criteria, 12316  
and provisions of the type described in division (C) of this 12317  
section. At a minimum, the criteria that define which prisoners 12318  
are eligible for the program shall provide all of the following: 12319

(a) That a prisoner is eligible for the program if the 12320  
prisoner is serving a prison term or term of imprisonment for an 12321  
offense committed prior to March 17, 1998, and if, at the time 12322  
at which eligibility is being determined, the prisoner would 12323  
have been eligible for a furlough under this section as it 12324  
existed immediately prior to March 17, 1998, or would have been 12325  
eligible for conditional release under former section 2967.23 of 12326



the Revised Code as that section existed immediately prior to 12327  
March 17, 1998; 12328

(b) That no prisoner who is serving a mandatory prison 12329  
term is eligible for the program until after expiration of the 12330  
mandatory term; 12331

(c) That no prisoner who is serving a prison term or term 12332  
of life imprisonment without parole imposed pursuant to section 12333  
2971.03 of the Revised Code is eligible for the program. 12334

~~(2) At least sixty days prior to transferring to 12335  
transitional control under this section a prisoner who is 12336  
serving a definite term of imprisonment or definite prison term 12337  
of two years or less for an offense committed on or after July 12338  
1, 1996, or who is serving a minimum term of two years or less 12339  
under a non-life felony indefinite prison term, the division of 12340  
parole and community services of the department of 12341  
rehabilitation and correction shall give notice of the pendency 12342  
of the transfer to transitional control to the court of common 12343  
pleas of the county in which the indictment against the prisoner 12344  
was found and of the fact that the court may disapprove the 12345  
transfer of the prisoner to transitional control and shall 12346  
include the institutional summary report prepared by the head of 12347  
the state correctional institution in which the prisoner is 12348  
confined. The head of the state correctional institution in 12349  
which the prisoner is confined, upon the request of the division 12350  
of parole and community services, shall provide to the division 12351  
for inclusion in the notice sent to the court under this 12352  
division an institutional summary report on the prisoner's 12353  
conduct in the institution and in any institution from which the 12354  
prisoner may have been transferred. The institutional summary 12355  
report shall cover the prisoner's participation in school, 12356~~

~~vocational training, work, treatment, and other rehabilitative activities and any disciplinary action taken against the prisoner. If the court disapproves of the transfer of the prisoner to transitional control, the court shall notify the division of the disapproval within thirty days after receipt of the notice. If the court timely disapproves the transfer of the prisoner to transitional control, the division shall not proceed with the transfer. If the court does not timely disapprove the transfer of the prisoner to transitional control, the division may transfer the prisoner to transitional control.~~ 12357  
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~~(3) (a) (2) (a)~~ If the victim of an offense for which a prisoner was sentenced to a prison term or term of imprisonment has requested notification under section 2930.16 of the Revised Code and has provided the department of rehabilitation and correction with the victim's name and address or if division ~~(A) (3) (b) (A) (2) (b)~~ of this section applies, the division of parole and community services, at least sixty days prior to transferring the prisoner to transitional control pursuant to this section, shall notify the victim of the pendency of the transfer and of the victim's right to submit a statement to the division regarding the impact of the transfer of the prisoner to transitional control. If the victim subsequently submits a statement of that nature to the division, the division shall consider the statement in deciding whether to transfer the prisoner to transitional control. 12367  
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(b) If a prisoner is incarcerated for the commission of aggravated murder, murder, or an offense of violence that is a felony of the first, second, or third degree or under a sentence of life imprisonment, except as otherwise provided in this division, the notice described in division ~~(A) (3) (a) (A) (2) (a)~~ of this section shall be given regardless of whether the victim 12382  
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has requested the notification. The notice described in division 12388  
~~(A) (3) (a)~~ (A) (2) (a) of this section shall not be given under 12389  
this division to a victim if the victim has requested pursuant 12390  
to division (B) (2) of section 2930.03 of the Revised Code that 12391  
the victim not be provided the notice. If notice is to be 12392  
provided to a victim under this division, the authority may give 12393  
the notice by any reasonable means, including regular mail, 12394  
telephone, and electronic mail, in accordance with division (D) 12395  
(1) of section 2930.16 of the Revised Code. If the notice is 12396  
based on an offense committed prior to March 22, 2013, the 12397  
notice also shall include the opt-out information described in 12398  
division (D) (1) of section 2930.16 of the Revised Code. The 12399  
authority, in accordance with division (D) (2) of section 2930.16 12400  
of the Revised Code, shall keep a record of all attempts to 12401  
provide the notice, and of all notices provided, under this 12402  
division. 12403

Division ~~(A) (3) (b)~~ (A) (2) (b) of this section, and the 12404  
notice-related provisions of divisions (E) (2) and (K) of section 12405  
2929.20, division (D) (1) of section 2930.16, division (H) of 12406  
section 2967.12, division (E) (1) (b) of section 2967.19 as it 12407  
existed prior to the effective date of this amendment, division 12408  
(D) (1) of section 2967.28, and division (A) (2) of section 12409  
5149.101 of the Revised Code enacted in the act in which 12410  
division ~~(A) (3) (b)~~ (A) (2) (b) of this section was enacted, shall 12411  
be known as "Roberta's Law." 12412

~~(4)~~ (3) The department of rehabilitation and correction, 12413  
at least sixty days prior to transferring a prisoner to 12414  
transitional control pursuant to this section, shall post on the 12415  
database it maintains pursuant to section 5120.66 of the Revised 12416  
Code the prisoner's name and all of the information specified in 12417  
division (A) (1) (c) (iv) of that section. In addition to and 12418

independent of the right of a victim to submit a statement as 12419  
described in division ~~(A) (3)~~ (A) (2) of this section or to 12420  
otherwise make a statement and in addition to and independent of 12421  
any other right or duty of a person to present information or 12422  
make a statement, any person may send to the division of parole 12423  
and community services at any time prior to the division's 12424  
transfer of the prisoner to transitional control a written 12425  
statement regarding the transfer of the prisoner to transitional 12426  
control. In addition to the information, reports, and statements 12427  
it considers under ~~divisions~~ division (A) (2) ~~and (3)~~ of this 12428  
section or that it otherwise considers, the division shall 12429  
consider each statement submitted in accordance with this 12430  
division in deciding whether to transfer the prisoner to 12431  
transitional control. 12432

(B) Each prisoner transferred to transitional control 12433  
under this section shall be confined in the manner described in 12434  
division (A) of this section during any period of time that the 12435  
prisoner is not actually working at the prisoner's approved 12436  
employment, engaged in a vocational training or another 12437  
educational program, engaged in another program designated by 12438  
the director, or engaged in other activities approved by the 12439  
department. 12440

(C) The department of rehabilitation and correction shall 12441  
adopt rules for transferring eligible prisoners to transitional 12442  
control, supervising and confining prisoners so transferred, 12443  
administering the transitional control program in accordance 12444  
with this section, and using the moneys deposited into the 12445  
transitional control fund established under division (E) of this 12446  
section. 12447

(D) The department of rehabilitation and correction may 12448

adopt rules for the issuance of passes for the limited purposes 12449  
described in this division to prisoners who are transferred to 12450  
transitional control under this section. If the department 12451  
adopts rules of that nature, the rules shall govern the granting 12452  
of the passes and shall provide for the supervision of prisoners 12453  
who are temporarily released pursuant to one of those passes. 12454  
Upon the adoption of rules under this division, the department 12455  
may issue passes to prisoners who are transferred to 12456  
transitional control status under this section in accordance 12457  
with the rules and the provisions of this division. All passes 12458  
issued under this division shall be for a maximum of forty-eight 12459  
hours and may be issued only for the following purposes: 12460

(1) To visit a relative in imminent danger of death; 12461

(2) To have a private viewing of the body of a deceased 12462  
relative; 12463

(3) To visit with family; 12464

(4) To otherwise aid in the rehabilitation of the 12465  
prisoner. 12466

(E) The division of parole and community services may 12467  
require a prisoner who is transferred to transitional control to 12468  
pay to the division the reasonable expenses incurred by the 12469  
division in supervising or confining the prisoner while under 12470  
transitional control. Inability to pay those reasonable expenses 12471  
shall not be grounds for refusing to transfer an otherwise 12472  
eligible prisoner to transitional control. Amounts received by 12473  
the division of parole and community services under this 12474  
division shall be deposited into the transitional control fund, 12475  
which is hereby created in the state treasury and which hereby 12476  
replaces and succeeds the furlough services fund that formerly 12477

existed in the state treasury. All moneys that remain in the 12478  
furlough services fund on March 17, 1998, shall be transferred 12479  
on that date to the transitional control fund. The transitional 12480  
control fund shall be used solely to pay costs related to the 12481  
operation of the transitional control program established under 12482  
this section. The director of rehabilitation and correction 12483  
shall adopt rules in accordance with section 111.15 of the 12484  
Revised Code for the use of the fund. 12485

(F) A prisoner who violates any rule established by the 12486  
department of rehabilitation and correction under division (A), 12487  
(C), or (D) of this section may be transferred to a state 12488  
correctional institution pursuant to rules adopted under 12489  
division (A), (C), or (D) of this section, but the prisoner 12490  
shall receive credit towards completing the prisoner's sentence 12491  
for the time spent under transitional control. 12492

If a prisoner is transferred to transitional control under 12493  
this section, upon successful completion of the period of 12494  
transitional control, the prisoner may be released on parole or 12495  
under post-release control pursuant to section 2967.13 or 12496  
2967.28 of the Revised Code and rules adopted by the department 12497  
of rehabilitation and correction. If the prisoner is released 12498  
under post-release control, the duration of the post-release 12499  
control, the type of post-release control sanctions that may be 12500  
imposed, the enforcement of the sanctions, and the treatment of 12501  
prisoners who violate any sanction applicable to the prisoner 12502  
are governed by section 2967.28 of the Revised Code. 12503

**Sec. 2967.271.** (A) As used in this section: 12504

(1) "Offender's minimum prison term" means the minimum 12505  
prison term imposed on an offender under a non-life felony 12506  
indefinite prison term, diminished as provided in section 12507

2967.191 or 2967.193 of the Revised Code or in any other 12508  
provision of the Revised Code, other than division (F) of this 12509  
section, that provides for diminution or reduction of an 12510  
offender's sentence. 12511

(2) "Offender's presumptive earned early release date" 12512  
means the date that is determined under the procedures described 12513  
in division (F) of this section by the reduction, if any, of an 12514  
offender's minimum prison term by the sentencing court and the 12515  
crediting of that reduction toward the satisfaction of the 12516  
minimum term. 12517

(3) "Rehabilitative programs and activities" means 12518  
education programs, vocational training, employment in prison 12519  
industries, treatment for substance abuse, or other constructive 12520  
programs developed by the department of rehabilitation and 12521  
correction with specific standards for performance by prisoners. 12522

(4) "Security level" means the security level in which an 12523  
offender is classified under the inmate classification level 12524  
system of the department of rehabilitation and correction that 12525  
then is in effect. 12526

(5) "Sexually oriented offense" has the same meaning as in 12527  
section 2950.01 of the Revised Code. 12528

(B) When an offender is sentenced to a non-life felony 12529  
indefinite prison term, there shall be a presumption that the 12530  
person shall be released from service of the sentence on the 12531  
expiration of the offender's minimum prison term or on the 12532  
offender's presumptive earned early release date, whichever is 12533  
earlier. 12534

(C) The presumption established under division (B) of this 12535  
section is a rebuttable presumption that the department of 12536

rehabilitation and correction may rebut as provided in this 12537  
division. Unless the department rebuts the presumption, the 12538  
offender shall be released from service of the sentence on the 12539  
expiration of the offender's minimum prison term or on the 12540  
offender's presumptive earned early release date, whichever is 12541  
earlier. The department may rebut the presumption only if the 12542  
department determines, at a hearing, that one or more of the 12543  
following applies: 12544

(1) Regardless of the security level in which the offender 12545  
is classified at the time of the hearing, both of the following 12546  
apply: 12547

(a) During the offender's incarceration, the offender 12548  
committed institutional rule infractions that involved 12549  
compromising the security of a state correctional institution, 12550  
compromising the safety of the staff of a state correctional 12551  
institution or its inmates, or physical harm or the threat of 12552  
physical harm to the staff of a state correctional institution 12553  
or its inmates, or committed a violation of law that was not 12554  
prosecuted, and the infractions or violations demonstrate that 12555  
the offender has not been rehabilitated. 12556

(b) The offender's behavior while incarcerated, including, 12557  
but not limited to the infractions and violations specified in 12558  
division (C)(1)(a) of this section, demonstrate that the 12559  
offender continues to pose a threat to society. 12560

(2) Regardless of the security level in which the offender 12561  
is classified at the time of the hearing, the offender has been 12562  
placed by the department in extended restrictive housing at any 12563  
time within the year preceding the date of the hearing. 12564

(3) At the time of the hearing, the offender is classified 12565



by the department as a security level three, four, or five, or 12566  
at a higher security level. 12567

(D) (1) If the department of rehabilitation and correction, 12568  
pursuant to division (C) of this section, rebuts the presumption 12569  
established under division (B) of this section, the department 12570  
may maintain the offender's incarceration in a state 12571  
correctional institution under the sentence after the expiration 12572  
of the offender's minimum prison term or, for offenders who have 12573  
a presumptive earned early release date, after the offender's 12574  
presumptive earned early release date. The department may 12575  
maintain the offender's incarceration under this division for an 12576  
additional period of incarceration determined by the department. 12577  
The additional period of incarceration shall be a reasonable 12578  
period determined by the department, shall be specified by the 12579  
department, and shall not exceed the offender's maximum prison 12580  
term. 12581

(2) If the department maintains an offender's 12582  
incarceration for an additional period under division (D) (1) of 12583  
this section, there shall be a presumption that the offender 12584  
shall be released on the expiration of the offender's minimum 12585  
prison term plus the additional period of incarceration 12586  
specified by the department as provided under that division or, 12587  
for offenders who have a presumptive earned early release date, 12588  
on the expiration of the additional period of incarceration to 12589  
be served after the offender's presumptive earned early release 12590  
date that is specified by the department as provided under that 12591  
division. The presumption is a rebuttable presumption that the 12592  
department may rebut, but only if it conducts a hearing and 12593  
makes the determinations specified in division (C) of this 12594  
section, and if the department rebuts the presumption, it may 12595  
maintain the offender's incarceration in a state correctional 12596

institution for an additional period determined as specified in 12597  
division (D) (1) of this section. Unless the department rebuts 12598  
the presumption at the hearing, the offender shall be released 12599  
from service of the sentence on the expiration of the offender's 12600  
minimum prison term plus the additional period of incarceration 12601  
specified by the department or, for offenders who have a 12602  
presumptive earned early release date, on the expiration of the 12603  
additional period of incarceration to be served after the 12604  
offender's presumptive earned early release date as specified by 12605  
the department. 12606

The provisions of this division regarding the 12607  
establishment of a rebuttable presumption, the department's 12608  
rebuttal of the presumption, and the department's maintenance of 12609  
an offender's incarceration for an additional period of 12610  
incarceration apply, and may be utilized more than one time, 12611  
during the remainder of the offender's incarceration. If the 12612  
offender has not been released under division (C) of this 12613  
section or this division prior to the expiration of the 12614  
offender's maximum prison term imposed as part of the offender's 12615  
non-life felony indefinite prison term, the offender shall be 12616  
released upon the expiration of that maximum term. 12617

(E) The department shall provide notices of hearings to be 12618  
conducted under division (C) or (D) of this section in the same 12619  
manner, and to the same persons, as specified in section 2967.12 12620  
and Chapter 2930. of the Revised Code with respect to hearings 12621  
to be conducted regarding the possible release on parole of an 12622  
inmate. 12623

(F) (1) The director of the department of rehabilitation 12624  
and correction may notify the sentencing court in writing that 12625  
the director is recommending that the court grant a reduction in 12626

the minimum prison term imposed on a specified offender who is 12627  
serving a non-life felony indefinite prison term and who is 12628  
eligible under division (F) (8) of this section for such a 12629  
reduction, due to the offender's exceptional conduct while 12630  
incarcerated or the offender's adjustment to incarceration. If 12631  
the director wishes to recommend such a reduction for an 12632  
offender, the director shall send the notice to the court not 12633  
earlier than ninety days prior to the date on which the director 12634  
wishes to credit the reduction toward the satisfaction of the 12635  
offender's minimum prison term. If the director recommends such 12636  
a reduction for an offender, there shall be a presumption that 12637  
the court shall grant the recommended reduction to the offender. 12638  
The presumption established under this division is a rebuttable 12639  
presumption that may be rebutted as provided in division (F) (4) 12640  
of this section. 12641

The director shall include with the notice sent to a court 12642  
under this division an institutional summary report that covers 12643  
the offender's participation while confined in a state 12644  
correctional institution in rehabilitative programs and 12645  
activities and any disciplinary action taken against the 12646  
offender while so confined, all relevant information that will 12647  
enable the court to determine whether any factor specified in 12648  
divisions (F) (4) (a) to (e) of this section applies with respect 12649  
to the offender, if available, and any other documentation 12650  
requested by the court, if available. 12651

The notice the director sends to a court under this 12652  
division shall do all of the following: 12653

(a) Identify the offender; 12654

(b) Specify the length of the recommended reduction, which 12655  
shall be for five to fifteen per cent of the offender's minimum 12656

term determined in accordance with rules adopted by the 12657  
department under division (F)(7) of this section; 12658

(c) Specify the reason or reasons that qualify the 12659  
offender for the recommended reduction; 12660

(d) Inform the court of the rebuttable presumption and 12661  
that the court must either approve or, if the court finds that 12662  
the presumption has been rebutted, disapprove of the recommended 12663  
reduction, and that if it approves of the recommended reduction, 12664  
it must grant the reduction; 12665

(e) Inform the court that it must notify the department of 12666  
its decision as to approval or disapproval not later than sixty 12667  
days after receipt of the notice from the director. 12668

(2) When the director, under division (F)(1) of this 12669  
section, submits a notice to a sentencing court that the 12670  
director is recommending that the court grant a reduction in the 12671  
minimum prison term imposed on an offender serving a non-life 12672  
felony indefinite prison term, the department promptly shall 12673  
provide to the prosecuting attorney of the county in which the 12674  
offender was indicted a copy of the written notice, a copy of 12675  
the institutional summary report described in that division, and 12676  
any other information provided to the court. 12677

(3) Upon receipt of a notice submitted by the director 12678  
under division (F)(1) of this section, the court shall schedule 12679  
a hearing to consider whether to grant the reduction in the 12680  
minimum prison term imposed on the specified offender that was 12681  
recommended by the director or to find that the presumption has 12682  
been rebutted and disapprove the recommended reduction. Upon 12683  
scheduling the hearing, the court promptly shall give notice of 12684  
the hearing to the prosecuting attorney of the county in which 12685

the offender was indicted and to the department. The notice 12686  
shall inform the prosecuting attorney that the prosecuting 12687  
attorney may submit to the court, prior to the date of the 12688  
hearing, written information relevant to the recommendation and 12689  
may present at the hearing written information and oral 12690  
information relevant to the recommendation. 12691

Upon receipt of the notice from the court, the prosecuting 12692  
attorney shall notify the victim of the offender or the victim's 12693  
representative of the recommendation by the director, the date, 12694  
time, and place of the hearing, the fact that the victim may 12695  
submit to the court, prior to the date of the hearing, written 12696  
information relevant to the recommendation, and the address and 12697  
procedure for submitting the information. 12698

(4) At the hearing scheduled under division (F)(3) of this 12699  
section, the court shall afford the prosecuting attorney an 12700  
opportunity to present written information and oral information 12701  
relevant to the director's recommendation. In making its 12702  
determination as to whether to grant or disapprove the reduction 12703  
in the minimum prison term imposed on the specified offender 12704  
that was recommended by the director, the court shall consider 12705  
any report and other documentation submitted by the director, 12706  
any information submitted by a victim, any information submitted 12707  
or presented at the hearing by the prosecuting attorney, and all 12708  
of the factors set forth in divisions (B) to (D) of section 12709  
2929.12 of the Revised Code that are relevant to the offender's 12710  
offense and to the offender. 12711

Unless the court, after considering at the hearing the 12712  
specified reports, documentation, information, and relevant 12713  
factors, finds that the presumption that the recommended 12714  
reduction shall be granted has been rebutted and disapproves the 12715

recommended reduction, the court shall grant the recommended 12716  
reduction. The court may disapprove the recommended reduction 12717  
only if, after considering at the hearing the specified reports, 12718  
documentation, information, and relevant factors, it finds that 12719  
the presumption that the reduction shall be granted has been 12720  
rebutted. The court may find that the presumption has been 12721  
rebutted and disapprove the recommended reduction only if it 12722  
determines at the hearing that one or more of the following 12723  
applies: 12724

(a) Regardless of the security level in which the offender 12725  
is classified at the time of the hearing, during the offender's 12726  
incarceration, the offender committed institutional rule 12727  
infractions that involved compromising the security of a state 12728  
correctional institution, compromising the safety of the staff 12729  
of a state correctional institution or its inmates, or physical 12730  
harm or the threat of physical harm to the staff of a state 12731  
correctional institution or its inmates, or committed a 12732  
violation of law that was not prosecuted, and the infractions or 12733  
violations demonstrate that the offender has not been 12734  
rehabilitated. 12735

(b) The offender's behavior while incarcerated, including, 12736  
but not limited to, the infractions and violations specified in 12737  
division (F) (4) (a) of this section, demonstrates that the 12738  
offender continues to pose a threat to society. 12739

(c) At the time of the hearing, the offender is classified 12740  
by the department as a security level three, four, or five, or 12741  
at a higher security level. 12742

(d) During the offender's incarceration, the offender did 12743  
not productively participate in a majority of the rehabilitative 12744  
programs and activities recommended by the department for the 12745

offender, or the offender participated in a majority of such 12746  
recommended programs or activities but did not successfully 12747  
complete a reasonable number of the programs or activities in 12748  
which the offender participated. 12749

(e) After release, the offender will not be residing in a 12750  
halfway house, reentry center, or community residential center 12751  
licensed under division (C) of section 2967.14 of the Revised 12752  
Code and, after release, does not have any other place to reside 12753  
at a fixed residence address. 12754

(5) If the court pursuant to division (F)(4) of this 12755  
section finds that the presumption that the recommended 12756  
reduction in the offender's minimum prison term has been 12757  
rebutted and disapproves the recommended reduction, the court 12758  
shall notify the department of the disapproval not later than 12759  
sixty days after receipt of the notice from the director. The 12760  
court shall specify in the notification the reason or reasons 12761  
for which it found that the presumption was rebutted and 12762  
disapproved the recommended reduction. The court shall not 12763  
reduce the offender's minimum prison term, and the department 12764  
shall not credit the amount of the disapproved reduction toward 12765  
satisfaction of the offender's minimum prison term. 12766

If the court pursuant to division (F)(4) of this section 12767  
grants the recommended reduction of the offender's minimum 12768  
prison term, the court shall notify the department of the grant 12769  
of the reduction not later than sixty days after receipt of the 12770  
notice from the director, the court shall reduce the offender's 12771  
minimum prison term in accordance with the recommendation 12772  
submitted by the director, and the department shall credit the 12773  
amount of the reduction toward satisfaction of the offender's 12774  
minimum prison term. 12775

Upon deciding whether to disapprove or grant the  
recommended reduction of the offender's minimum prison term, the  
court shall notify the prosecuting attorney of the decision and  
the prosecuting attorney shall notify the victim or victim's  
representative of the court's decision.

(6) If the court under division (F) (5) of this section  
grants the reduction in the minimum prison term imposed on an  
offender that was recommended by the director and reduces the  
offender's minimum prison term, the date determined by the  
department's crediting of the reduction toward satisfaction of  
the offender's minimum prison term is the offender's presumptive  
earned early release date.

(7) The department of rehabilitation and correction by  
rule shall specify both of the following for offenders serving a  
non-life felony indefinite prison term:

(a) The type of exceptional conduct while incarcerated and  
the type of adjustment to incarceration that will qualify an  
offender serving such a prison term for a reduction under  
divisions (F) (1) to (6) of this section of the minimum prison  
term imposed on the offender under the non-life felony  
indefinite prison term.

(b) The per cent of reduction that it may recommend for,  
and that may be granted to, an offender serving such a prison  
term under divisions (F) (1) to (6) of this section, based on the  
offense level of the offense for which the prison term was  
imposed, with the department specifying the offense levels used  
for purposes of this division and assigning a specific  
percentage reduction within the range of five to fifteen per  
cent for each such offense level.



(8) Divisions (F) (1) to (6) of this section do not apply 12805  
with respect to an offender serving a non-life felony indefinite 12806  
prison term for a sexually oriented offense, and no offender 12807  
serving such a prison term for a sexually oriented offense is 12808  
eligible to be recommended for or granted, or may be recommended 12809  
for or granted, a reduction under those divisions in the 12810  
offender's minimum prison term imposed under that non-life 12811  
felony indefinite prison term. 12812

(G) If an offender is sentenced to a non-life felony 12813  
indefinite prison term, any reference in a section of the 12814  
Revised Code to a definite prison term shall be construed as 12815  
referring to the offender's minimum term under that sentence 12816  
plus any additional period of time of incarceration specified by 12817  
the department under division (D) (1) or (2) of this section, 12818  
except to the extent otherwise specified in the section or to 12819  
the extent that that construction clearly would be 12820  
inappropriate. 12821

**Sec. 2967.28.** (A) As used in this section: 12822

(1) "Monitored time" means the monitored time sanction 12823  
specified in section 2929.17 and defined in section 2929.01 of 12824  
the Revised Code. 12825

(2) "Deadly weapon" and "dangerous ordnance" have the same 12826  
meanings as in section 2923.11 of the Revised Code. 12827

(3) "Felony sex offense" means a violation of a section 12828  
contained in Chapter 2907. of the Revised Code that is a felony. 12829

(4) "Risk reduction sentence" means a prison term imposed 12830  
by a court, when the court recommends pursuant to section 12831  
2929.143 of the Revised Code that the offender serve the 12832  
sentence under section 5120.036 of the Revised Code, and the 12833

offender may potentially be released from imprisonment prior to 12834  
the expiration of the prison term if the offender successfully 12835  
completes all assessment and treatment or programming required 12836  
by the department of rehabilitation and correction under section 12837  
5120.036 of the Revised Code. 12838

(5) "Victim's immediate family" has the same meaning as in 12839  
section 2967.12 of the Revised Code. 12840

(6) "Minor drug possession offense" has the same meaning 12841  
as in section 2925.11 of the Revised Code. 12842

(7) "Single validated risk assessment tool" means the 12843  
single validated risk assessment tool selected by the department 12844  
of rehabilitation and correction under section 5120.114 of the 12845  
Revised Code. 12846

(B) Each sentence to a prison term, other than a term of 12847  
life imprisonment, for a felony of the first degree, for a 12848  
felony of the second degree, for a felony sex offense, or for a 12849  
felony of the third degree that is an offense of violence and is 12850  
not a felony sex offense shall include a requirement that the 12851  
offender be subject to a period of post-release control imposed 12852  
by the parole board after the offender's release from 12853  
imprisonment. This division applies with respect to all prison 12854  
terms of a type described in this division, including a term of 12855  
any such type that is a risk reduction sentence. If a court 12856  
imposes a sentence including a prison term of a type described 12857  
in this division on or after July 11, 2006, the failure of a 12858  
sentencing court to notify the offender pursuant to division (B) 12859  
(2) (d) of section 2929.19 of the Revised Code of this 12860  
requirement or to include in the judgment of conviction entered 12861  
on the journal a statement that the offender's sentence includes 12862  
this requirement does not negate, limit, or otherwise affect the 12863

mandatory period of supervision that is required for the 12864  
offender under this division. This division applies with respect 12865  
to all prison terms of a type described in this division, 12866  
including a non-life felony indefinite prison term. Section 12867  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 12868  
a court imposed a sentence including a prison term of a type 12869  
described in this division and failed to notify the offender 12870  
pursuant to division (B) (2) (d) of section 2929.19 of the Revised 12871  
Code regarding post-release control or to include in the 12872  
judgment of conviction entered on the journal or in the sentence 12873  
pursuant to division (D) (1) of section 2929.14 of the Revised 12874  
Code a statement regarding post-release control. Unless reduced 12875  
by the parole board pursuant to division (D) of this section 12876  
when authorized under that division, a period of post-release 12877  
control required by this division for an offender shall be of 12878  
one of the following periods: 12879

(1) For a felony sex offense, five years; 12880

(2) For a felony of the first degree that is not a felony 12881  
sex offense, up to five years, but not less than two years; 12882

(3) For a felony of the second degree that is not a felony 12883  
sex offense, up to three years, but not less than eighteen 12884  
months; 12885

(4) For a felony of the third degree that is an offense of 12886  
violence and is not a felony sex offense, up to three years, but 12887  
not less than one year. 12888

(C) Any sentence to a prison term for a felony of the 12889  
third, fourth, or fifth degree that is not subject to division 12890  
(B) (1) or (4) of this section shall include a requirement that 12891  
the offender be subject to a period of post-release control of 12892

up to two years after the offender's release from imprisonment, 12893  
if the parole board, in accordance with division (D) of this 12894  
section, determines that a period of post-release control is 12895  
necessary for that offender. This division applies with respect 12896  
to all prison terms of a type described in this division, 12897  
including a term of any such type that is a risk reduction 12898  
sentence. Section 2929.191 of the Revised Code applies if, prior 12899  
to July 11, 2006, a court imposed a sentence including a prison 12900  
term of a type described in this division and failed to notify 12901  
the offender pursuant to division (B) (2) (e) of section 2929.19 12902  
of the Revised Code regarding post-release control or to include 12903  
in the judgment of conviction entered on the journal or in the 12904  
sentence pursuant to division (D) (2) of section 2929.14 of the 12905  
Revised Code a statement regarding post-release control. 12906  
Pursuant to an agreement entered into under section 2967.29 of 12907  
the Revised Code, a court of common pleas or parole board may 12908  
impose sanctions or conditions on an offender who is placed on 12909  
post-release control under this division. 12910

(D) (1) Before the prisoner is released from imprisonment, 12911  
the parole board or, pursuant to an agreement under section 12912  
2967.29 of the Revised Code, the court shall impose on a 12913  
prisoner described in division (B) of this section, shall impose 12914  
on a prisoner described in division (C) of this section who is 12915  
to be released before the expiration of the prisoner's stated 12916  
prison term under a risk reduction sentence, may impose on a 12917  
prisoner described in division (C) of this section who is not to 12918  
be released before the expiration of the prisoner's stated 12919  
prison term under a risk reduction sentence, and shall impose on 12920  
a prisoner described in division (B) (2) (b) of section 5120.031 12921  
or in division (B) (1) of section 5120.032 of the Revised Code, 12922  
one or more post-release control sanctions to apply during the 12923

prisoner's period of post-release control. Whenever the board or 12924  
court imposes one or more post-release control sanctions on a 12925  
prisoner, the board or court, in addition to imposing the 12926  
sanctions, also shall include as a condition of the post-release 12927  
control that the offender not leave the state without permission 12928  
of the court or the offender's parole or probation officer and 12929  
that the offender abide by the law. The board or court may 12930  
impose any other conditions of release under a post-release 12931  
control sanction that the board or court considers appropriate, 12932  
and the conditions of release may include any community 12933  
residential sanction, community nonresidential sanction, or 12934  
financial sanction that the sentencing court was authorized to 12935  
impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the 12936  
Revised Code. Prior to the release of a prisoner for whom it 12937  
will impose one or more post-release control sanctions under 12938  
this division, the parole board or court shall review the 12939  
prisoner's criminal history, results from the single validated 12940  
risk assessment tool, and the record of the prisoner's conduct 12941  
while imprisoned. The parole board or court shall consider any 12942  
recommendation regarding post-release control sanctions for the 12943  
prisoner made by the office of victims' services. After 12944  
considering those materials, the board or court shall determine, 12945  
for a prisoner described in division (B) of this section, 12946  
division (B) (2) (b) of section 5120.031, or division (B) (1) of 12947  
section 5120.032 of the Revised Code and for a prisoner 12948  
described in division (C) of this section who is to be released 12949  
before the expiration of the prisoner's stated prison term under 12950  
a risk reduction sentence, which post-release control sanction 12951  
or combination of post-release control sanctions is reasonable 12952  
under the circumstances or, for a prisoner described in division 12953  
(C) of this section who is not to be released before the 12954  
expiration of the prisoner's stated prison term under a risk 12955

reduction sentence, whether a post-release control sanction is 12956  
necessary and, if so, which post-release control sanction or 12957  
combination of post-release control sanctions is reasonable 12958  
under the circumstances. In the case of a prisoner convicted of 12959  
a felony of the fourth or fifth degree other than a felony sex 12960  
offense, the board or court shall presume that monitored time is 12961  
the appropriate post-release control sanction unless the board 12962  
or court determines that a more restrictive sanction is 12963  
warranted. A post-release control sanction imposed under this 12964  
division takes effect upon the prisoner's release from 12965  
imprisonment. 12966

Regardless of whether the prisoner was sentenced to the 12967  
prison term prior to, on, or after July 11, 2006, prior to the 12968  
release of a prisoner for whom it will impose one or more post- 12969  
release control sanctions under this division, the parole board 12970  
shall notify the prisoner that, if the prisoner violates any 12971  
sanction so imposed or any condition of post-release control 12972  
described in division (B) of section 2967.131 of the Revised 12973  
Code that is imposed on the prisoner, the parole board may 12974  
impose a prison term of up to one-half of the stated prison term 12975  
originally imposed on the prisoner. 12976

At least thirty days before the prisoner is released from 12977  
imprisonment under post-release control, except as otherwise 12978  
provided in this paragraph, the department of rehabilitation and 12979  
correction shall notify the victim and the victim's immediate 12980  
family of the date on which the prisoner will be released, the 12981  
period for which the prisoner will be under post-release control 12982  
supervision, and the terms and conditions of the prisoner's 12983  
post-release control regardless of whether the victim or 12984  
victim's immediate family has requested the notification. The 12985  
notice described in this paragraph shall not be given to a 12986

victim or victim's immediate family if the victim or the 12987  
victim's immediate family has requested pursuant to division (B) 12988  
(2) of section 2930.03 of the Revised Code that the notice not 12989  
be provided to the victim or the victim's immediate family. At 12990  
least thirty days before the prisoner is released from 12991  
imprisonment and regardless of whether the victim or victim's 12992  
immediate family has requested that the notice described in this 12993  
paragraph be provided or not be provided to the victim or the 12994  
victim's immediate family, the department also shall provide 12995  
notice of that nature to the prosecuting attorney in the case 12996  
and the law enforcement agency that arrested the prisoner if any 12997  
officer of that agency was a victim of the offense. 12998

If the notice given under the preceding paragraph to the 12999  
victim or the victim's immediate family is based on an offense 13000  
committed prior to March 22, 2013, and if the department of 13001  
rehabilitation and correction has not previously successfully 13002  
provided any notice to the victim or the victim's immediate 13003  
family under division (B), (C), or (D) of section 2930.16 of the 13004  
Revised Code with respect to that offense and the offender who 13005  
committed it, the notice also shall inform the victim or the 13006  
victim's immediate family that the victim or the victim's 13007  
immediate family may request that the victim or the victim's 13008  
immediate family not be provided any further notices with 13009  
respect to that offense and the offender who committed it and 13010  
shall describe the procedure for making that request. The 13011  
department may give the notices to which the preceding paragraph 13012  
applies by any reasonable means, including regular mail, 13013  
telephone, and electronic mail. If the department attempts to 13014  
provide notice to any specified person under the preceding 13015  
paragraph but the attempt is unsuccessful because the department 13016  
is unable to locate the specified person, is unable to provide 13017

the notice by its chosen method because it cannot determine the 13018  
mailing address, electronic mail address, or telephone number at 13019  
which to provide the notice, or, if the notice is sent by mail, 13020  
the notice is returned, the department shall make another 13021  
attempt to provide the notice to the specified person. If the 13022  
second attempt is unsuccessful, the department shall make at 13023  
least one more attempt to provide the notice. If the notice is 13024  
based on an offense committed prior to March 22, 2013, in each 13025  
attempt to provide the notice to the victim or victim's 13026  
immediate family, the notice shall include the opt-out 13027  
information described in this paragraph. The department, in the 13028  
manner described in division (D) (2) of section 2930.16 of the 13029  
Revised Code, shall keep a record of all attempts to provide the 13030  
notice, and of all notices provided, under this paragraph and 13031  
the preceding paragraph. The record shall be considered as if it 13032  
was kept under division (D) (2) of section 2930.16 of the Revised 13033  
Code. This paragraph, the preceding paragraph, and the notice- 13034  
related provisions of divisions (E) (2) and (K) of section 13035  
2929.20, division (D) (1) of section 2930.16, division (H) of 13036  
section 2967.12, division (E) (1) (b) of section 2967.19 as it 13037  
existed prior to the effective date of this amendment, division 13038  
~~(A) (3) (b)~~ (A) (2) (b) of section 2967.26, and division (A) (2) of 13039  
section 5149.101 of the Revised Code enacted in the act in which 13040  
this paragraph and the preceding paragraph were enacted, shall 13041  
be known as "Roberta's Law." 13042

(2) If a prisoner who is placed on post-release control 13043  
under this section is released before the expiration of the 13044  
definite term that is the prisoner's stated prison term or the 13045  
expiration of the minimum term that is part of the prisoner's 13046  
indefinite prison term imposed under a non-life felony 13047  
indefinite prison term by reason of credit earned under section 13048



2967.193 or a reduction under division (F) of section 2967.271 13049  
of the Revised Code and if the prisoner earned sixty or more 13050  
days of credit, the adult parole authority may supervise the 13051  
offender with an active global positioning system device for the 13052  
first fourteen days after the offender's release from 13053  
imprisonment. This division does not prohibit or limit the 13054  
imposition of any post-release control sanction otherwise 13055  
authorized by this section. 13056

(3) After a prisoner is released from imprisonment and 13057  
during the period of post-release control applicable to the 13058  
releasee, the adult parole authority or, pursuant to an 13059  
agreement under section 2967.29 of the Revised Code, the court 13060  
may review the releasee's behavior under the post-release 13061  
control sanctions imposed upon the releasee under this section. 13062  
The authority or court may determine, based upon the review and 13063  
in accordance with the standards established under division (E) 13064  
of this section, that the releasee has satisfactorily complied 13065  
with the sanctions imposed, and if such a determination is made, 13066  
the authority may recommend a less restrictive sanction, reduce 13067  
the period of post-release control, or, no sooner than the 13068  
minimum period of time required under section 2967.16 of the 13069  
Revised Code, recommend that the parole board or court terminate 13070  
the duration of the period of post-release control. In no case 13071  
shall the board or court reduce the duration of the period of 13072  
control imposed for a felony sex offense described in division 13073  
(B) (1) of this section. 13074

(4) The department of rehabilitation and correction shall 13075  
develop factors that the parole board or court shall consider in 13076  
determining under division (D) (3) of this section whether to 13077  
terminate the period of control imposed on a releasee. 13078

(E) The department of rehabilitation and correction, in accordance with Chapter 119. of the Revised Code, shall adopt rules that do all of the following:

(1) Establish standards for the imposition by the parole board of post-release control sanctions under this section that are consistent with the overriding purposes and sentencing principles set forth in section 2929.11 of the Revised Code and that are appropriate to the needs of releasees;

(2) Establish standards that provide for a period of post-release control of up to two years for all prisoners described in division (C) of this section who are to be released before the expiration of their stated prison term under a risk reduction sentence and standards by which the parole board can determine which prisoners described in division (C) of this section who are not to be released before the expiration of their stated prison term under a risk reduction sentence should be placed under a period of post-release control;

(3) Establish standards to be used by the parole board in reducing or terminating the duration of the period of post-release control imposed by the court when authorized under division (D) of this section, in imposing a more restrictive post-release control sanction than monitored time on a prisoner convicted of a felony of the fourth or fifth degree other than a felony sex offense, or in imposing a less restrictive control sanction on a releasee based on results from the single validated risk assessment tool and on the releasee's activities including, but not limited to, remaining free from criminal activity and from the abuse of alcohol or other drugs, successfully participating in approved rehabilitation programs, maintaining employment, and paying restitution to the victim or

meeting the terms of other financial sanctions;	13109
(4) Establish standards to be used by the adult parole authority in modifying a releasee's post-release control sanctions pursuant to division (D)(2) of this section;	13110 13111 13112
(5) Establish standards to be used by the adult parole authority or parole board in imposing further sanctions under division (F) of this section on releasees who violate post-release control sanctions, including standards that do the following:	13113 13114 13115 13116 13117
(a) Classify violations according to the degree of seriousness;	13118 13119
(b) Define the circumstances under which formal action by the parole board is warranted;	13120 13121
(c) Govern the use of evidence at violation hearings;	13122
(d) Ensure procedural due process to an alleged violator;	13123
(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations;	13124 13125
(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.	13126 13127
(F)(1) Whenever the parole board imposes one or more post-release control sanctions on 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	13128 13129 13130 13131 13132 13133 13134 13135 13136

described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation directly to the adult parole authority or to the officer of the authority who supervises the offender. The authority's officers may treat the offender as if the offender were on parole and in violation of the parole, and otherwise shall comply with this section.

(2) If the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised Code, the court determines that a releasee has violated a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code imposed on the releasee and that a more restrictive sanction is appropriate, the authority or court may impose a more restrictive sanction on the releasee, in accordance with the standards established under division (E) of this section or in accordance with the agreement made under section 2967.29 of the Revised Code, or may report the violation to the parole board for a hearing pursuant to division (F) (3) of this section. The authority or court may not, pursuant to this division, increase the duration of the releasee's post-release control or impose as a post-release control sanction a residential sanction that includes a prison term, but the authority or court may impose on the releasee any other residential sanction, nonresidential sanction, or financial sanction that the sentencing court was authorized to impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the Revised Code.

(3) The parole board or, pursuant to an agreement under section 2967.29 of the Revised Code, the court may hold a

hearing on any alleged violation by a releasee of a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed upon the releasee. If after the hearing the board or court finds that the releasee violated the sanction or condition, the board or court may increase the duration of the releasee's post-release control up to the maximum duration authorized by division (B) or (C) of this section or impose a more restrictive post-release control sanction. If a releasee was acting pursuant to division (B) (2) (b) of section 2925.11 of the Revised Code and in so doing violated the conditions of a post-release control sanction based on a minor drug possession offense as defined in that section, the board or the court may consider the releasee's conduct in seeking or obtaining medical assistance for another in good faith or for self or may consider the releasee being the subject of another person seeking or obtaining medical assistance in accordance with that division as a mitigating factor before imposing any of the penalties described in this division. When appropriate, the board or court may impose as a post-release control sanction a residential sanction that includes a prison term. The board or court shall consider a prison term as a post-release control sanction imposed for a violation of post-release control when the violation involves a deadly weapon or dangerous ordnance, physical harm or attempted serious physical harm to a person, or sexual misconduct. Unless a releasee's stated prison term was reduced pursuant to section 5120.032 of the Revised Code, the period of a prison term that is imposed as a post-release control sanction under this division shall not exceed nine months, and the maximum cumulative prison term for all violations under this division shall not exceed one-half of the definite prison term that was the stated prison term originally imposed on the offender as part of this sentence or, with

respect to a stated non-life felony indefinite prison term, one- 13200  
half of the minimum prison term that was imposed as part of that 13201  
stated prison term originally imposed on the offender. If a 13202  
releasee's stated prison term was reduced pursuant to section 13203  
5120.032 of the Revised Code, the period of a prison term that 13204  
is imposed as a post-release control sanction under this 13205  
division and the maximum cumulative prison term for all 13206  
violations under this division shall not exceed the period of 13207  
time not served in prison under the sentence imposed by the 13208  
court. The period of a prison term that is imposed as a post- 13209  
release control sanction under this division shall not count as, 13210  
or be credited toward, the remaining period of post-release 13211  
control. If, during the period of the releasee's post-release 13212  
control, the releasee serves as a post-release control sanction 13213  
the maximum prison time available as a sanction, the post- 13214  
release control shall terminate. 13215

If an offender is imprisoned for a felony committed while 13216  
under post-release control supervision and is again released on 13217  
post-release control for a period of time, the maximum 13218  
cumulative prison term for all violations under this division 13219  
shall not exceed one-half of the total stated prison terms of 13220  
the earlier felony, reduced by any prison term administratively 13221  
imposed by the parole board or court, plus one-half of the total 13222  
stated prison term of the new felony. 13223

(G) (1) If an offender is simultaneously subject to a 13224  
period of parole under an indefinite or life sentence and a 13225  
period of post-release control, or is simultaneously subject to 13226  
two periods of post-release control, the period of supervision 13227  
that expires last shall determine the length and form of 13228  
supervision for all the periods and the related sentences. 13229

(2) An offender shall receive credit for post-release control supervision during the period of parole, and shall not be eligible for final release under section 2967.16 of the Revised Code until the post-release control period otherwise would have ended.

(3) If the period of parole ends prior to the end of the period of post-release control, the requirements of parole supervision shall be satisfied during the post-release control period.

(H) (1) A period of post-release control shall not be imposed consecutively to any other post-release control period.

(2) The period of post-release control for a releasee who commits a felony while under post-release control for an earlier felony shall be the longer of the period of post-release control specified for the new felony under division (B) or (C) of this section or the time remaining under the period of post-release control imposed for the earlier felony as determined by the parole board or court.

**Sec. 3113.31.** (A) As used in this section:

(1) "Domestic violence" means any of the following:

(a) The occurrence of one or more of the following acts against a family or household member:

(i) Attempting to cause or recklessly causing bodily injury;

(ii) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;

(iii) Committing any act with respect to a child that

would result in the child being an abused child, as defined in 13258  
section 2151.031 of the Revised Code; 13259

(iv) Committing a sexually oriented offense. 13260

(b) The occurrence of one or more of the acts identified 13261  
in divisions (A)(1)(a)(i) to (iv) of this section against a 13262  
person with whom the respondent is or was in a dating 13263  
relationship. 13264

(2) "Court" means the domestic relations division of the 13265  
court of common pleas in counties that have a domestic relations 13266  
division and the court of common pleas in counties that do not 13267  
have a domestic relations division, or the juvenile division of 13268  
the court of common pleas of the county in which the person to 13269  
be protected by a protection order issued or a consent agreement 13270  
approved under this section resides if the respondent is less 13271  
than eighteen years of age. 13272

(3) "Family or household member" means any of the 13273  
following: 13274

(a) Any of the following who is residing with or has 13275  
resided with the respondent: 13276

(i) A spouse, a person living as a spouse, or a former 13277  
spouse of the respondent; 13278

(ii) A parent, a foster parent, or a child of the 13279  
respondent, or another person related by consanguinity or 13280  
affinity to the respondent; 13281

(iii) A parent or a child of a spouse, person living as a 13282  
spouse, or former spouse of the respondent, or another person 13283  
related by consanguinity or affinity to a spouse, person living 13284  
as a spouse, or former spouse of the respondent. 13285



(b) The natural parent of any child of whom the respondent 13286  
is the other natural parent or is the putative other natural 13287  
parent. 13288

(4) "Person living as a spouse" means a person who is 13289  
living or has lived with the respondent in a common law marital 13290  
relationship, who otherwise is cohabiting with the respondent, 13291  
or who otherwise has cohabited with the respondent within five 13292  
years prior to the date of the alleged occurrence of the act in 13293  
question. 13294

(5) "Victim advocate" means a person who provides support 13295  
and assistance for a person who files a petition under this 13296  
section. 13297

(6) "Sexually oriented offense" has the same meaning as in 13298  
section 2950.01 of the Revised Code. 13299

(7) "Companion animal" has the same meaning as in section 13300  
959.131 of the Revised Code. 13301

(8) "Dating relationship" means a relationship between 13302  
individuals who have, or have had, a relationship of a romantic 13303  
or intimate nature. "Dating relationship" does not include a 13304  
casual acquaintanceship or ordinary fraternization in a business 13305  
or social context. 13306

(9) "Person with whom the respondent is or was in a dating 13307  
relationship" means an adult who, at the time of the conduct in 13308  
question, is in a dating relationship with the respondent who 13309  
also is an adult or who, within the twelve months preceding the 13310  
conduct in question, has had a dating relationship with the 13311  
respondent who also is an adult. 13312

(B) The court has jurisdiction over all proceedings under 13313  
this section. The petitioner's right to relief under this 13314

section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence.

(C) A person may seek relief under this section on the person's own behalf, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state:

(1) An allegation that the respondent engaged in domestic violence against a family or household member of the respondent or against a person with whom the respondent is or was in a dating relationship, including a description of the nature and extent of the domestic violence;

(2) The relationship of the respondent to the petitioner, and to the victim if other than the petitioner;

(3) If the petition is for protection of a person with whom the respondent is or was in a dating relationship, the facts upon which the court may conclude that a dating relationship existed between the person to be protected and the respondent;

(4) A request for relief under this section.

(D) (1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing on the same day that the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, including, but not limited to, an order described in division (E) (1) (a), (b), or (c) of this section, that the court finds necessary to protect the family or household member or the person with whom the respondent is or was in a dating relationship from domestic

violence. Immediate and present danger of domestic violence to 13344  
the family or household member or to the person with whom the 13345  
respondent is or was in a dating relationship constitutes good 13346  
cause for purposes of this section. Immediate and present danger 13347  
includes, but is not limited to, situations in which the 13348  
respondent has threatened the family or household member or 13349  
person with whom the respondent is or was in a dating 13350  
relationship with bodily harm, in which the respondent has 13351  
threatened the family or household member or person with whom 13352  
the respondent is or was in a dating relationship with a 13353  
sexually oriented offense, or in which the respondent previously 13354  
has been convicted of, pleaded guilty to, or been adjudicated a 13355  
delinquent child for an offense that constitutes domestic 13356  
violence against the family or household member or person with 13357  
whom the respondent is or was in a dating relationship. 13358

(2) (a) If the court, after an ex parte hearing, issues an 13359  
order described in division (E) (1) (b) or (c) of this section, 13360  
the court shall schedule a full hearing for a date that is 13361  
within seven court days after the ex parte hearing. If any other 13362  
type of protection order that is authorized under division (E) 13363  
of this section is issued by the court after an ex parte 13364  
hearing, the court shall schedule a full hearing for a date that 13365  
is within ten court days after the ex parte hearing. The court 13366  
shall give the respondent notice of, and an opportunity to be 13367  
heard at, the full hearing. The court shall hold the full 13368  
hearing on the date scheduled under this division unless the 13369  
court grants a continuance of the hearing in accordance with 13370  
this division. Under any of the following circumstances or for 13371  
any of the following reasons, the court may grant a continuance 13372  
of the full hearing to a reasonable time determined by the 13373  
court: 13374

(i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing. 13375  
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(ii) The parties consent to the continuance. 13379

(iii) The continuance is needed to allow a ~~party~~ respondent to obtain counsel. 13380  
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~~(iv) The continuance is needed for other good cause.~~ 13382

(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D) (2) (a) of this section or because the court grants a continuance under that division. 13383  
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(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter. 13388  
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(E) (1) After an ex parte or full hearing, the court may grant any protection order, with or without bond, or approve any consent agreement to bring about a cessation of domestic violence against the family or household members or persons with whom the respondent is or was in a dating relationship. The order or agreement may: 13394  
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(a) Direct the respondent to refrain from abusing or from committing sexually oriented offenses against the family or household members or persons with whom the respondent is or was in a dating relationship; 13400  
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(b) With respect to a petition involving family or household members, grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by evicting the respondent, when the residence or household is owned or leased solely by the petitioner or other family or household member, or by ordering the respondent to vacate the premises, when the residence or household is jointly owned or leased by the respondent, and the petitioner or other family or household member;

(c) With respect to a petition involving family or household members, when the respondent has a duty to support the petitioner or other family or household member living in the residence or household and the respondent is the sole owner or lessee of the residence or household, grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by ordering the respondent to vacate the premises, or, in the case of a consent agreement, allow the respondent to provide suitable, alternative housing;

(d) With respect to a petition involving family or household members, temporarily allocate parental rights and responsibilities for the care of, or establish temporary parenting time rights with regard to, minor children, if no other court has determined, or is determining, the allocation of parental rights and responsibilities for the minor children or parenting time rights;

(e) With respect to a petition involving family or household members, require the respondent to maintain support, if the respondent customarily provides for or contributes to the support of the family or household member, or if the respondent

has a duty to support the petitioner or family or household member; 13434  
13435

(f) Require the respondent, petitioner, victim of domestic violence, or any combination of those persons, to seek counseling; 13436  
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(g) Require the respondent to refrain from entering the residence, school, business, or place of employment of the petitioner or, with respect to a petition involving family or household members, a family or household member; 13439  
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(h) Grant other relief that the court considers equitable and fair, including, but not limited to, ordering the respondent to permit the use of a motor vehicle by the petitioner or, with respect to a petition involving family or household members, other family or household members and the apportionment of household and family personal property; 13443  
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(i) Require that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the petitioner; 13449  
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(j) Authorize the petitioner to remove a companion animal owned by the petitioner from the possession of the respondent; 13452  
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(k) Require a wireless service transfer in accordance with sections 3113.45 to 3113.459 of the Revised Code. 13454  
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(2) If a protection order has been issued pursuant to this section in a prior action involving the respondent and the petitioner or, with respect to a petition involving family or household members, one or more of the family or household members or victims, the court may include in a protection order that it issues a prohibition against the respondent returning to the residence or household. If it includes a prohibition against 13456  
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the respondent returning to the residence or household in the 13463  
order, it also shall include in the order provisions of the type 13464  
described in division (E) (7) of this section. This division does 13465  
not preclude the court from including in a protection order or 13466  
consent agreement, in circumstances other than those described 13467  
in this division, a requirement that the respondent be evicted 13468  
from or vacate the residence or household or refrain from 13469  
entering the residence, school, business, or place of employment 13470  
of the petitioner or, with respect to a petition involving 13471  
family or household members, a family or household member, and, 13472  
if the court includes any requirement of that type in an order 13473  
or agreement, the court also shall include in the order 13474  
provisions of the type described in division (E) (7) of this 13475  
section. 13476

(3) (a) Any protection order issued or consent agreement 13477  
approved under this section shall be valid until a date certain, 13478  
but not later than five years from the date of its issuance or 13479  
approval, or not later than the date a respondent who is less 13480  
than eighteen years of age attains nineteen years of age, unless 13481  
modified or terminated as provided in division (E) (8) of this 13482  
section. 13483

(b) With respect to an order involving family or household 13484  
members, subject to the limitation on the duration of an order 13485  
or agreement set forth in division (E) (3) (a) of this section, 13486  
any order under division (E) (1) (d) of this section shall 13487  
terminate on the date that a court in an action for divorce, 13488  
dissolution of marriage, or legal separation brought by the 13489  
petitioner or respondent issues an order allocating parental 13490  
rights and responsibilities for the care of children or on the 13491  
date that a juvenile court in an action brought by the 13492  
petitioner or respondent issues an order awarding legal custody 13493

of minor children. Subject to the limitation on the duration of 13494  
an order or agreement set forth in division (E) (3) (a) of this 13495  
section, any order under division (E) (1) (e) of this section 13496  
shall terminate on the date that a court in an action for 13497  
divorce, dissolution of marriage, or legal separation brought by 13498  
the petitioner or respondent issues a support order or on the 13499  
date that a juvenile court in an action brought by the 13500  
petitioner or respondent issues a support order. 13501

(c) Any protection order issued or consent agreement 13502  
approved pursuant to this section may be renewed in the same 13503  
manner as the original order or agreement was issued or 13504  
approved. 13505

(4) A court may not issue a protection order that requires 13506  
a petitioner to do or to refrain from doing an act that the 13507  
court may require a respondent to do or to refrain from doing 13508  
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 13509  
this section unless all of the following apply: 13510

(a) The respondent files a separate petition for a 13511  
protection order in accordance with this section. 13512

(b) The petitioner is served notice of the respondent's 13513  
petition at least forty-eight hours before the court holds a 13514  
hearing with respect to the respondent's petition, or the 13515  
petitioner waives the right to receive this notice. 13516

(c) If the petitioner has requested an ex parte order 13517  
pursuant to division (D) of this section, the court does not 13518  
delay any hearing required by that division beyond the time 13519  
specified in that division in order to consolidate the hearing 13520  
with a hearing on the petition filed by the respondent. 13521

(d) After a full hearing at which the respondent presents 13522



evidence in support of the request for a protection order and 13523  
the petitioner is afforded an opportunity to defend against that 13524  
evidence, the court determines that the petitioner has committed 13525  
an act of domestic violence or has violated a temporary 13526  
protection order issued pursuant to section 2919.26 of the 13527  
Revised Code, that both the petitioner and the respondent acted 13528  
primarily as aggressors, and that neither the petitioner nor the 13529  
respondent acted primarily in self-defense. 13530

(5) No protection order issued or consent agreement 13531  
approved under this section shall in any manner affect title to 13532  
any real property. 13533

(6) (a) With respect to an order involving family or 13534  
household members, if a petitioner, or the child of a 13535  
petitioner, who obtains a protection order or consent agreement 13536  
pursuant to division (E) (1) of this section or a temporary 13537  
protection order pursuant to section 2919.26 of the Revised Code 13538  
and is the subject of a parenting time order issued pursuant to 13539  
section 3109.051 or 3109.12 of the Revised Code or a visitation 13540  
or companionship order issued pursuant to section 3109.051, 13541  
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 13542  
this section granting parenting time rights to the respondent, 13543  
the court may require the public children services agency of the 13544  
county in which the court is located to provide supervision of 13545  
the respondent's exercise of parenting time or visitation or 13546  
companionship rights with respect to the child for a period not 13547  
to exceed nine months, if the court makes the following findings 13548  
of fact: 13549

(i) The child is in danger from the respondent; 13550

(ii) No other person or agency is available to provide the 13551  
supervision. 13552

(b) A court that requires an agency to provide supervision pursuant to division (E) (6) (a) of this section shall order the respondent to reimburse the agency for the cost of providing the supervision, if it determines that the respondent has sufficient income or resources to pay that cost.

(7) (a) If a protection order issued or consent agreement approved under this section includes a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or, with respect to a petition involving family or household members, a family or household member, the order or agreement shall state clearly that the order or agreement cannot be waived or nullified by an invitation to the respondent from the petitioner or other family or household member to enter the residence, school, business, or place of employment or by the respondent's entry into one of those places otherwise upon the consent of the petitioner or other family or household member.

(b) Division (E) (7) (a) of this section does not limit any discretion of a court to determine that a respondent charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued or consent agreement approved under this section, did not commit the violation or was not in contempt of court.

(8) (a) The court may modify or terminate as provided in division (E) (8) of this section a protection order or consent agreement that was issued after a full hearing under this section. The court that issued the protection order or approved

the consent agreement shall hear a motion for modification or 13583  
termination of the protection order or consent agreement 13584  
pursuant to division (E)(8) of this section. 13585

(b) Either the petitioner or the respondent of the 13586  
original protection order or consent agreement may bring a 13587  
motion for modification or termination of a protection order or 13588  
consent agreement that was issued or approved after a full 13589  
hearing. The court shall require notice of the motion to be made 13590  
as provided by the Rules of Civil Procedure. If the petitioner 13591  
for the original protection order or consent agreement has 13592  
requested that the petitioner's address be kept confidential, 13593  
the court shall not disclose the address to the respondent of 13594  
the original protection order or consent agreement or any other 13595  
person, except as otherwise required by law. The moving party 13596  
has the burden of proof to show, by a preponderance of the 13597  
evidence, that modification or termination of the protection 13598  
order or consent agreement is appropriate because either the 13599  
protection order or consent agreement is no longer needed or 13600  
because the terms of the original protection order or consent 13601  
agreement are no longer appropriate. 13602

(c) In considering whether to modify or terminate a 13603  
protection order or consent agreement issued or approved under 13604  
this section, the court shall consider all relevant factors, 13605  
including, but not limited to, the following: 13606

(i) Whether the petitioner consents to modification or 13607  
termination of the protection order or consent agreement; 13608

(ii) Whether the petitioner fears the respondent; 13609

(iii) The current nature of the relationship between the 13610  
petitioner and the respondent; 13611

- (iv) The circumstances of the petitioner and respondent, 13612  
including the relative proximity of the petitioner's and 13613  
respondent's workplaces and residences and whether the 13614  
petitioner and respondent have minor children together; 13615
- (v) Whether the respondent has complied with the terms and 13616  
conditions of the original protection order or consent 13617  
agreement; 13618
- (vi) Whether the respondent has a continuing involvement 13619  
with illegal drugs or alcohol; 13620
- (vii) Whether the respondent has been convicted of, 13621  
pleaded guilty to, or been adjudicated a delinquent child for an 13622  
offense of violence since the issuance of the protection order 13623  
or approval of the consent agreement; 13624
- (viii) Whether any other protection orders, consent 13625  
agreements, restraining orders, or no contact orders have been 13626  
issued against the respondent pursuant to this section, section 13627  
2919.26 of the Revised Code, any other provision of state law, 13628  
or the law of any other state; 13629
- (ix) Whether the respondent has participated in any 13630  
domestic violence treatment, intervention program, or other 13631  
counseling addressing domestic violence and whether the 13632  
respondent has completed the treatment, program, or counseling; 13633
- (x) The time that has elapsed since the protection order 13634  
was issued or since the consent agreement was approved; 13635
- (xi) The age and health of the respondent; 13636
- (xii) When the last incident of abuse, threat of harm, or 13637  
commission of a sexually oriented offense occurred or other 13638  
relevant information concerning the safety and protection of the 13639

petitioner or other protected parties. 13640

(d) If a protection order or consent agreement is modified 13641  
or terminated as provided in division (E)(8) of this section, 13642  
the court shall issue copies of the modified or terminated order 13643  
or agreement as provided in division (F) of this section. A 13644  
petitioner may also provide notice of the modification or 13645  
termination to the judicial and law enforcement officials in any 13646  
county other than the county in which the order or agreement is 13647  
modified or terminated as provided in division (N) of this 13648  
section. 13649

(e) If the respondent moves for modification or 13650  
termination of a protection order or consent agreement pursuant 13651  
to this section and the court denies the motion, the court may 13652  
assess costs against the respondent for the filing of the 13653  
motion. 13654

(9) Any protection order issued or any consent agreement 13655  
approved pursuant to this section shall include a provision that 13656  
the court will automatically seal all of the records of the 13657  
proceeding in which the order is issued or agreement approved on 13658  
the date the respondent attains the age of nineteen years unless 13659  
the petitioner provides the court with evidence that the 13660  
respondent has not complied with all of the terms of the 13661  
protection order or consent agreement. The protection order or 13662  
consent agreement shall specify the date when the respondent 13663  
attains the age of nineteen years. 13664

(F)(1) A copy of any protection order, or consent 13665  
agreement, that is issued, approved, modified, or terminated 13666  
under this section shall be issued by the court to the 13667  
petitioner, to the respondent, and to all law enforcement 13668  
agencies that have jurisdiction to enforce the order or 13669

agreement. The court shall direct that a copy of an order be 13670  
delivered to the respondent on the same day that the order is 13671  
entered. 13672

(2) Upon the issuance of a protection order or the 13673  
approval of a consent agreement under this section, the court 13674  
shall provide the parties to the order or agreement with the 13675  
following notice orally or by form: 13676

"NOTICE 13677

As a result of this order or consent agreement, it may be 13678  
unlawful for you to possess or purchase a firearm, including a 13679  
rifle, pistol, or revolver, or ammunition pursuant to federal 13680  
law under 18 U.S.C. 922(g) (8) for the duration of this order or 13681  
consent agreement. If you have any questions whether this law 13682  
makes it illegal for you to possess or purchase a firearm or 13683  
ammunition, you should consult an attorney." 13684

(3) All law enforcement agencies shall establish and 13685  
maintain an index for the protection orders and the approved 13686  
consent agreements delivered to the agencies pursuant to 13687  
division (F) (1) of this section. With respect to each order and 13688  
consent agreement delivered, each agency shall note on the index 13689  
the date and time that it received the order or consent 13690  
agreement. 13691

(4) Regardless of whether the petitioner has registered 13692  
the order or agreement in the county in which the officer's 13693  
agency has jurisdiction pursuant to division (N) of this 13694  
section, any officer of a law enforcement agency shall enforce a 13695  
protection order issued or consent agreement approved by any 13696  
court in this state in accordance with the provisions of the 13697  
order or agreement, including removing the respondent from the 13698

premises, if appropriate. 13699

(G) (1) Any proceeding under this section shall be 13700  
conducted in accordance with the Rules of Civil Procedure, 13701  
except that an order under this section may be obtained with or 13702  
without bond. An order issued under this section, other than an 13703  
ex parte order, that grants a protection order or approves a 13704  
consent agreement, that refuses to grant a protection order or 13705  
approve a consent agreement that modifies or terminates a 13706  
protection order or consent agreement, or that refuses to modify 13707  
or terminate a protection order or consent agreement, is a 13708  
final, appealable order. The remedies and procedures provided in 13709  
this section are in addition to, and not in lieu of, any other 13710  
available civil or criminal remedies. 13711

(2) If as provided in division (G) (1) of this section an 13712  
order issued under this section, other than an ex parte order, 13713  
refuses to grant a protection order, the court, on its own 13714  
motion, shall order that the ex parte order issued under this 13715  
section and all of the records pertaining to that ex parte order 13716  
be sealed after either of the following occurs: 13717

(a) No party has exercised the right to appeal pursuant to 13718  
Rule 4 of the Rules of Appellate Procedure. 13719

(b) All appellate rights have been exhausted. 13720

(H) The filing of proceedings under this section does not 13721  
excuse a person from filing any report or giving any notice 13722  
required by section 2151.421 of the Revised Code or by any other 13723  
law. When a petition under this section alleges domestic 13724  
violence against minor children, the court shall report the 13725  
fact, or cause reports to be made, to a county, township, or 13726  
municipal peace officer under section 2151.421 of the Revised 13727

Code. 13728

(I) Any law enforcement agency that investigates a 13729  
domestic dispute shall provide information to the family or 13730  
household members involved, or the persons in the dating 13731  
relationship who are involved, whichever is applicable regarding 13732  
the relief available under this section and, for family or 13733  
household members, section 2919.26 of the Revised Code. 13734

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 13735  
section and regardless of whether a protection order is issued 13736  
or a consent agreement is approved by a court of another county 13737  
or a court of another state, no court or unit of state or local 13738  
government shall charge the petitioner any fee, cost, deposit, 13739  
or money in connection with the filing of a petition pursuant to 13740  
this section or in connection with the filing, issuance, 13741  
registration, modification, enforcement, dismissal, withdrawal, 13742  
or service of a protection order, consent agreement, or witness 13743  
subpoena or for obtaining a certified copy of a protection order 13744  
or consent agreement. 13745

(2) Regardless of whether a protection order is issued or 13746  
a consent agreement is approved pursuant to this section, the 13747  
court may assess costs against the respondent in connection with 13748  
the filing, issuance, registration, modification, enforcement, 13749  
dismissal, withdrawal, or service of a protection order, consent 13750  
agreement, or witness subpoena or for obtaining a certified copy 13751  
of a protection order or consent agreement. 13752

(K) (1) The court shall comply with Chapters 3119., 3121., 13753  
3123., and 3125. of the Revised Code when it makes or modifies 13754  
an order for child support under this section. 13755

(2) If any person required to pay child support under an 13756



order made under this section on or after April 15, 1985, or 13757  
modified under this section on or after December 31, 1986, is 13758  
found in contempt of court for failure to make support payments 13759  
under the order, the court that makes the finding, in addition 13760  
to any other penalty or remedy imposed, shall assess all court 13761  
costs arising out of the contempt proceeding against the person 13762  
and require the person to pay any reasonable attorney's fees of 13763  
any adverse party, as determined by the court, that arose in 13764  
relation to the act of contempt. 13765

(L) (1) A person who violates a protection order issued or 13766  
a consent agreement approved under this section is subject to 13767  
the following sanctions: 13768

(a) Criminal prosecution or a delinquent child proceeding 13769  
for a violation of section 2919.27 of the Revised Code, if the 13770  
violation of the protection order or consent agreement 13771  
constitutes a violation of that section; 13772

(b) Punishment for contempt of court. 13773

(2) The punishment of a person for contempt of court for 13774  
violation of a protection order issued or a consent agreement 13775  
approved under this section does not bar criminal prosecution of 13776  
the person or a delinquent child proceeding concerning the 13777  
person for a violation of section 2919.27 of the Revised Code. 13778  
However, a person punished for contempt of court is entitled to 13779  
credit for the punishment imposed upon conviction of or 13780  
adjudication as a delinquent child for a violation of that 13781  
section, and a person convicted of or adjudicated a delinquent 13782  
child for a violation of that section shall not subsequently be 13783  
punished for contempt of court arising out of the same activity. 13784

(M) In all stages of a proceeding under this section, a 13785

petitioner may be accompanied by a victim advocate. 13786

(N) (1) A petitioner who obtains a protection order or 13787  
consent agreement under this section or a temporary protection 13788  
order under section 2919.26 of the Revised Code may provide 13789  
notice of the issuance or approval of the order or agreement to 13790  
the judicial and law enforcement officials in any county other 13791  
than the county in which the order is issued or the agreement is 13792  
approved by registering that order or agreement in the other 13793  
county pursuant to division (N) (2) of this section and filing a 13794  
copy of the registered order or registered agreement with a law 13795  
enforcement agency in the other county in accordance with that 13796  
division. A person who obtains a protection order issued by a 13797  
court of another state may provide notice of the issuance of the 13798  
order to the judicial and law enforcement officials in any 13799  
county of this state by registering the order in that county 13800  
pursuant to section 2919.272 of the Revised Code and filing a 13801  
copy of the registered order with a law enforcement agency in 13802  
that county. 13803

(2) A petitioner may register a temporary protection 13804  
order, protection order, or consent agreement in a county other 13805  
than the county in which the court that issued the order or 13806  
approved the agreement is located in the following manner: 13807

(a) The petitioner shall obtain a certified copy of the 13808  
order or agreement from the clerk of the court that issued the 13809  
order or approved the agreement and present that certified copy 13810  
to the clerk of the court of common pleas or the clerk of a 13811  
municipal court or county court in the county in which the order 13812  
or agreement is to be registered. 13813

(b) Upon accepting the certified copy of the order or 13814  
agreement for registration, the clerk of the court of common 13815

pleas, municipal court, or county court shall place an 13816  
endorsement of registration on the order or agreement and give 13817  
the petitioner a copy of the order or agreement that bears that 13818  
proof of registration. 13819

(3) The clerk of each court of common pleas, the clerk of 13820  
each municipal court, and the clerk of each county court shall 13821  
maintain a registry of certified copies of temporary protection 13822  
orders, protection orders, or consent agreements that have been 13823  
issued or approved by courts in other counties and that have 13824  
been registered with the clerk. 13825

(O) Nothing in this section prohibits the domestic 13826  
relations division of a court of common pleas in counties that 13827  
have a domestic relations division or a court of common pleas in 13828  
counties that do not have a domestic relations division from 13829  
designating a minor child as a protected party on a protection 13830  
order or consent agreement. 13831

**Sec. 3770.021.** Except as otherwise provided in this 13832  
section, no person shall be employed by or continue employment 13833  
with the state lottery commission who has been convicted in any 13834  
jurisdiction of a felony, or of a misdemeanor of the first, 13835  
second, or third degree, involving gambling, fraud or 13836  
misrepresentation, theft, or any crime of moral turpitude, as 13837  
long as the record of the conviction has not been sealed or 13838  
expunged pursuant to Chapter 2953. of the Revised Code or 13839  
pursuant to a statute of another jurisdiction that governs the 13840  
sealing or expungement of criminal records. The director of the 13841  
commission may adopt internal management rules designating 13842  
vehicular offenses, conviction of which will disqualify persons 13843  
from employment with the commission; specifying time periods 13844  
after which persons who have been convicted of the offenses 13845

described in this section may be employed by the commission; and 13846  
establishing requirements for an applicant or employee to seek a 13847  
court order to have the records sealed or expunged in accordance 13848  
with law relating to the sealing or expungement of criminal 13849  
records. 13850

**Sec. 4301.69.** (A) Except as otherwise provided in this 13851  
chapter, no person shall sell beer or intoxicating liquor to an 13852  
underage person, shall buy beer or intoxicating liquor for an 13853  
underage person, or shall furnish it to an underage person, 13854  
unless given by a physician in the regular line of the 13855  
physician's practice or given for established religious purposes 13856  
or unless the underage person is supervised by a parent, spouse 13857  
who is not an underage person, or legal guardian. 13858

In proceedings before the liquor control commission, no 13859  
permit holder, or no employee or agent of a permit holder, 13860  
charged with a violation of this division shall be charged, for 13861  
the same offense, with a violation of division (A)(1) of section 13862  
4301.22 of the Revised Code. 13863

(B) No person who is the owner or occupant of any public 13864  
or private place shall knowingly allow any underage person to 13865  
remain in or on the place while possessing or consuming beer or 13866  
intoxicating liquor, unless the intoxicating liquor or beer is 13867  
given to the person possessing or consuming it by that person's 13868  
parent, spouse who is not an underage person, or legal guardian 13869  
and the parent, spouse who is not an underage person, or legal 13870  
guardian is present at the time of the person's possession or 13871  
consumption of the beer or intoxicating liquor. 13872

An owner of a public or private place is not liable for 13873  
acts or omissions in violation of this division that are 13874  
committed by a lessee of that place, unless the owner authorizes 13875

or acquiesces in the lessee's acts or omissions. 13876

(C) No person shall engage or use accommodations at a 13877  
hotel, inn, cabin, campground, or restaurant when the person 13878  
knows or has reason to know either of the following: 13879

(1) That beer or intoxicating liquor will be consumed by 13880  
an underage person on the premises of the accommodations that 13881  
the person engages or uses, unless the person engaging or using 13882  
the accommodations is the spouse of the underage person and is 13883  
not an underage person, or is the parent or legal guardian of 13884  
all of the underage persons, who consume beer or intoxicating 13885  
liquor on the premises and that person is on the premises at all 13886  
times when beer or intoxicating liquor is being consumed by an 13887  
underage person; 13888

(2) That a drug of abuse will be consumed on the premises 13889  
of the accommodations by any person, except a person who 13890  
obtained the drug of abuse pursuant to a prescription issued by 13891  
a licensed health professional authorized to prescribe drugs and 13892  
has the drug of abuse in the original container in which it was 13893  
dispensed to the person. 13894

(D) (1) No person is required to permit the engagement of 13895  
accommodations at any hotel, inn, cabin, or campground by an 13896  
underage person or for an underage person, if the person 13897  
engaging the accommodations knows or has reason to know that the 13898  
underage person is intoxicated, or that the underage person 13899  
possesses any beer or intoxicating liquor and is not supervised 13900  
by a parent, spouse who is not an underage person, or legal 13901  
guardian who is or will be present at all times when the beer or 13902  
intoxicating liquor is being consumed by the underage person. 13903

(2) No underage person shall knowingly engage or attempt 13904

to engage accommodations at any hotel, inn, cabin, or campground 13905  
by presenting identification that falsely indicates that the 13906  
underage person is twenty-one years of age or older for the 13907  
purpose of violating this section. 13908

(E) (1) No underage person shall knowingly order, pay for, 13909  
share the cost of, attempt to purchase, possess, or consume any 13910  
beer or intoxicating liquor in any public or private place. No 13911  
underage person shall knowingly be under the influence of any 13912  
beer or intoxicating liquor in any public place. The 13913  
prohibitions set forth in division (E) (1) of this section 13914  
against an underage person knowingly possessing, consuming, or 13915  
being under the influence of any beer or intoxicating liquor 13916  
shall not apply if the underage person is supervised by a 13917  
parent, spouse who is not an underage person, or legal guardian, 13918  
or the beer or intoxicating liquor is given by a physician in 13919  
the regular line of the physician's practice or given for 13920  
established religious purposes. 13921

(2) (a) If a person is charged with violating division (E) 13922  
(1) of this section in a complaint filed under section 2151.27 13923  
of the Revised Code, the court may order the child into a 13924  
diversion program specified by the court and hold the complaint 13925  
in abeyance pending successful completion of the diversion 13926  
program. A child is ineligible to enter into a diversion program 13927  
under division (E) (2) (a) of this section if the child previously 13928  
has been diverted pursuant to division (E) (2) (a) of this 13929  
section. If the child completes the diversion program to the 13930  
satisfaction of the court, the court shall dismiss the complaint 13931  
and order the child's record in the case sealed under sections 13932  
2151.356 to 2151.358 of the Revised Code. If the child fails to 13933  
satisfactorily complete the diversion program, the court shall 13934  
proceed with the complaint. 13935

(b) If a person is charged in a criminal complaint with violating division (E) (1) of this section, section 2935.36 of the Revised Code shall apply to the offense, except that a person is ineligible for diversion under that section if the person previously has been diverted pursuant to division (E) (2) (a) or (b) of this section. If the person completes the diversion program to the satisfaction of the court, the court shall dismiss the complaint and order the record in the case sealed under section ~~2953.52~~2953.33 of the Revised Code. If the person fails to satisfactorily complete the diversion program, the court shall proceed with the complaint.

(F) No parent, spouse who is not an underage person, or legal guardian of a minor shall knowingly permit the minor to violate this section or section 4301.63, 4301.633, or 4301.634 of the Revised Code.

(G) The operator of any hotel, inn, cabin, or campground shall make the provisions of this section available in writing to any person engaging or using accommodations at the hotel, inn, cabin, or campground.

(H) As used in this section:

(1) "Drug of abuse" has the same meaning as in section 3719.011 of the Revised Code.

(2) "Hotel" has the same meaning as in section 3731.01 of the Revised Code.

(3) "Licensed health professional authorized to prescribe drugs" and "prescription" have the same meanings as in section 4729.01 of the Revised Code.

(4) "Minor" means a person under the age of eighteen years.

(5) "Underage person" means a person under the age of 13965  
twenty-one years. 13966

**Sec. 4506.01.** As used in this chapter: 13967

(A) "Alcohol concentration" means the concentration of 13968  
alcohol in a person's blood, breath, or urine. When expressed as 13969  
a percentage, it means grams of alcohol per the following: 13970

(1) One hundred milliliters of whole blood, blood serum, 13971  
or blood plasma; 13972

(2) Two hundred ten liters of breath; 13973

(3) One hundred milliliters of urine. 13974

(B) "Commercial driver's license" means a license issued 13975  
in accordance with this chapter that authorizes an individual to 13976  
drive a commercial motor vehicle. 13977

(C) "Commercial driver's license information system" means 13978  
the information system established pursuant to the requirements 13979  
of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 13980  
3207-171, 49 U.S.C.A. App. 2701. 13981

(D) Except when used in section 4506.25 of the Revised 13982  
Code, "commercial motor vehicle" means any motor vehicle 13983  
designed or used to transport persons or property that meets any 13984  
of the following qualifications: 13985

(1) Any combination of vehicles with a gross vehicle 13986  
weight or combined gross vehicle weight rating of twenty-six 13987  
thousand one pounds or more, provided the gross vehicle weight 13988  
or gross vehicle weight rating of the vehicle or vehicles being 13989  
towed is in excess of ten thousand pounds; 13990

(2) Any single vehicle with a gross vehicle weight or 13991



gross vehicle weight rating of twenty-six thousand one pounds or more;	13992 13993
(3) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport sixteen or more passengers including the driver;	13994 13995 13996
(4) Any school bus with a gross vehicle weight or gross vehicle weight rating of less than twenty-six thousand one pounds that is designed to transport fewer than sixteen passengers including the driver;	13997 13998 13999 14000
(5) Is transporting hazardous materials for which placarding is required under subpart F of 49 C.F.R. part 172, as amended;	14001 14002 14003
(6) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the federal motor carrier safety administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.	14004 14005 14006 14007 14008 14009
(E) "Controlled substance" means all of the following:	14010
(1) Any substance classified as a controlled substance under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 802(6), as amended;	14011 14012 14013
(2) Any substance included in schedules I through V of 21 C.F.R. part 1308, as amended;	14014 14015
(3) Any drug of abuse.	14016
(F) "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an	14017 14018 14019

authorized administrative tribunal, an unvacated forfeiture of 14020  
bail or collateral deposited to secure the person's appearance 14021  
in court, a plea of guilty or nolo contendere accepted by the 14022  
court, the payment of a fine or court cost, or violation of a 14023  
condition of release without bail, regardless of whether or not 14024  
the penalty is rebated, suspended, or probated. 14025

(G) "Disqualification" means any of the following: 14026

(1) The suspension, revocation, or cancellation of a 14027  
person's privileges to operate a commercial motor vehicle; 14028

(2) Any withdrawal of a person's privileges to operate a 14029  
commercial motor vehicle as the result of a violation of state 14030  
or local law relating to motor vehicle traffic control other 14031  
than parking, vehicle weight, or vehicle defect violations; 14032

(3) A determination by the federal motor carrier safety 14033  
administration that a person is not qualified to operate a 14034  
commercial motor vehicle under 49 C.F.R. 391. 14035

(H) "Domiciled" means having a true, fixed, principal, and 14036  
permanent residence to which an individual intends to return. 14037

(I) "Downgrade" means any of the following, as applicable: 14038

(1) A change in the commercial driver's license, or 14039  
commercial driver's license temporary instruction permit, 14040  
holder's self-certified status as described in division (A)(1) 14041  
of section 4506.10 of the Revised Code; 14042

(2) A change to a lesser class of vehicle; 14043

(3) Removal of commercial driver's license privileges from 14044  
the individual's driver's license. 14045

(J) "Drive" means to drive, operate, or be in physical 14046

control of a motor vehicle. 14047

(K) "Driver" means any person who drives, operates, or is 14048  
in physical control of a commercial motor vehicle or is required 14049  
to have a commercial driver's license. 14050

(L) "Driver's license" means a license issued by the 14051  
bureau of motor vehicles that authorizes an individual to drive. 14052

(M) "Drug of abuse" means any controlled substance, 14053  
dangerous drug as defined in section 4729.01 of the Revised 14054  
Code, harmful intoxicant as defined in section 2925.01 of the 14055  
Revised Code, or over-the-counter medication that, when taken in 14056  
quantities exceeding the recommended dosage, can result in 14057  
impairment of judgment or reflexes. 14058

(N) "Electronic device" includes a cellular telephone, a 14059  
personal digital assistant, a pager, a computer, and any other 14060  
device used to input, write, send, receive, or read text. 14061

(O) "Eligible unit of local government" means a village, 14062  
township, or county that has a population of not more than three 14063  
thousand persons according to the most recent federal census. 14064

(P) "Employer" means any person, including the federal 14065  
government, any state, and a political subdivision of any state, 14066  
that owns or leases a commercial motor vehicle or assigns a 14067  
person to drive such a motor vehicle. 14068

(Q) "Endorsement" means an authorization on a person's 14069  
commercial driver's license that is required to permit the 14070  
person to operate a specified type of commercial motor vehicle. 14071

(R) "Farm truck" means a truck controlled and operated by 14072  
a farmer for use in the transportation to or from a farm, for a 14073  
distance of not more than one hundred fifty miles, of products 14074

of the farm, including livestock and its products, poultry and 14075  
its products, floricultural and horticultural products, and in 14076  
the transportation to the farm, from a distance of not more than 14077  
one hundred fifty miles, of supplies for the farm, including 14078  
tile, fence, and every other thing or commodity used in 14079  
agricultural, floricultural, horticultural, livestock, and 14080  
poultry production, and livestock, poultry, and other animals 14081  
and things used for breeding, feeding, or other purposes 14082  
connected with the operation of the farm, when the truck is 14083  
operated in accordance with this division and is not used in the 14084  
operations of a motor carrier, as defined in section 4923.01 of 14085  
the Revised Code. 14086

(S) "Fatality" means the death of a person as the result 14087  
of a motor vehicle accident occurring not more than three 14088  
hundred sixty-five days prior to the date of death. 14089

(T) "Felony" means any offense under federal or state law 14090  
that is punishable by death or specifically classified as a 14091  
felony under the law of this state, regardless of the penalty 14092  
that may be imposed. 14093

(U) "Foreign jurisdiction" means any jurisdiction other 14094  
than a state. 14095

(V) "Gross vehicle weight rating" means the value 14096  
specified by the manufacturer as the maximum loaded weight of a 14097  
single or a combination vehicle. The gross vehicle weight rating 14098  
of a combination vehicle is the gross vehicle weight rating of 14099  
the power unit plus the gross vehicle weight rating of each 14100  
towed unit. 14101

(W) "Hazardous materials" means any material that has been 14102  
designated as hazardous under 49 U.S.C. 5103 and is required to 14103

be placarded under subpart F of 49 C.F.R. part 172 or any 14104  
quantity of a material listed as a select agent or toxin in 42 14105  
C.F.R. part 73, as amended. 14106

(X) "Imminent hazard" means the existence of a condition 14107  
that presents a substantial likelihood that death, serious 14108  
illness, severe personal injury, or a substantial endangerment 14109  
to health, property, or the environment may occur before the 14110  
reasonably foreseeable completion date of a formal proceeding 14111  
begun to lessen the risk of that death, illness, injury, or 14112  
endangerment. 14113

(Y) "Medical variance" means one of the following received 14114  
by a driver from the federal motor carrier safety administration 14115  
that allows the driver to be issued a medical certificate: 14116

(1) An exemption letter permitting operation of a 14117  
commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 14118  
C.F.R. 391.64; 14119

(2) A skill performance evaluation certificate permitting 14120  
operation of a commercial motor vehicle pursuant to 49 C.F.R. 14121  
391.49. 14122

(Z) "Mobile telephone" means a mobile communication device 14123  
that falls under or uses any commercial mobile radio service as 14124  
defined in 47 C.F.R. 20, except that mobile telephone does not 14125  
include two-way or citizens band radio services. 14126

(AA) "Motor vehicle" means a vehicle, machine, tractor, 14127  
trailer, or semitrailer propelled or drawn by mechanical power 14128  
used on highways, except that such term does not include a 14129  
vehicle, machine, tractor, trailer, or semitrailer operated 14130  
exclusively on a rail. 14131

(BB) "Out-of-service order" means a declaration by an 14132

authorized enforcement officer of a federal, state, local, 14133  
Canadian, or Mexican jurisdiction declaring that a driver, 14134  
commercial motor vehicle, or commercial motor carrier operation 14135  
is out of service as defined in 49 C.F.R. 390.5. 14136

(CC) "Peace officer" has the same meaning as in section 14137  
2935.01 of the Revised Code. 14138

(DD) "Portable tank" means a liquid or gaseous packaging 14139  
designed primarily to be loaded onto or temporarily attached to 14140  
a vehicle and equipped with skids, mountings, or accessories to 14141  
facilitate handling of the tank by mechanical means. 14142

(EE) "Public safety vehicle" has the same meaning as in 14143  
divisions (E) (1) and (3) of section 4511.01 of the Revised Code. 14144

(FF) "Recreational vehicle" includes every vehicle that is 14145  
defined as a recreational vehicle in section 4501.01 of the 14146  
Revised Code and is used exclusively for purposes other than 14147  
engaging in business for profit. 14148

(GG) "Residence" means any person's residence determined 14149  
in accordance with standards prescribed in rules adopted by the 14150  
registrar. 14151

(HH) "School bus" has the same meaning as in section 14152  
4511.01 of the Revised Code. 14153

(II) "Serious traffic violation" means any of the 14154  
following: 14155

(1) A conviction arising from a single charge of operating 14156  
a commercial motor vehicle in violation of any provision of 14157  
section 4506.03 of the Revised Code; 14158

(2) (a) Except as provided in division (II) (2) (b) of this 14159  
section, a violation while operating a commercial motor vehicle 14160

of a law of this state, or any municipal ordinance or county or	14161
township resolution, or any other substantially similar law of	14162
another state or political subdivision of another state	14163
prohibiting either of the following:	14164
(i) Texting while driving;	14165
(ii) Using a handheld mobile telephone.	14166
(b) It is not a serious traffic violation if the person	14167
was texting or using a handheld mobile telephone to contact law	14168
enforcement or other emergency services.	14169
(3) A conviction arising from the operation of any motor	14170
vehicle that involves any of the following:	14171
(a) A single charge of any speed in excess of the posted	14172
speed limit by fifteen miles per hour or more;	14173
(b) Violation of section 4511.20 or 4511.201 of the	14174
Revised Code or any similar ordinance or resolution, or of any	14175
similar law of another state or political subdivision of another	14176
state;	14177
(c) Violation of a law of this state or an ordinance or	14178
resolution relating to traffic control, other than a parking	14179
violation, or of any similar law of another state or political	14180
subdivision of another state, that results in a fatal accident;	14181
(d) Violation of section 4506.03 of the Revised Code or a	14182
substantially similar municipal ordinance or county or township	14183
resolution, or of any similar law of another state or political	14184
subdivision of another state, that involves the operation of a	14185
commercial motor vehicle without a valid commercial driver's	14186
license with the proper class or endorsement for the specific	14187
vehicle group being operated or for the passengers or type of	14188

cargo being transported;	14189
(e) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession;	14190 14191 14192 14193 14194 14195
(f) Violation of section 4511.33 or 4511.34 of the Revised Code, or any municipal ordinance or county or township resolution substantially similar to either of those sections, or any substantially similar law of another state or political subdivision of another state;	14196 14197 14198 14199 14200
(g) Violation of any other law of this state, any law of another state, or any ordinance or resolution of a political subdivision of this state or another state that meets both of the following requirements:	14201 14202 14203 14204
(i) It relates to traffic control, other than a parking violation;	14205 14206
(ii) It is determined to be a serious traffic violation by the United States secretary of transportation and is designated by the director as such by rule.	14207 14208 14209
(JJ) "State" means a state of the United States and includes the District of Columbia.	14210 14211
(KK) "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks that are either permanently or temporarily attached to the vehicle or its chassis and have an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons	14212 14213 14214 14215 14216 14217



or more. "Tank vehicle" does not include a commercial motor 14218  
vehicle transporting an empty storage container tank that is not 14219  
designed for transportation, has a rated capacity of one 14220  
thousand gallons or more, and is temporarily attached to a 14221  
flatbed trailer. 14222

(LL) "Tester" means a person or entity acting pursuant to 14223  
a valid agreement entered into pursuant to division (B) of 14224  
section 4506.09 of the Revised Code. 14225

(MM) "Texting" means manually entering alphanumeric text 14226  
into, or reading text from, an electronic device. Texting 14227  
includes short message service, e-mail, instant messaging, a 14228  
command or request to access a world wide web page, pressing 14229  
more than a single button to initiate or terminate a voice 14230  
communication using a mobile telephone, or engaging in any other 14231  
form of electronic text retrieval or entry, for present or 14232  
future communication. Texting does not include the following: 14233

(1) Using voice commands to initiate, receive, or 14234  
terminate a voice communication using a mobile telephone; 14235

(2) Inputting, selecting, or reading information on a 14236  
global positioning system or navigation system; 14237

(3) Pressing a single button to initiate or terminate a 14238  
voice communication using a mobile telephone; or 14239

(4) Using, for a purpose that is not otherwise prohibited 14240  
by law, a device capable of performing multiple functions, such 14241  
as a fleet management system, a dispatching device, a mobile 14242  
telephone, a citizens band radio, or a music player. 14243

(NN) "Texting while driving" means texting while operating 14244  
a commercial motor vehicle, with the motor running, including 14245  
while temporarily stationary because of traffic, a traffic 14246

control device, or other momentary delays. Texting while driving 14247  
does not include operating a commercial motor vehicle with or 14248  
without the motor running when the driver has moved the vehicle 14249  
to the side of, or off, a highway and is stopped in a location 14250  
where the vehicle can safely remain stationary. 14251

(OO) "United States" means the fifty states and the 14252  
District of Columbia. 14253

(PP) "Upgrade" means a change in the class of vehicles, 14254  
endorsements, or self-certified status as described in division 14255  
(A) (1) of section 4506.10 of the Revised Code, that expands the 14256  
ability of a current commercial driver's license holder to 14257  
operate commercial motor vehicles under this chapter; 14258

(QQ) "Use of a handheld mobile telephone" means: 14259

(1) Using at least one hand to hold a mobile telephone to 14260  
conduct a voice communication; 14261

(2) Dialing or answering a mobile telephone by pressing 14262  
more than a single button; or 14263

(3) Reaching for a mobile telephone in a manner that 14264  
requires a driver to maneuver so that the driver is no longer in 14265  
a seated driving position, or restrained by a seat belt that is 14266  
installed in accordance with 49 C.F.R. 393.93 and adjusted in 14267  
accordance with the vehicle manufacturer's instructions. 14268

(RR) "Vehicle" has the same meaning as in section 4511.01 14269  
of the Revised Code. 14270

**Sec. 4510.04.** It is an affirmative defense to any 14271  
prosecution brought under section 4510.037, 4510.11, 4510.111, 14272  
4510.14, 4510.16, or 4510.21 of the Revised Code or under any 14273  
substantially equivalent municipal ordinance that the alleged 14274

offender drove under suspension, without a valid permit or 14275  
driver's or commercial driver's license, or in violation of a 14276  
restriction because of a substantial emergency, and because no 14277  
other person was reasonably available to drive in response to 14278  
the emergency. 14279

**Sec. 4511.19.** (A) (1) No person shall operate any vehicle, 14280  
streetcar, or trackless trolley within this state, if, at the 14281  
time of the operation, any of the following apply: 14282

(a) The person is under the influence of alcohol, a drug 14283  
of abuse, or a combination of them. 14284

(b) The person has a concentration of eight-hundredths of 14285  
one per cent or more but less than seventeen-hundredths of one 14286  
per cent by weight per unit volume of alcohol in the person's 14287  
whole blood. 14288

(c) The person has a concentration of ninety-six- 14289  
thousandths of one per cent or more but less than two hundred 14290  
four-thousandths of one per cent by weight per unit volume of 14291  
alcohol in the person's blood serum or plasma. 14292

(d) The person has a concentration of eight-hundredths of 14293  
one gram or more but less than seventeen-hundredths of one gram 14294  
by weight of alcohol per two hundred ten liters of the person's 14295  
breath. 14296

(e) The person has a concentration of eleven-hundredths of 14297  
one gram or more but less than two hundred thirty-eight- 14298  
thousandths of one gram by weight of alcohol per one hundred 14299  
milliliters of the person's urine. 14300

(f) The person has a concentration of seventeen-hundredths 14301  
of one per cent or more by weight per unit volume of alcohol in 14302  
the person's whole blood. 14303

(g) The person has a concentration of two hundred four- 14304  
thousandths of one per cent or more by weight per unit volume of 14305  
alcohol in the person's blood serum or plasma. 14306

(h) The person has a concentration of seventeen-hundredths 14307  
of one gram or more by weight of alcohol per two hundred ten 14308  
liters of the person's breath. 14309

(i) The person has a concentration of two hundred thirty- 14310  
eight-thousandths of one gram or more by weight of alcohol per 14311  
one hundred milliliters of the person's urine. 14312

(j) Except as provided in division (K) of this section, 14313  
the person has a concentration of any of the following 14314  
controlled substances or metabolites of a controlled substance 14315  
in the person's whole blood, blood serum or plasma, or urine 14316  
that equals or exceeds any of the following: 14317

(i) The person has a concentration of amphetamine in the 14318  
person's urine of at least five hundred nanograms of amphetamine 14319  
per milliliter of the person's urine or has a concentration of 14320  
amphetamine in the person's whole blood or blood serum or plasma 14321  
of at least one hundred nanograms of amphetamine per milliliter 14322  
of the person's whole blood or blood serum or plasma. 14323

(ii) The person has a concentration of cocaine in the 14324  
person's urine of at least one hundred fifty nanograms of 14325  
cocaine per milliliter of the person's urine or has a 14326  
concentration of cocaine in the person's whole blood or blood 14327  
serum or plasma of at least fifty nanograms of cocaine per 14328  
milliliter of the person's whole blood or blood serum or plasma. 14329

(iii) The person has a concentration of cocaine metabolite 14330  
in the person's urine of at least one hundred fifty nanograms of 14331  
cocaine metabolite per milliliter of the person's urine or has a 14332

concentration of cocaine metabolite in the person's whole blood 14333  
or blood serum or plasma of at least fifty nanograms of cocaine 14334  
metabolite per milliliter of the person's whole blood or blood 14335  
serum or plasma. 14336

(iv) The person has a concentration of heroin in the 14337  
person's urine of at least two thousand nanograms of heroin per 14338  
milliliter of the person's urine or has a concentration of 14339  
heroin in the person's whole blood or blood serum or plasma of 14340  
at least fifty nanograms of heroin per milliliter of the 14341  
person's whole blood or blood serum or plasma. 14342

(v) The person has a concentration of heroin metabolite 14343  
(6-monoacetyl morphine) in the person's urine of at least ten 14344  
nanograms of heroin metabolite (6-monoacetyl morphine) per 14345  
milliliter of the person's urine or has a concentration of 14346  
heroin metabolite (6-monoacetyl morphine) in the person's whole 14347  
blood or blood serum or plasma of at least ten nanograms of 14348  
heroin metabolite (6-monoacetyl morphine) per milliliter of the 14349  
person's whole blood or blood serum or plasma. 14350

(vi) The person has a concentration of L.S.D. in the 14351  
person's urine of at least twenty-five nanograms of L.S.D. per 14352  
milliliter of the person's urine or a concentration of L.S.D. in 14353  
the person's whole blood or blood serum or plasma of at least 14354  
ten nanograms of L.S.D. per milliliter of the person's whole 14355  
blood or blood serum or plasma. 14356

(vii) The person has a concentration of marihuana in the 14357  
person's urine of at least ten nanograms of marihuana per 14358  
milliliter of the person's urine or has a concentration of 14359  
marihuana in the person's whole blood or blood serum or plasma 14360  
of at least two nanograms of marihuana per milliliter of the 14361  
person's whole blood or blood serum or plasma. 14362

(viii) Either of the following applies:	14363
(I) The person is under the influence of alcohol, a drug	14364
of abuse, or a combination of them, and the person has a	14365
concentration of marihuana metabolite in the person's urine of	14366
at least fifteen nanograms of marihuana metabolite per	14367
milliliter of the person's urine or has a concentration of	14368
marihuana metabolite in the person's whole blood or blood serum	14369
or plasma of at least five nanograms of marihuana metabolite per	14370
milliliter of the person's whole blood or blood serum or plasma.	14371
(II) The person has a concentration of marihuana	14372
metabolite in the person's urine of at least thirty-five	14373
nanograms of marihuana metabolite per milliliter of the person's	14374
urine or has a concentration of marihuana metabolite in the	14375
person's whole blood or blood serum or plasma of at least fifty	14376
nanograms of marihuana metabolite per milliliter of the person's	14377
whole blood or blood serum or plasma.	14378
(ix) The person has a concentration of methamphetamine in	14379
the person's urine of at least five hundred nanograms of	14380
methamphetamine per milliliter of the person's urine or has a	14381
concentration of methamphetamine in the person's whole blood or	14382
blood serum or plasma of at least one hundred nanograms of	14383
methamphetamine per milliliter of the person's whole blood or	14384
blood serum or plasma.	14385
(x) The person has a concentration of phencyclidine in the	14386
person's urine of at least twenty-five nanograms of	14387
phencyclidine per milliliter of the person's urine or has a	14388
concentration of phencyclidine in the person's whole blood or	14389
blood serum or plasma of at least ten nanograms of phencyclidine	14390
per milliliter of the person's whole blood or blood serum or	14391
plasma.	14392

(xi) The state board of pharmacy has adopted a rule 14393  
pursuant to section 4729.041 of the Revised Code that specifies 14394  
the amount of salvia divinorum and the amount of salvinorin A 14395  
that constitute concentrations of salvia divinorum and 14396  
salvinorin A in a person's urine, in a person's whole blood, or 14397  
in a person's blood serum or plasma at or above which the person 14398  
is impaired for purposes of operating any vehicle, streetcar, or 14399  
trackless trolley within this state, the rule is in effect, and 14400  
the person has a concentration of salvia divinorum or salvinorin 14401  
A of at least that amount so specified by rule in the person's 14402  
urine, in the person's whole blood, or in the person's blood 14403  
serum or plasma. 14404

(2) No person who, within twenty years of the conduct 14405  
described in division (A)(2)(a) of this section, previously has 14406  
been convicted of or pleaded guilty to a violation of this 14407  
division, a violation of division (A)(1) or (B) of this section, 14408  
or any other equivalent offense shall do both of the following: 14409

(a) Operate any vehicle, streetcar, or trackless trolley 14410  
within this state while under the influence of alcohol, a drug 14411  
of abuse, or a combination of them; 14412

(b) Subsequent to being arrested for operating the 14413  
vehicle, streetcar, or trackless trolley as described in 14414  
division (A)(2)(a) of this section, being asked by a law 14415  
enforcement officer to submit to a chemical test or tests under 14416  
section 4511.191 of the Revised Code, and being advised by the 14417  
officer in accordance with section 4511.192 of the Revised Code 14418  
of the consequences of the person's refusal or submission to the 14419  
test or tests, refuse to submit to the test or tests. 14420

(B) No person under twenty-one years of age shall operate 14421  
any vehicle, streetcar, or trackless trolley within this state, 14422

if, at the time of the operation, any of the following apply: 14423

(1) The person has a concentration of at least two- 14424  
hundredths of one per cent but less than eight-hundredths of one 14425  
per cent by weight per unit volume of alcohol in the person's 14426  
whole blood. 14427

(2) The person has a concentration of at least three- 14428  
hundredths of one per cent but less than ninety-six-thousandths 14429  
of one per cent by weight per unit volume of alcohol in the 14430  
person's blood serum or plasma. 14431

(3) The person has a concentration of at least two- 14432  
hundredths of one gram but less than eight-hundredths of one 14433  
gram by weight of alcohol per two hundred ten liters of the 14434  
person's breath. 14435

(4) The person has a concentration of at least twenty- 14436  
eight one-thousandths of one gram but less than eleven- 14437  
hundredths of one gram by weight of alcohol per one hundred 14438  
milliliters of the person's urine. 14439

(C) In any proceeding arising out of one incident, a 14440  
person may be charged with a violation of division (A) (1) (a) or 14441  
(A) (2) and a violation of division (B) (1), (2), or (3) of this 14442  
section, but the person may not be convicted of more than one 14443  
violation of these divisions. 14444

(D) (1) (a) In any criminal prosecution or juvenile court 14445  
proceeding for a violation of division (A) (1) (a) of this section 14446  
or for an equivalent offense that is vehicle-related, the result 14447  
of any test of any blood or urine withdrawn and analyzed at any 14448  
health care provider, as defined in section 2317.02 of the 14449  
Revised Code, may be admitted with expert testimony to be 14450  
considered with any other relevant and competent evidence in 14451



determining the guilt or innocence of the defendant. 14452

(b) In any criminal prosecution or juvenile court 14453  
proceeding for a violation of division (A) or (B) of this 14454  
section or for an equivalent offense that is vehicle-related, 14455  
the court may admit evidence on the concentration of alcohol, 14456  
drugs of abuse, controlled substances, metabolites of a 14457  
controlled substance, or a combination of them in the 14458  
defendant's whole blood, blood serum or plasma, breath, urine, 14459  
or other bodily substance at the time of the alleged violation 14460  
as shown by chemical analysis of the substance withdrawn within 14461  
three hours of the time of the alleged violation. The three-hour 14462  
time limit specified in this division regarding the admission of 14463  
evidence does not extend or affect the two-hour time limit 14464  
specified in division (A) of section 4511.192 of the Revised 14465  
Code as the maximum period of time during which a person may 14466  
consent to a chemical test or tests as described in that 14467  
section. The court may admit evidence on the concentration of 14468  
alcohol, drugs of abuse, or a combination of them as described 14469  
in this division when a person submits to a blood, breath, 14470  
urine, or other bodily substance test at the request of a law 14471  
enforcement officer under section 4511.191 of the Revised Code 14472  
or a blood or urine sample is obtained pursuant to a search 14473  
warrant. Only a physician, a registered nurse, an emergency 14474  
medical technician-intermediate, an emergency medical 14475  
technician-paramedic, or a qualified technician, chemist, or 14476  
phlebotomist shall withdraw a blood sample for the purpose of 14477  
determining the alcohol, drug, controlled substance, metabolite 14478  
of a controlled substance, or combination content of the whole 14479  
blood, blood serum, or blood plasma. This limitation does not 14480  
apply to the taking of breath or urine specimens. A person 14481  
authorized to withdraw blood under this division may refuse to 14482

withdraw blood under this division, if in that person's opinion, 14483  
the physical welfare of the person would be endangered by the 14484  
withdrawing of blood. 14485

The bodily substance withdrawn under division (D) (1) (b) of 14486  
this section shall be analyzed in accordance with methods 14487  
approved by the director of health by an individual possessing a 14488  
valid permit issued by the director pursuant to section 3701.143 14489  
of the Revised Code. 14490

(c) As used in division (D) (1) (b) of this section, 14491  
"emergency medical technician-intermediate" and "emergency 14492  
medical technician-paramedic" have the same meanings as in 14493  
section 4765.01 of the Revised Code. 14494

(2) In a criminal prosecution or juvenile court proceeding 14495  
for a violation of division (A) of this section or for an 14496  
equivalent offense that is vehicle-related, if there was at the 14497  
time the bodily substance was withdrawn a concentration of less 14498  
than the applicable concentration of alcohol specified in 14499  
divisions (A) (1) (b), (c), (d), and (e) of this section or less 14500  
than the applicable concentration of a listed controlled 14501  
substance or a listed metabolite of a controlled substance 14502  
specified for a violation of division (A) (1) (j) of this section, 14503  
that fact may be considered with other competent evidence in 14504  
determining the guilt or innocence of the defendant. This 14505  
division does not limit or affect a criminal prosecution or 14506  
juvenile court proceeding for a violation of division (B) of 14507  
this section or for an equivalent offense that is substantially 14508  
equivalent to that division. 14509

(3) Upon the request of the person who was tested, the 14510  
results of the chemical test shall be made available to the 14511  
person or the person's attorney, immediately upon the completion 14512

of the chemical test analysis. 14513

If the chemical test was obtained pursuant to division (D) 14514  
(1)(b) of this section, the person tested may have a physician, 14515  
a registered nurse, or a qualified technician, chemist, or 14516  
phlebotomist of the person's own choosing administer a chemical 14517  
test or tests, at the person's expense, in addition to any 14518  
administered at the request of a law enforcement officer. If the 14519  
person was under arrest as described in division (A)(5) of 14520  
section 4511.191 of the Revised Code, the arresting officer 14521  
shall advise the person at the time of the arrest that the 14522  
person may have an independent chemical test taken at the 14523  
person's own expense. If the person was under arrest other than 14524  
described in division (A)(5) of section 4511.191 of the Revised 14525  
Code, the form to be read to the person to be tested, as 14526  
required under section 4511.192 of the Revised Code, shall state 14527  
that the person may have an independent test performed at the 14528  
person's expense. The failure or inability to obtain an 14529  
additional chemical test by a person shall not preclude the 14530  
admission of evidence relating to the chemical test or tests 14531  
taken at the request of a law enforcement officer. 14532

(4)(a) As used in divisions (D)(4)(b) and (c) of this 14533  
section, "national highway traffic safety administration" means 14534  
the national highway traffic safety administration established 14535  
as an administration of the United States department of 14536  
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 14537

(b) In any criminal prosecution or juvenile court 14538  
proceeding for a violation of division (A) or (B) of this 14539  
section, of a municipal ordinance relating to operating a 14540  
vehicle while under the influence of alcohol, a drug of abuse, 14541  
or alcohol and a drug of abuse, or of a municipal ordinance 14542

relating to operating a vehicle with a prohibited concentration 14543  
of alcohol, a controlled substance, or a metabolite of a 14544  
controlled substance in the whole blood, blood serum or plasma, 14545  
breath, or urine, if a law enforcement officer has administered 14546  
a field sobriety test to the operator of the vehicle involved in 14547  
the violation and if it is shown by clear and convincing 14548  
evidence that the officer administered the test in substantial 14549  
compliance with the testing standards for any reliable, 14550  
credible, and generally accepted field sobriety tests that were 14551  
in effect at the time the tests were administered, including, 14552  
but not limited to, any testing standards then in effect that 14553  
were set by the national highway traffic safety administration, 14554  
all of the following apply: 14555

(i) The officer may testify concerning the results of the 14556  
field sobriety test so administered. 14557

(ii) The prosecution may introduce the results of the 14558  
field sobriety test so administered as evidence in any 14559  
proceedings in the criminal prosecution or juvenile court 14560  
proceeding. 14561

(iii) If testimony is presented or evidence is introduced 14562  
under division (D) (4) (b) (i) or (ii) of this section and if the 14563  
testimony or evidence is admissible under the Rules of Evidence, 14564  
the court shall admit the testimony or evidence and the trier of 14565  
fact shall give it whatever weight the trier of fact considers 14566  
to be appropriate. 14567

(c) Division (D) (4) (b) of this section does not limit or 14568  
preclude a court, in its determination of whether the arrest of 14569  
a person was supported by probable cause or its determination of 14570  
any other matter in a criminal prosecution or juvenile court 14571  
proceeding of a type described in that division, from 14572

considering evidence or testimony that is not otherwise 14573  
disallowed by division (D) (4) (b) of this section. 14574

(E) (1) Subject to division (E) (3) of this section, in any 14575  
criminal prosecution or juvenile court proceeding for a 14576  
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 14577  
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 14578  
an equivalent offense that is substantially equivalent to any of 14579  
those divisions, a laboratory report from any laboratory 14580  
personnel issued a permit by the department of health 14581  
authorizing an analysis as described in this division that 14582  
contains an analysis of the whole blood, blood serum or plasma, 14583  
breath, urine, or other bodily substance tested and that 14584  
contains all of the information specified in this division shall 14585  
be admitted as prima-facie evidence of the information and 14586  
statements that the report contains. The laboratory report shall 14587  
contain all of the following: 14588

(a) The signature, under oath, of any person who performed 14589  
the analysis; 14590

(b) Any findings as to the identity and quantity of 14591  
alcohol, a drug of abuse, a controlled substance, a metabolite 14592  
of a controlled substance, or a combination of them that was 14593  
found; 14594

(c) A copy of a notarized statement by the laboratory 14595  
director or a designee of the director that contains the name of 14596  
each certified analyst or test performer involved with the 14597  
report, the analyst's or test performer's employment 14598  
relationship with the laboratory that issued the report, and a 14599  
notation that performing an analysis of the type involved is 14600  
part of the analyst's or test performer's regular duties; 14601

(d) An outline of the analyst's or test performer's 14602  
education, training, and experience in performing the type of 14603  
analysis involved and a certification that the laboratory 14604  
satisfies appropriate quality control standards in general and, 14605  
in this particular analysis, under rules of the department of 14606  
health. 14607

(2) Notwithstanding any other provision of law regarding 14608  
the admission of evidence, a report of the type described in 14609  
division (E)(1) of this section is not admissible against the 14610  
defendant to whom it pertains in any proceeding, other than a 14611  
preliminary hearing or a grand jury proceeding, unless the 14612  
prosecutor has served a copy of the report on the defendant's 14613  
attorney or, if the defendant has no attorney, on the defendant. 14614

(3) A report of the type described in division (E)(1) of 14615  
this section shall not be prima-facie evidence of the contents, 14616  
identity, or amount of any substance if, within seven days after 14617  
the defendant to whom the report pertains or the defendant's 14618  
attorney receives a copy of the report, the defendant or the 14619  
defendant's attorney demands the testimony of the person who 14620  
signed the report. The judge in the case may extend the seven- 14621  
day time limit in the interest of justice. 14622

(F) Except as otherwise provided in this division, any 14623  
physician, registered nurse, emergency medical technician- 14624  
intermediate, emergency medical technician-paramedic, or 14625  
qualified technician, chemist, or phlebotomist who withdraws 14626  
blood from a person pursuant to this section or section 4511.191 14627  
or 4511.192 of the Revised Code, and any hospital, first-aid 14628  
station, or clinic at which blood is withdrawn from a person 14629  
pursuant to this section or section 4511.191 or 4511.192 of the 14630  
Revised Code, is immune from criminal liability and civil 14631

liability based upon a claim of assault and battery or any other 14632  
claim that is not a claim of malpractice, for any act performed 14633  
in withdrawing blood from the person. The immunity provided in 14634  
this division also extends to an emergency medical service 14635  
organization that employs an emergency medical technician- 14636  
intermediate or emergency medical technician-paramedic who 14637  
withdraws blood under this section. The immunity provided in 14638  
this division is not available to a person who withdraws blood 14639  
if the person engages in willful or wanton misconduct. 14640

As used in this division, "emergency medical technician- 14641  
intermediate" and "emergency medical technician-paramedic" have 14642  
the same meanings as in section 4765.01 of the Revised Code. 14643

(G) (1) Whoever violates any provision of divisions (A) (1) 14644  
(a) to (i) or (A) (2) of this section is guilty of operating a 14645  
vehicle under the influence of alcohol, a drug of abuse, or a 14646  
combination of them. Whoever violates division (A) (1) (j) of this 14647  
section is guilty of operating a vehicle while under the 14648  
influence of a listed controlled substance or a listed 14649  
metabolite of a controlled substance. The court shall sentence 14650  
the offender for either offense under Chapter 2929. of the 14651  
Revised Code, except as otherwise authorized or required by 14652  
divisions (G) (1) (a) to (e) of this section: 14653

(a) Except as otherwise provided in division (G) (1) (b), 14654  
(c), (d), or (e) of this section, the offender is guilty of a 14655  
misdemeanor of the first degree, and the court shall sentence 14656  
the offender to all of the following: 14657

(i) If the sentence is being imposed for a violation of 14658  
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 14659  
a mandatory jail term of three consecutive days. As used in this 14660  
division, three consecutive days means seventy-two consecutive 14661

hours. The court may sentence an offender to both an 14662  
intervention program and a jail term. The court may impose a 14663  
jail term in addition to the three-day mandatory jail term or 14664  
intervention program. However, in no case shall the cumulative 14665  
jail term imposed for the offense exceed six months. 14666

The court may suspend the execution of the three-day jail 14667  
term under this division if the court, in lieu of that suspended 14668  
term, places the offender under a community control sanction 14669  
pursuant to section 2929.25 of the Revised Code and requires the 14670  
offender to attend, for three consecutive days, a drivers' 14671  
intervention program certified under section 5119.38 of the 14672  
Revised Code. The court also may suspend the execution of any 14673  
part of the three-day jail term under this division if it places 14674  
the offender under a community control sanction pursuant to 14675  
section 2929.25 of the Revised Code for part of the three days, 14676  
requires the offender to attend for the suspended part of the 14677  
term a drivers' intervention program so certified, and sentences 14678  
the offender to a jail term equal to the remainder of the three 14679  
consecutive days that the offender does not spend attending the 14680  
program. The court may require the offender, as a condition of 14681  
community control and in addition to the required attendance at 14682  
a drivers' intervention program, to attend and satisfactorily 14683  
complete any treatment or education programs that comply with 14684  
the minimum standards adopted pursuant to Chapter 5119. of the 14685  
Revised Code by the director of mental health and addiction 14686  
services that the operators of the drivers' intervention program 14687  
determine that the offender should attend and to report 14688  
periodically to the court on the offender's progress in the 14689  
programs. The court also may impose on the offender any other 14690  
conditions of community control that it considers necessary. 14691

If the court grants unlimited driving privileges to a 14692



first-time offender under section 4510.022 of the Revised Code, 14693  
all penalties imposed upon the offender by the court under 14694  
division (G) (1) (a) (i) of this section for the offense apply, 14695  
except that the court shall suspend any mandatory or additional 14696  
jail term imposed by the court under division (G) (1) (a) (i) of 14697  
this section upon granting unlimited driving privileges in 14698  
accordance with section 4510.022 of the Revised Code. 14699

(ii) If the sentence is being imposed for a violation of 14700  
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 14701  
section, except as otherwise provided in this division, a 14702  
mandatory jail term of at least three consecutive days and a 14703  
requirement that the offender attend, for three consecutive 14704  
days, a drivers' intervention program that is certified pursuant 14705  
to section 5119.38 of the Revised Code. As used in this 14706  
division, three consecutive days means seventy-two consecutive 14707  
hours. If the court determines that the offender is not 14708  
conducive to treatment in a drivers' intervention program, if 14709  
the offender refuses to attend a drivers' intervention program, 14710  
or if the jail at which the offender is to serve the jail term 14711  
imposed can provide a driver's intervention program, the court 14712  
shall sentence the offender to a mandatory jail term of at least 14713  
six consecutive days. 14714

If the court grants unlimited driving privileges to a 14715  
first-time offender under section 4510.022 of the Revised Code, 14716  
all penalties imposed upon the offender by the court under 14717  
division (G) (1) (a) (ii) of this section for the offense apply, 14718  
except that the court shall suspend any mandatory or additional 14719  
jail term imposed by the court under division (G) (1) (a) (ii) of 14720  
this section upon granting unlimited driving privileges in 14721  
accordance with section 4510.022 of the Revised Code. 14722

The court may require the offender, under a community control sanction imposed under section 2929.25 of the Revised Code, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 5119. of the Revised Code by the director of mental health and addiction services, in addition to the required attendance at drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of community control on the offender that it considers necessary.

(iii) In all cases, a fine of not less than three hundred seventy-five and not more than one thousand seventy-five dollars;

(iv) In all cases, a suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege for a definite period of one to three years. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under section 4510.022 of the Revised Code.

(b) Except as otherwise provided in division (G) (1) (e) of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to one violation of division (A) or (B) of this section or one other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the

following: 14753

(i) If the sentence is being imposed for a violation of 14754  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 14755  
a mandatory jail term of ten consecutive days. The court shall 14756  
impose the ten-day mandatory jail term under this division 14757  
unless, subject to division (G)(3) of this section, it instead 14758  
imposes a sentence under that division consisting of both a jail 14759  
term and a term of house arrest with electronic monitoring, with 14760  
continuous alcohol monitoring, or with both electronic 14761  
monitoring and continuous alcohol monitoring. The court may 14762  
impose a jail term in addition to the ten-day mandatory jail 14763  
term. The cumulative jail term imposed for the offense shall not 14764  
exceed six months. 14765

In addition to the jail term or the term of house arrest 14766  
with electronic monitoring or continuous alcohol monitoring or 14767  
both types of monitoring and jail term, the court shall require 14768  
the offender to be assessed by a community addiction services 14769  
provider that is authorized by section 5119.21 of the Revised 14770  
Code, subject to division (I) of this section, and shall order 14771  
the offender to follow the treatment recommendations of the 14772  
services provider. The purpose of the assessment is to determine 14773  
the degree of the offender's alcohol usage and to determine 14774  
whether or not treatment is warranted. Upon the request of the 14775  
court, the services provider shall submit the results of the 14776  
assessment to the court, including all treatment recommendations 14777  
and clinical diagnoses related to alcohol use. 14778

(ii) If the sentence is being imposed for a violation of 14779  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 14780  
section, except as otherwise provided in this division, a 14781  
mandatory jail term of twenty consecutive days. The court shall 14782

impose the twenty-day mandatory jail term under this division 14783  
unless, subject to division (G)(3) of this section, it instead 14784  
imposes a sentence under that division consisting of both a jail 14785  
term and a term of house arrest with electronic monitoring, with 14786  
continuous alcohol monitoring, or with both electronic 14787  
monitoring and continuous alcohol monitoring. The court may 14788  
impose a jail term in addition to the twenty-day mandatory jail 14789  
term. The cumulative jail term imposed for the offense shall not 14790  
exceed six months. 14791

In addition to the jail term or the term of house arrest 14792  
with electronic monitoring or continuous alcohol monitoring or 14793  
both types of monitoring and jail term, the court shall require 14794  
the offender to be assessed by a community addiction service 14795  
provider that is authorized by section 5119.21 of the Revised 14796  
Code, subject to division (I) of this section, and shall order 14797  
the offender to follow the treatment recommendations of the 14798  
services provider. The purpose of the assessment is to determine 14799  
the degree of the offender's alcohol usage and to determine 14800  
whether or not treatment is warranted. Upon the request of the 14801  
court, the services provider shall submit the results of the 14802  
assessment to the court, including all treatment recommendations 14803  
and clinical diagnoses related to alcohol use. 14804

(iii) In all cases, notwithstanding the fines set forth in 14805  
Chapter 2929. of the Revised Code, a fine of not less than five 14806  
hundred twenty-five and not more than one thousand six hundred 14807  
twenty-five dollars; 14808

(iv) In all cases, a suspension of the offender's driver's 14809  
license, commercial driver's license, temporary instruction 14810  
permit, probationary license, or nonresident operating privilege 14811  
for a definite period of one to seven years. The court may grant 14812

limited driving privileges relative to the suspension under 14813  
sections 4510.021 and 4510.13 of the Revised Code. 14814

(v) In all cases, if the vehicle is registered in the 14815  
offender's name, immobilization of the vehicle involved in the 14816  
offense for ninety days in accordance with section 4503.233 of 14817  
the Revised Code and impoundment of the license plates of that 14818  
vehicle for ninety days. 14819

(c) Except as otherwise provided in division (G)(1)(e) of 14820  
this section, an offender who, within ten years of the offense, 14821  
previously has been convicted of or pleaded guilty to two 14822  
violations of division (A) or (B) of this section or other 14823  
equivalent offenses is guilty of a misdemeanor. The court shall 14824  
sentence the offender to all of the following: 14825

(i) If the sentence is being imposed for a violation of 14826  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 14827  
a mandatory jail term of thirty consecutive days. The court 14828  
shall impose the thirty-day mandatory jail term under this 14829  
division unless, subject to division (G)(3) of this section, it 14830  
instead imposes a sentence under that division consisting of 14831  
both a jail term and a term of house arrest with electronic 14832  
monitoring, with continuous alcohol monitoring, or with both 14833  
electronic monitoring and continuous alcohol monitoring. The 14834  
court may impose a jail term in addition to the thirty-day 14835  
mandatory jail term. Notwithstanding the jail terms set forth in 14836  
sections 2929.21 to 2929.28 of the Revised Code, the additional 14837  
jail term shall not exceed one year, and the cumulative jail 14838  
term imposed for the offense shall not exceed one year. 14839

(ii) If the sentence is being imposed for a violation of 14840  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 14841  
section, a mandatory jail term of sixty consecutive days. The 14842

court shall impose the sixty-day mandatory jail term under this 14843  
division unless, subject to division (G) (3) of this section, it 14844  
instead imposes a sentence under that division consisting of 14845  
both a jail term and a term of house arrest with electronic 14846  
monitoring, with continuous alcohol monitoring, or with both 14847  
electronic monitoring and continuous alcohol monitoring. The 14848  
court may impose a jail term in addition to the sixty-day 14849  
mandatory jail term. Notwithstanding the jail terms set forth in 14850  
sections 2929.21 to 2929.28 of the Revised Code, the additional 14851  
jail term shall not exceed one year, and the cumulative jail 14852  
term imposed for the offense shall not exceed one year. 14853

(iii) In all cases, notwithstanding the fines set forth in 14854  
Chapter 2929. of the Revised Code, a fine of not less than eight 14855  
hundred fifty and not more than two thousand seven hundred fifty 14856  
dollars; 14857

(iv) In all cases, a suspension of the offender's driver's 14858  
license, commercial driver's license, temporary instruction 14859  
permit, probationary license, or nonresident operating privilege 14860  
for a definite period of two to twelve years. The court may 14861  
grant limited driving privileges relative to the suspension 14862  
under sections 4510.021 and 4510.13 of the Revised Code. 14863

(v) In all cases, if the vehicle is registered in the 14864  
offender's name, criminal forfeiture of the vehicle involved in 14865  
the offense in accordance with section 4503.234 of the Revised 14866  
Code. Division (G) (6) of this section applies regarding any 14867  
vehicle that is subject to an order of criminal forfeiture under 14868  
this division. 14869

(vi) In all cases, the court shall order the offender to 14870  
participate with a community addiction services provider 14871  
authorized by section 5119.21 of the Revised Code, subject to 14872

division (I) of this section, and shall order the offender to 14873  
follow the treatment recommendations of the services provider. 14874  
The operator of the services provider shall determine and assess 14875  
the degree of the offender's alcohol dependency and shall make 14876  
recommendations for treatment. Upon the request of the court, 14877  
the services provider shall submit the results of the assessment 14878  
to the court, including all treatment recommendations and 14879  
clinical diagnoses related to alcohol use. 14880

(d) Except as otherwise provided in division (G)(1)(e) of 14881  
this section, an offender who, within ten years of the offense, 14882  
previously has been convicted of or pleaded guilty to three or 14883  
four violations of division (A) or (B) of this section or other 14884  
equivalent offenses ~~or,~~ an offender who, within twenty years of 14885  
the offense, previously has been convicted of or pleaded guilty 14886  
to five or more violations of that nature, or an offender who 14887  
previously has been convicted of or pleaded guilty to a 14888  
specification of the type described in section 2941.1413 of the 14889  
Revised Code is guilty of a felony of the fourth degree. The 14890  
court shall sentence the offender to all of the following: 14891

(i) If the sentence is being imposed for a violation of 14892  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 14893  
a mandatory prison term of one, two, three, four, or five years 14894  
as required by and in accordance with division (G)(2) of section 14895  
2929.13 of the Revised Code if the offender also is convicted of 14896  
or also pleads guilty to a specification of the type described 14897  
in section 2941.1413 of the Revised Code or, in the discretion 14898  
of the court, either a mandatory term of local incarceration of 14899  
sixty consecutive days in accordance with division (G)(1) of 14900  
section 2929.13 of the Revised Code or a mandatory prison term 14901  
of sixty consecutive days in accordance with division (G)(2) of 14902  
that section if the offender is not convicted of and does not 14903

plead guilty to a specification of that type. If the court 14904  
imposes a mandatory term of local incarceration, it may impose a 14905  
jail term in addition to the sixty-day mandatory term, the 14906  
cumulative total of the mandatory term and the jail term for the 14907  
offense shall not exceed one year, and, except as provided in 14908  
division (A) (1) of section 2929.13 of the Revised Code, no 14909  
prison term is authorized for the offense. If the court imposes 14910  
a mandatory prison term, notwithstanding division (A) (4) of 14911  
section 2929.14 of the Revised Code, it also may sentence the 14912  
offender to a definite prison term that shall be not less than 14913  
six months and not more than thirty months and the prison terms 14914  
shall be imposed as described in division (G) (2) of section 14915  
2929.13 of the Revised Code. If the court imposes a mandatory 14916  
prison term or mandatory prison term and additional prison term, 14917  
in addition to the term or terms so imposed, the court also may 14918  
sentence the offender to a community control sanction for the 14919  
offense, but the offender shall serve all of the prison terms so 14920  
imposed prior to serving the community control sanction. 14921

(ii) If the sentence is being imposed for a violation of 14922  
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 14923  
section, a mandatory prison term of one, two, three, four, or 14924  
five years as required by and in accordance with division (G) (2) 14925  
of section 2929.13 of the Revised Code if the offender also is 14926  
convicted of or also pleads guilty to a specification of the 14927  
type described in section 2941.1413 of the Revised Code or, in 14928  
the discretion of the court, either a mandatory term of local 14929  
incarceration of one hundred twenty consecutive days in 14930  
accordance with division (G) (1) of section 2929.13 of the 14931  
Revised Code or a mandatory prison term of one hundred twenty 14932  
consecutive days in accordance with division (G) (2) of that 14933  
section if the offender is not convicted of and does not plead 14934



guilty to a specification of that type. If the court imposes a mandatory term of local incarceration, it may impose a jail term in addition to the one hundred twenty-day mandatory term, the cumulative total of the mandatory term and the jail term for the offense shall not exceed one year, and, except as provided in division (A)(1) of section 2929.13 of the Revised Code, no prison term is authorized for the offense. If the court imposes a mandatory prison term, notwithstanding division (A)(4) of section 2929.14 of the Revised Code, it also may sentence the offender to a definite prison term that shall be not less than six months and not more than thirty months and the prison terms shall be imposed as described in division (G)(2) of section 2929.13 of the Revised Code. If the court imposes a mandatory prison term or mandatory prison term and additional prison term, in addition to the term or terms so imposed, the court also may sentence the offender to a community control sanction for the offense, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

(iii) In all cases, notwithstanding section 2929.18 of the Revised Code, a fine of not less than one thousand three hundred fifty nor more than ten thousand five hundred dollars;

(iv) In all cases, a class two license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(2) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the

offender's name, criminal forfeiture of the vehicle involved in 14965  
the offense in accordance with section 4503.234 of the Revised 14966  
Code. Division (G) (6) of this section applies regarding any 14967  
vehicle that is subject to an order of criminal forfeiture under 14968  
this division. 14969

(vi) In all cases, the court shall order the offender to 14970  
participate with a community addiction services provider 14971  
authorized by section 5119.21 of the Revised Code, subject to 14972  
division (I) of this section, and shall order the offender to 14973  
follow the treatment recommendations of the services provider. 14974  
The operator of the services provider shall determine and assess 14975  
the degree of the offender's alcohol dependency and shall make 14976  
recommendations for treatment. Upon the request of the court, 14977  
the services provider shall submit the results of the assessment 14978  
to the court, including all treatment recommendations and 14979  
clinical diagnoses related to alcohol use. 14980

(vii) In all cases, if the court sentences the offender to 14981  
a mandatory term of local incarceration, in addition to the 14982  
mandatory term, the court, pursuant to section 2929.17 of the 14983  
Revised Code, may impose a term of house arrest with electronic 14984  
monitoring. The term shall not commence until after the offender 14985  
has served the mandatory term of local incarceration. 14986

(e) An offender who previously has been convicted of or 14987  
pleaded guilty to a violation of division (A) of this section 14988  
that was a felony, regardless of when the violation and the 14989  
conviction or guilty plea occurred, is guilty of a felony of the 14990  
third degree. The court shall sentence the offender to all of 14991  
the following: 14992

(i) If the offender is being sentenced for a violation of 14993  
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 14994

a mandatory prison term of one, two, three, four, or five years 14995  
as required by and in accordance with division (G) (2) of section 14996  
2929.13 of the Revised Code if the offender also is convicted of 14997  
or also pleads guilty to a specification of the type described 14998  
in section 2941.1413 of the Revised Code or a mandatory prison 14999  
term of sixty consecutive days in accordance with division (G) 15000  
(2) of section 2929.13 of the Revised Code if the offender is 15001  
not convicted of and does not plead guilty to a specification of 15002  
that type. The court may impose a prison term in addition to the 15003  
mandatory prison term. The cumulative total of a sixty-day 15004  
mandatory prison term and the additional prison term for the 15005  
offense shall not exceed five years. In addition to the 15006  
mandatory prison term or mandatory prison term and additional 15007  
prison term the court imposes, the court also may sentence the 15008  
offender to a community control sanction for the offense, but 15009  
the offender shall serve all of the prison terms so imposed 15010  
prior to serving the community control sanction. 15011

(ii) If the sentence is being imposed for a violation of 15012  
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 15013  
section, a mandatory prison term of one, two, three, four, or 15014  
five years as required by and in accordance with division (G) (2) 15015  
of section 2929.13 of the Revised Code if the offender also is 15016  
convicted of or also pleads guilty to a specification of the 15017  
type described in section 2941.1413 of the Revised Code or a 15018  
mandatory prison term of one hundred twenty consecutive days in 15019  
accordance with division (G) (2) of section 2929.13 of the 15020  
Revised Code if the offender is not convicted of and does not 15021  
plead guilty to a specification of that type. The court may 15022  
impose a prison term in addition to the mandatory prison term. 15023  
The cumulative total of a one hundred twenty-day mandatory 15024  
prison term and the additional prison term for the offense shall 15025

not exceed five years. In addition to the mandatory prison term 15026  
or mandatory prison term and additional prison term the court 15027  
imposes, the court also may sentence the offender to a community 15028  
control sanction for the offense, but the offender shall serve 15029  
all of the prison terms so imposed prior to serving the 15030  
community control sanction. 15031

(iii) In all cases, notwithstanding section 2929.18 of the 15032  
Revised Code, a fine of not less than one thousand three hundred 15033  
fifty nor more than ten thousand five hundred dollars; 15034

(iv) In all cases, a class two license suspension of the 15035  
offender's driver's license, commercial driver's license, 15036  
temporary instruction permit, probationary license, or 15037  
nonresident operating privilege from the range specified in 15038  
division (A) (2) of section 4510.02 of the Revised Code. The 15039  
court may grant limited driving privileges relative to the 15040  
suspension under sections 4510.021 and 4510.13 of the Revised 15041  
Code. 15042

(v) In all cases, if the vehicle is registered in the 15043  
offender's name, criminal forfeiture of the vehicle involved in 15044  
the offense in accordance with section 4503.234 of the Revised 15045  
Code. Division (G) (6) of this section applies regarding any 15046  
vehicle that is subject to an order of criminal forfeiture under 15047  
this division. 15048

(vi) In all cases, the court shall order the offender to 15049  
participate with a community addiction services provider 15050  
authorized by section 5119.21 of the Revised Code, subject to 15051  
division (I) of this section, and shall order the offender to 15052  
follow the treatment recommendations of the services provider. 15053  
The operator of the services provider shall determine and assess 15054  
the degree of the offender's alcohol dependency and shall make 15055

recommendations for treatment. Upon the request of the court, 15056  
the services provider shall submit the results of the assessment 15057  
to the court, including all treatment recommendations and 15058  
clinical diagnoses related to alcohol use. 15059

(2) An offender who is convicted of or pleads guilty to a 15060  
violation of division (A) of this section and who subsequently 15061  
seeks reinstatement of the driver's or occupational driver's 15062  
license or permit or nonresident operating privilege suspended 15063  
under this section as a result of the conviction or guilty plea 15064  
shall pay a reinstatement fee as provided in division (F) (2) of 15065  
section 4511.191 of the Revised Code. 15066

(3) If an offender is sentenced to a jail term under 15067  
division (G) (1) (b) (i) or (ii) or (G) (1) (c) (i) or (ii) of this 15068  
section and if, within sixty days of sentencing of the offender, 15069  
the court issues a written finding on the record that, due to 15070  
the unavailability of space at the jail where the offender is 15071  
required to serve the term, the offender will not be able to 15072  
begin serving that term within the sixty-day period following 15073  
the date of sentencing, the court may impose an alternative 15074  
sentence under this division that includes a term of house 15075  
arrest with electronic monitoring, with continuous alcohol 15076  
monitoring, or with both electronic monitoring and continuous 15077  
alcohol monitoring. 15078

As an alternative to a mandatory jail term of ten 15079  
consecutive days required by division (G) (1) (b) (i) of this 15080  
section, the court, under this division, may sentence the 15081  
offender to five consecutive days in jail and not less than 15082  
eighteen consecutive days of house arrest with electronic 15083  
monitoring, with continuous alcohol monitoring, or with both 15084  
electronic monitoring and continuous alcohol monitoring. The 15085

cumulative total of the five consecutive days in jail and the 15086  
period of house arrest with electronic monitoring, continuous 15087  
alcohol monitoring, or both types of monitoring shall not exceed 15088  
six months. The five consecutive days in jail do not have to be 15089  
served prior to or consecutively to the period of house arrest. 15090

As an alternative to the mandatory jail term of twenty 15091  
consecutive days required by division (G) (1) (b) (ii) of this 15092  
section, the court, under this division, may sentence the 15093  
offender to ten consecutive days in jail and not less than 15094  
thirty-six consecutive days of house arrest with electronic 15095  
monitoring, with continuous alcohol monitoring, or with both 15096  
electronic monitoring and continuous alcohol monitoring. The 15097  
cumulative total of the ten consecutive days in jail and the 15098  
period of house arrest with electronic monitoring, continuous 15099  
alcohol monitoring, or both types of monitoring shall not exceed 15100  
six months. The ten consecutive days in jail do not have to be 15101  
served prior to or consecutively to the period of house arrest. 15102

As an alternative to a mandatory jail term of thirty 15103  
consecutive days required by division (G) (1) (c) (i) of this 15104  
section, the court, under this division, may sentence the 15105  
offender to fifteen consecutive days in jail and not less than 15106  
fifty-five consecutive days of house arrest with electronic 15107  
monitoring, with continuous alcohol monitoring, or with both 15108  
electronic monitoring and continuous alcohol monitoring. The 15109  
cumulative total of the fifteen consecutive days in jail and the 15110  
period of house arrest with electronic monitoring, continuous 15111  
alcohol monitoring, or both types of monitoring shall not exceed 15112  
one year. The fifteen consecutive days in jail do not have to be 15113  
served prior to or consecutively to the period of house arrest. 15114

As an alternative to the mandatory jail term of sixty 15115

consecutive days required by division (G) (1) (c) (ii) of this 15116  
section, the court, under this division, may sentence the 15117  
offender to thirty consecutive days in jail and not less than 15118  
one hundred ten consecutive days of house arrest with electronic 15119  
monitoring, with continuous alcohol monitoring, or with both 15120  
electronic monitoring and continuous alcohol monitoring. The 15121  
cumulative total of the thirty consecutive days in jail and the 15122  
period of house arrest with electronic monitoring, continuous 15123  
alcohol monitoring, or both types of monitoring shall not exceed 15124  
one year. The thirty consecutive days in jail do not have to be 15125  
served prior to or consecutively to the period of house arrest. 15126

(4) If an offender's driver's or occupational driver's 15127  
license or permit or nonresident operating privilege is 15128  
suspended under division (G) of this section and if section 15129  
4510.13 of the Revised Code permits the court to grant limited 15130  
driving privileges, the court may grant the limited driving 15131  
privileges in accordance with that section. If division (A) (7) 15132  
of that section requires that the court impose as a condition of 15133  
the privileges that the offender must display on the vehicle 15134  
that is driven subject to the privileges restricted license 15135  
plates that are issued under section 4503.231 of the Revised 15136  
Code, except as provided in division (B) of that section, the 15137  
court shall impose that condition as one of the conditions of 15138  
the limited driving privileges granted to the offender, except 15139  
as provided in division (B) of section 4503.231 of the Revised 15140  
Code. 15141

(5) Fines imposed under this section for a violation of 15142  
division (A) of this section shall be distributed as follows: 15143

(a) Twenty-five dollars of the fine imposed under division 15144  
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 15145

division (G) (1) (b) (iii), one hundred twenty-three dollars of the 15146  
fine imposed under division (G) (1) (c) (iii), and two hundred ten 15147  
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 15148  
(iii) of this section shall be paid to an enforcement and 15149  
education fund established by the legislative authority of the 15150  
law enforcement agency in this state that primarily was 15151  
responsible for the arrest of the offender, as determined by the 15152  
court that imposes the fine. The agency shall use this share to 15153  
pay only those costs it incurs in enforcing this section or a 15154  
municipal OVI ordinance and in informing the public of the laws 15155  
governing the operation of a vehicle while under the influence 15156  
of alcohol, the dangers of the operation of a vehicle under the 15157  
influence of alcohol, and other information relating to the 15158  
operation of a vehicle under the influence of alcohol and the 15159  
consumption of alcoholic beverages. 15160

(b) Fifty dollars of the fine imposed under division (G) 15161  
(1) (a) (iii) of this section shall be paid to the political 15162  
subdivision that pays the cost of housing the offender during 15163  
the offender's term of incarceration. If the offender is being 15164  
sentenced for a violation of division (A) (1) (a), (b), (c), (d), 15165  
(e), or (j) of this section and was confined as a result of the 15166  
offense prior to being sentenced for the offense but is not 15167  
sentenced to a term of incarceration, the fifty dollars shall be 15168  
paid to the political subdivision that paid the cost of housing 15169  
the offender during that period of confinement. The political 15170  
subdivision shall use the share under this division to pay or 15171  
reimburse incarceration or treatment costs it incurs in housing 15172  
or providing drug and alcohol treatment to persons who violate 15173  
this section or a municipal OVI ordinance, costs of any 15174  
immobilizing or disabling device used on the offender's vehicle, 15175  
and costs of electronic house arrest equipment needed for 15176



persons who violate this section. 15177

(c) Twenty-five dollars of the fine imposed under division 15178  
(G) (1) (a) (iii) and fifty dollars of the fine imposed under 15179  
division (G) (1) (b) (iii) of this section shall be deposited into 15180  
the county or municipal indigent drivers' alcohol treatment fund 15181  
under the control of that court, as created by the county or 15182  
municipal corporation under division (F) of section 4511.191 of 15183  
the Revised Code. 15184

(d) One hundred fifteen dollars of the fine imposed under 15185  
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 15186  
the fine imposed under division (G) (1) (c) (iii), and four hundred 15187  
forty dollars of the fine imposed under division (G) (1) (d) (iii) 15188  
or (e) (iii) of this section shall be paid to the political 15189  
subdivision that pays the cost of housing the offender during 15190  
the offender's term of incarceration. The political subdivision 15191  
shall use this share to pay or reimburse incarceration or 15192  
treatment costs it incurs in housing or providing drug and 15193  
alcohol treatment to persons who violate this section or a 15194  
municipal OVI ordinance, costs for any immobilizing or disabling 15195  
device used on the offender's vehicle, and costs of electronic 15196  
house arrest equipment needed for persons who violate this 15197  
section. 15198

(e) Fifty dollars of the fine imposed under divisions (G) 15199  
(1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), (G) (1) (d) (iii), and 15200  
(G) (1) (e) (iii) of this section shall be deposited into the 15201  
special projects fund of the court in which the offender was 15202  
convicted and that is established under division (E) (1) of 15203  
section 2303.201, division (B) (1) of section 1901.26, or 15204  
division (B) (1) of section 1907.24 of the Revised Code, to be 15205  
used exclusively to cover the cost of immobilizing or disabling 15206

devices, including certified ignition interlock devices, and 15207  
remote alcohol monitoring devices for indigent offenders who are 15208  
required by a judge to use either of these devices. If the court 15209  
in which the offender was convicted does not have a special 15210  
projects fund that is established under division (E) (1) of 15211  
section 2303.201, division (B) (1) of section 1901.26, or 15212  
division (B) (1) of section 1907.24 of the Revised Code, the 15213  
fifty dollars shall be deposited into the indigent drivers 15214  
interlock and alcohol monitoring fund under division (I) of 15215  
section 4511.191 of the Revised Code. 15216

(f) Seventy-five dollars of the fine imposed under 15217  
division (G) (1) (a) (iii), one hundred twenty-five dollars of the 15218  
fine imposed under division (G) (1) (b) (iii), two hundred fifty 15219  
dollars of the fine imposed under division (G) (1) (c) (iii), and 15220  
five hundred dollars of the fine imposed under division (G) (1) 15221  
(d) (iii) or (e) (iii) of this section shall be transmitted to the 15222  
treasurer of state for deposit into the indigent defense support 15223  
fund established under section 120.08 of the Revised Code. 15224

(g) The balance of the fine imposed under division (G) (1) 15225  
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 15226  
section shall be disbursed as otherwise provided by law. 15227

(6) If title to a motor vehicle that is subject to an 15228  
order of criminal forfeiture under division (G) (1) (c), (d), or 15229  
(e) of this section is assigned or transferred and division (B) 15230  
(2) or (3) of section 4503.234 of the Revised Code applies, in 15231  
addition to or independent of any other penalty established by 15232  
law, the court may fine the offender the value of the vehicle as 15233  
determined by publications of the national automobile dealers 15234  
association. The proceeds of any fine so imposed shall be 15235  
distributed in accordance with division (C) (2) of that section. 15236

(7) In all cases in which an offender is sentenced under division (G) of this section, the offender shall provide the court with proof of financial responsibility as defined in section 4509.01 of the Revised Code. If the offender fails to provide that proof of financial responsibility, the court, in addition to any other penalties provided by law, may order restitution pursuant to section 2929.18 or 2929.28 of the Revised Code in an amount not exceeding five thousand dollars for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under division (G) of this section.

(8) A court may order an offender to reimburse a law enforcement agency for any costs incurred by the agency with respect to a chemical test or tests administered to the offender if all of the following apply:

(a) The offender is convicted of or pleads guilty to a violation of division (A) of this section.

(b) The test or tests were of the offender's whole blood, blood serum or plasma, or urine.

(c) The test or tests indicated that the offender had a prohibited concentration of a controlled substance or a metabolite of a controlled substance in the offender's whole blood, blood serum or plasma, or urine at the time of the offense.

(9) As used in division (G) of this section, "electronic monitoring," "mandatory prison term," and "mandatory term of local incarceration" have the same meanings as in section

2929.01 of the Revised Code. 15266

(H) Whoever violates division (B) of this section is 15267  
guilty of operating a vehicle after underage alcohol consumption 15268  
and shall be punished as follows: 15269

(1) Except as otherwise provided in division (H) (2) of 15270  
this section, the offender is guilty of a misdemeanor of the 15271  
fourth degree. In addition to any other sanction imposed for the 15272  
offense, the court shall impose a class six suspension of the 15273  
offender's driver's license, commercial driver's license, 15274  
temporary instruction permit, probationary license, or 15275  
nonresident operating privilege from the range specified in 15276  
division (A) (6) of section 4510.02 of the Revised Code. The 15277  
court may grant limited driving privileges relative to the 15278  
suspension under sections 4510.021 and 4510.13 of the Revised 15279  
Code. The court may grant unlimited driving privileges with an 15280  
ignition interlock device relative to the suspension and may 15281  
reduce the period of suspension as authorized under section 15282  
4510.022 of the Revised Code. If the court grants unlimited 15283  
driving privileges under section 4510.022 of the Revised Code, 15284  
the court shall suspend any jail term imposed under division (H) 15285  
(1) of this section as required under that section. 15286

(2) If, within one year of the offense, the offender 15287  
previously has been convicted of or pleaded guilty to one or 15288  
more violations of division (A) or (B) of this section or other 15289  
equivalent offenses, the offender is guilty of a misdemeanor of 15290  
the third degree. In addition to any other sanction imposed for 15291  
the offense, the court shall impose a class four suspension of 15292  
the offender's driver's license, commercial driver's license, 15293  
temporary instruction permit, probationary license, or 15294  
nonresident operating privilege from the range specified in 15295

division (A) (4) of section 4510.02 of the Revised Code. The 15296  
court may grant limited driving privileges relative to the 15297  
suspension under sections 4510.021 and 4510.13 of the Revised 15298  
Code. 15299

(3) If the offender also is convicted of or also pleads 15300  
guilty to a specification of the type described in section 15301  
2941.1416 of the Revised Code and if the court imposes a jail 15302  
term for the violation of division (B) of this section, the 15303  
court shall impose upon the offender an additional definite jail 15304  
term pursuant to division (E) of section 2929.24 of the Revised 15305  
Code. 15306

(4) The offender shall provide the court with proof of 15307  
financial responsibility as defined in section 4509.01 of the 15308  
Revised Code. If the offender fails to provide that proof of 15309  
financial responsibility, then, in addition to any other 15310  
penalties provided by law, the court may order restitution 15311  
pursuant to section 2929.28 of the Revised Code in an amount not 15312  
exceeding five thousand dollars for any economic loss arising 15313  
from an accident or collision that was the direct and proximate 15314  
result of the offender's operation of the vehicle before, 15315  
during, or after committing the violation of division (B) of 15316  
this section. 15317

(I) (1) No court shall sentence an offender to an alcohol 15318  
treatment program under this section unless the treatment 15319  
program complies with the minimum standards for alcohol 15320  
treatment programs adopted under Chapter 5119. of the Revised 15321  
Code by the director of mental health and addiction services. 15322

(2) An offender who stays in a drivers' intervention 15323  
program or in an alcohol treatment program under an order issued 15324  
under this section shall pay the cost of the stay in the 15325

program. However, if the court determines that an offender who 15326  
stays in an alcohol treatment program under an order issued 15327  
under this section is unable to pay the cost of the stay in the 15328  
program, the court may order that the cost be paid from the 15329  
court's indigent drivers' alcohol treatment fund. 15330

(J) If a person whose driver's or commercial driver's 15331  
license or permit or nonresident operating privilege is 15332  
suspended under this section files an appeal regarding any 15333  
aspect of the person's trial or sentence, the appeal itself does 15334  
not stay the operation of the suspension. 15335

(K) Division (A) (1) (j) of this section does not apply to a 15336  
person who operates a vehicle, streetcar, or trackless trolley 15337  
while the person has a concentration of a listed controlled 15338  
substance or a listed metabolite of a controlled substance in 15339  
the person's whole blood, blood serum or plasma, or urine that 15340  
equals or exceeds the amount specified in that division, if both 15341  
of the following apply: 15342

(1) The person obtained the controlled substance pursuant 15343  
to a prescription issued by a licensed health professional 15344  
authorized to prescribe drugs. 15345

(2) The person injected, ingested, or inhaled the 15346  
controlled substance in accordance with the health 15347  
professional's directions. 15348

(L) The prohibited concentrations of a controlled 15349  
substance or a metabolite of a controlled substance listed in 15350  
division (A) (1) (j) of this section also apply in a prosecution 15351  
of a violation of division (D) of section 2923.16 of the Revised 15352  
Code in the same manner as if the offender is being prosecuted 15353  
for a prohibited concentration of alcohol. 15354

(M) All terms defined in section 4510.01 of the Revised Code apply to this section. If the meaning of a term defined in section 4510.01 of the Revised Code conflicts with the meaning of the same term as defined in section 4501.01 or 4511.01 of the Revised Code, the term as defined in section 4510.01 of the Revised Code applies to this section.

(N) (1) The Ohio Traffic Rules in effect on January 1, 2004, as adopted by the supreme court under authority of section 2937.46 of the Revised Code, do not apply to felony violations of this section. Subject to division (N) (2) of this section, the Rules of Criminal Procedure apply to felony violations of this section.

(2) If, on or after January 1, 2004, the supreme court modifies the Ohio Traffic Rules to provide procedures to govern felony violations of this section, the modified rules shall apply to felony violations of this section.

**Sec. 4511.21.** (A) No person shall operate a motor vehicle, trackless trolley, or streetcar at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface, and width of the street or highway and any other conditions, and no person shall drive any motor vehicle, trackless trolley, or streetcar in and upon any street or highway at a greater speed than will permit the person to bring it to a stop within the assured clear distance ahead.

(B) It is prima-facie lawful, in the absence of a lower limit declared or established pursuant to this section by the director of transportation or local authorities, for the operator of a motor vehicle, trackless trolley, or streetcar to operate the same at a speed not exceeding the following:

(1) (a) Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when twenty miles per hour school speed limit signs are erected; except that, on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by division (B) (4) of this section and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by divisions (B) (10) and (11) of this section. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the manual and specifications for a uniform system of traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

(b) As used in this section and in section 4511.212 of the Revised Code, "school" means all of the following:

(i) Any school chartered under section 3301.16 of the Revised Code;

(ii) Any nonchartered school that during the preceding year filed with the department of education in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school's report for the parents of the school's pupils certifying that the school meets Ohio minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone;

(iii) Any special elementary school that in writing



requests the county engineer of the county in which the special elementary school is located to create a school zone at the location of that school. Upon receipt of such a written request, the county engineer shall create a school zone at that location by erecting the appropriate signs.

(iv) Any preschool education program operated by an educational service center that is located on a street or highway with a speed limit of forty-five miles per hour or more, when the educational service center in writing requests that the county engineer of the county in which the program is located create a school zone at the location of that program. Upon receipt of such a written request, the county engineer shall create a school zone at that location by erecting the appropriate signs.

(c) As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway, and also includes that portion of a state highway. Upon request from local authorities for streets and highways under their jurisdiction and that portion of a state highway under the jurisdiction of the director of transportation or a request from a county engineer in the case of a school zone for a special elementary school, the director may extend the traditional school zone boundaries. The distances in divisions (B) (1) (c) (i), (ii), and (iii) of this section shall not exceed three hundred feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the director approves as most appropriate:

(i) The distance encompassed by projecting the school

building lines normal to the fronting highway and extending a 15444  
distance of three hundred feet on each approach direction; 15445

(ii) The distance encompassed by projecting the school 15446  
property lines intersecting the fronting highway and extending a 15447  
distance of three hundred feet on each approach direction; 15448

(iii) The distance encompassed by the special marking of 15449  
the pavement for a principal school pupil crosswalk plus a 15450  
distance of three hundred feet on each approach direction of the 15451  
highway. 15452

Nothing in this section shall be construed to invalidate 15453  
the director's initial action on August 9, 1976, establishing 15454  
all school zones at the traditional school zone boundaries 15455  
defined by projecting school property lines, except when those 15456  
boundaries are extended as provided in divisions (B) (1) (a) and 15457  
(c) of this section. 15458

(d) As used in this division, "crosswalk" has the meaning 15459  
given that term in division (LL) (2) of section 4511.01 of the 15460  
Revised Code. 15461

The director may, upon request by resolution of the 15462  
legislative authority of a municipal corporation, the board of 15463  
trustees of a township, or a county board of developmental 15464  
disabilities created pursuant to Chapter 5126. of the Revised 15465  
Code, and upon submission by the municipal corporation, 15466  
township, or county board of such engineering, traffic, and 15467  
other information as the director considers necessary, designate 15468  
a school zone on any portion of a state route lying within the 15469  
municipal corporation, lying within the unincorporated territory 15470  
of the township, or lying adjacent to the property of a school 15471  
that is operated by such county board, that includes a crosswalk 15472

customarily used by children going to or leaving a school during 15473  
recess and opening and closing hours, whenever the distance, as 15474  
measured in a straight line, from the school property line 15475  
nearest the crosswalk to the nearest point of the crosswalk is 15476  
no more than one thousand three hundred twenty feet. Such a 15477  
school zone shall include the distance encompassed by the 15478  
crosswalk and extending three hundred feet on each approach 15479  
direction of the state route. 15480

(e) As used in this section, "special elementary school" 15481  
means a school that meets all of the following criteria: 15482

(i) It is not chartered and does not receive tax revenue 15483  
from any source. 15484

(ii) It does not educate children beyond the eighth grade. 15485

(iii) It is located outside the limits of a municipal 15486  
corporation. 15487

(iv) A majority of the total number of students enrolled 15488  
at the school are not related by blood. 15489

(v) The principal or other person in charge of the special 15490  
elementary school annually sends a report to the superintendent 15491  
of the school district in which the special elementary school is 15492  
located indicating the total number of students enrolled at the 15493  
school, but otherwise the principal or other person in charge 15494  
does not report any other information or data to the 15495  
superintendent. 15496

(2) Twenty-five miles per hour in all other portions of a 15497  
municipal corporation, except on state routes outside business 15498  
districts, through highways outside business districts, and 15499  
alleys; 15500

- (3) Thirty-five miles per hour on all state routes or through highways within municipal corporations outside business districts, except as provided in divisions (B) (4) and (6) of this section; 15501  
15502  
15503  
15504
- (4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations, except as provided in divisions (B) (12), (13), (14), (15), and (16) of this section; 15505  
15506  
15507
- (5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B) (8) of this section, highways as provided in divisions (B) (9) and (10) of this section, and highways, expressways, and freeways as provided in divisions (B) (12), (13), (14), and (16) of this section; 15508  
15509  
15510  
15511  
15512  
15513
- (6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section; 15514  
15515  
15516
- (7) Fifteen miles per hour on all alleys within the municipal corporation; 15517  
15518
- (8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction; 15519  
15520
- (9) Thirty-five miles per hour on through highways, except state routes, that are outside municipal corporations and that are within a national park with boundaries extending through two or more counties; 15521  
15522  
15523  
15524
- (10) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H) (2) of this section; 15525  
15526  
15527
- (11) Fifty-five miles per hour on freeways with paved 15528

shoulders inside municipal corporations, other than freeways as provided in divisions (B) (14) and (16) of this section;	15529 15530
(12) Sixty miles per hour on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in divisions (B) (13) and (14) of this section;	15531 15532 15533 15534
(13) Sixty-five miles per hour on all rural expressways without traffic control signals;	15535 15536
(14) Seventy miles per hour on all rural freeways;	15537
(15) Fifty-five miles per hour on all portions of freeways or expressways in congested areas as determined by the director and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in division (B) (16) of this section;	15538 15539 15540 15541 15542
(16) Sixty-five miles per hour on all portions of freeways or expressways without traffic control signals in urbanized areas.	15543 15544 15545
(C) It is prima-facie unlawful for any person to exceed any of the speed limitations in divisions (B) (1) (a), (2), (3), (4), (6), (7), (8), and (9) of this section, or any declared or established pursuant to this section by the director or local authorities and it is unlawful for any person to exceed any of the speed limitations in division (D) of this section. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.	15546 15547 15548 15549 15550 15551 15552 15553 15554 15555
(D) No person shall operate a motor vehicle, trackless trolley, or streetcar upon a street or highway as follows:	15556 15557

(1) At a speed exceeding fifty-five miles per hour, except 15558  
upon a two-lane state route as provided in division (B)(10) of 15559  
this section and upon a highway, expressway, or freeway as 15560  
provided in divisions (B)(12), (13), (14), and (16) of this 15561  
section; 15562

(2) At a speed exceeding sixty miles per hour upon a two- 15563  
lane state route as provided in division (B)(10) of this section 15564  
and upon a highway as provided in division (B)(12) of this 15565  
section; 15566

(3) At a speed exceeding sixty-five miles per hour upon an 15567  
expressway as provided in division (B)(13) or upon a freeway as 15568  
provided in division (B)(16) of this section, except upon a 15569  
freeway as provided in division (B)(14) of this section; 15570

(4) At a speed exceeding seventy miles per hour upon a 15571  
freeway as provided in division (B)(14) of this section; 15572

(5) At a speed exceeding the posted speed limit upon a 15573  
highway, expressway, or freeway for which the director has 15574  
determined and declared a speed limit pursuant to division (I) 15575  
(2) or (L)(2) of this section. 15576

(E) In every charge of violation of this section the 15577  
affidavit and warrant shall specify the time, place, and speed 15578  
at which the defendant is alleged to have driven, and in charges 15579  
made in reliance upon division (C) of this section also the 15580  
speed which division (B)(1)(a), (2), (3), (4), (6), (7), (8), or 15581  
(9) of, or a limit declared or established pursuant to, this 15582  
section declares is prima-facie lawful at the time and place of 15583  
such alleged violation, except that in affidavits where a person 15584  
is alleged to have driven at a greater speed than will permit 15585  
the person to bring the vehicle to a stop within the assured 15586

clear distance ahead the affidavit and warrant need not specify 15587  
the speed at which the defendant is alleged to have driven. 15588

(F) When a speed in excess of both a prima-facie 15589  
limitation and a limitation in division (D) of this section is 15590  
alleged, the defendant shall be charged in a single affidavit, 15591  
alleging a single act, with a violation indicated of both 15592  
division (B) (1) (a), (2), (3), (4), (6), (7), (8), or (9) of this 15593  
section, or of a limit declared or established pursuant to this 15594  
section by the director or local authorities, and of the 15595  
limitation in division (D) of this section. If the court finds a 15596  
violation of division (B) (1) (a), (2), (3), (4), (6), (7), (8), 15597  
or (9) of, or a limit declared or established pursuant to, this 15598  
section has occurred, it shall enter a judgment of conviction 15599  
under such division and dismiss the charge under division (D) of 15600  
this section. If it finds no violation of division (B) (1) (a), 15601  
(2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or 15602  
established pursuant to, this section, it shall then consider 15603  
whether the evidence supports a conviction under division (D) of 15604  
this section. 15605

(G) Points shall be assessed for violation of a limitation 15606  
under division (D) of this section in accordance with section 15607  
4510.036 of the Revised Code. 15608

(H) (1) Whenever the director determines upon the basis of 15609  
criteria established by an engineering study, as defined by the 15610  
director, that any speed limit set forth in divisions (B) (1) (a) 15611  
to (D) of this section is greater or less than is reasonable or 15612  
safe under the conditions found to exist at any portion of a 15613  
street or highway under the jurisdiction of the director, the 15614  
director shall determine and declare a reasonable and safe 15615  
prima-facie speed limit, which shall be effective when 15616

appropriate signs giving notice of it are erected at the 15617  
location. 15618

(2) Whenever the director determines upon the basis of 15619  
criteria established by an engineering study, as defined by the 15620  
director, that the speed limit of fifty-five miles per hour on a 15621  
two-lane state route outside a municipal corporation is less 15622  
than is reasonable or safe under the conditions found to exist 15623  
at that portion of the state route, the director may determine 15624  
and declare a speed limit of sixty miles per hour for that 15625  
portion of the state route, which shall be effective when 15626  
appropriate signs giving notice of it are erected at the 15627  
location. 15628

(3) (a) For purposes of the safe and orderly movement of 15629  
traffic upon any portion of a street or highway under the 15630  
jurisdiction of the director, the director may establish a 15631  
variable speed limit that is different than the speed limit 15632  
established by or under this section on all or portions of 15633  
interstate six hundred seventy, interstate two hundred seventy- 15634  
five, and interstate ninety commencing at the intersection of 15635  
that interstate with interstate seventy-one and continuing to 15636  
the border of the state of Ohio with the state of Pennsylvania. 15637  
The director shall establish criteria for determining the 15638  
appropriate use of variable speed limits and shall establish 15639  
variable speed limits in accordance with the criteria. The 15640  
director may establish variable speed limits based upon the time 15641  
of day, weather conditions, traffic incidents, or other factors 15642  
that affect the safe speed on a street or highway. The director 15643  
shall not establish a variable speed limit that is based on a 15644  
particular type or class of vehicle. A variable speed limit 15645  
established by the director under this section is effective when 15646  
appropriate signs giving notice of the speed limit are displayed 15647



at the location. 15648

(b) Except for variable speed limits established under 15649  
division (H) (3) (a) of this section, the director shall establish 15650  
a variable speed limit under the authority granted to the 15651  
director by this section on not more than two additional 15652  
highways and only pursuant to criteria established in rules 15653  
adopted in accordance with Chapter 119. of the Revised Code. The 15654  
rules shall be based on the criteria described in division (H) 15655  
(3) (a) of this section. The rules also shall establish the 15656  
parameters of any engineering study necessary for determining 15657  
when variable speed limits are appropriate. 15658

(4) Nothing in this section shall be construed to limit 15659  
the authority of the director to establish speed limits within a 15660  
construction zone as authorized under section 4511.98 of the 15661  
Revised Code. 15662

(I) (1) Except as provided in divisions (I) (2), (J), (K), 15663  
and (N) of this section, whenever local authorities determine 15664  
upon the basis of criteria established by an engineering study, 15665  
as defined by the director, that the speed permitted by 15666  
divisions (B) (1) (a) to (D) of this section, on any part of a 15667  
highway under their jurisdiction, is greater than is reasonable 15668  
and safe under the conditions found to exist at such location, 15669  
the local authorities may by resolution request the director to 15670  
determine and declare a reasonable and safe prima-facie speed 15671  
limit. Upon receipt of such request the director may determine 15672  
and declare a reasonable and safe prima-facie speed limit at 15673  
such location, and if the director does so, then such declared 15674  
speed limit shall become effective only when appropriate signs 15675  
giving notice thereof are erected at such location by the local 15676  
authorities. The director may withdraw the declaration of a 15677

prima-facie speed limit whenever in the director's opinion the 15678  
altered prima-facie speed limit becomes unreasonable. Upon such 15679  
withdrawal, the declared prima-facie speed limit shall become 15680  
ineffective and the signs relating thereto shall be immediately 15681  
removed by the local authorities. 15682

(2) A local authority may determine on the basis of 15683  
criteria established by an engineering study, as defined by the 15684  
director, that the speed limit of sixty-five or seventy miles 15685  
per hour on a portion of a freeway under its jurisdiction is 15686  
greater than is reasonable or safe under the conditions found to 15687  
exist at that portion of the freeway. If the local authority 15688  
makes such a determination, the local authority by resolution 15689  
may request the director to determine and declare a reasonable 15690  
and safe speed limit of not less than fifty-five miles per hour 15691  
for that portion of the freeway. If the director takes such 15692  
action, the declared speed limit becomes effective only when 15693  
appropriate signs giving notice of it are erected at such 15694  
location by the local authority. 15695

(J) Local authorities in their respective jurisdictions 15696  
may authorize by ordinance higher prima-facie speeds than those 15697  
stated in this section upon through highways, or upon highways 15698  
or portions thereof where there are no intersections, or between 15699  
widely spaced intersections, provided signs are erected giving 15700  
notice of the authorized speed, but local authorities shall not 15701  
modify or alter the basic rule set forth in division (A) of this 15702  
section or in any event authorize by ordinance a speed in excess 15703  
of the maximum speed permitted by division (D) of this section 15704  
for the specified type of highway. 15705

Alteration of prima-facie limits on state routes by local 15706  
authorities shall not be effective until the alteration has been 15707

approved by the director. The director may withdraw approval of 15708  
any altered prima-facie speed limits whenever in the director's 15709  
opinion any altered prima-facie speed becomes unreasonable, and 15710  
upon such withdrawal, the altered prima-facie speed shall become 15711  
ineffective and the signs relating thereto shall be immediately 15712  
removed by the local authorities. 15713

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of 15714  
this section, "unimproved highway" means a highway consisting of 15715  
any of the following: 15716

(a) Unimproved earth; 15717

(b) Unimproved graded and drained earth; 15718

(c) Gravel. 15719

(2) Except as otherwise provided in divisions (K) (4) and 15720  
(5) of this section, whenever a board of township trustees 15721  
determines upon the basis of criteria established by an 15722  
engineering study, as defined by the director, that the speed 15723  
permitted by division (B) (5) of this section on any part of an 15724  
unimproved highway under its jurisdiction and in the 15725  
unincorporated territory of the township is greater than is 15726  
reasonable or safe under the conditions found to exist at the 15727  
location, the board may by resolution declare a reasonable and 15728  
safe prima-facie speed limit of fifty-five but not less than 15729  
twenty-five miles per hour. An altered speed limit adopted by a 15730  
board of township trustees under this division becomes effective 15731  
when appropriate traffic control devices, as prescribed in 15732  
section 4511.11 of the Revised Code, giving notice thereof are 15733  
erected at the location, which shall be no sooner than sixty 15734  
days after adoption of the resolution. 15735

(3) (a) Whenever, in the opinion of a board of township 15736

trustees, any altered prima-facie speed limit established by the 15737  
board under this division becomes unreasonable, the board may 15738  
adopt a resolution withdrawing the altered prima-facie speed 15739  
limit. Upon the adoption of such a resolution, the altered 15740  
prima-facie speed limit becomes ineffective and the traffic 15741  
control devices relating thereto shall be immediately removed. 15742

(b) Whenever a highway ceases to be an unimproved highway 15743  
and the board has adopted an altered prima-facie speed limit 15744  
pursuant to division (K) (2) of this section, the board shall, by 15745  
resolution, withdraw the altered prima-facie speed limit as soon 15746  
as the highway ceases to be unimproved. Upon the adoption of 15747  
such a resolution, the altered prima-facie speed limit becomes 15748  
ineffective and the traffic control devices relating thereto 15749  
shall be immediately removed. 15750

(4) (a) If the boundary of two townships rests on the 15751  
centerline of an unimproved highway in unincorporated territory 15752  
and both townships have jurisdiction over the highway, neither 15753  
of the boards of township trustees of such townships may declare 15754  
an altered prima-facie speed limit pursuant to division (K) (2) 15755  
of this section on the part of the highway under their joint 15756  
jurisdiction unless the boards of township trustees of both of 15757  
the townships determine, upon the basis of criteria established 15758  
by an engineering study, as defined by the director, that the 15759  
speed permitted by division (B) (5) of this section is greater 15760  
than is reasonable or safe under the conditions found to exist 15761  
at the location and both boards agree upon a reasonable and safe 15762  
prima-facie speed limit of less than fifty-five but not less 15763  
than twenty-five miles per hour for that location. If both 15764  
boards so agree, each shall follow the procedure specified in 15765  
division (K) (2) of this section for altering the prima-facie 15766  
speed limit on the highway. Except as otherwise provided in 15767

division (K) (4) (b) of this section, no speed limit altered 15768  
pursuant to division (K) (4) (a) of this section may be withdrawn 15769  
unless the boards of township trustees of both townships 15770  
determine that the altered prima-facie speed limit previously 15771  
adopted becomes unreasonable and each board adopts a resolution 15772  
withdrawing the altered prima-facie speed limit pursuant to the 15773  
procedure specified in division (K) (3) (a) of this section. 15774

(b) Whenever a highway described in division (K) (4) (a) of 15775  
this section ceases to be an unimproved highway and two boards 15776  
of township trustees have adopted an altered prima-facie speed 15777  
limit pursuant to division (K) (4) (a) of this section, both 15778  
boards shall, by resolution, withdraw the altered prima-facie 15779  
speed limit as soon as the highway ceases to be unimproved. Upon 15780  
the adoption of the resolution, the altered prima-facie speed 15781  
limit becomes ineffective and the traffic control devices 15782  
relating thereto shall be immediately removed. 15783

(5) As used in division (K) (5) of this section: 15784

(a) "Commercial subdivision" means any platted territory 15785  
outside the limits of a municipal corporation and fronting a 15786  
highway where, for a distance of three hundred feet or more, the 15787  
frontage is improved with buildings in use for commercial 15788  
purposes, or where the entire length of the highway is less than 15789  
three hundred feet long and the frontage is improved with 15790  
buildings in use for commercial purposes. 15791

(b) "Residential subdivision" means any platted territory 15792  
outside the limits of a municipal corporation and fronting a 15793  
highway, where, for a distance of three hundred feet or more, 15794  
the frontage is improved with residences or residences and 15795  
buildings in use for business, or where the entire length of the 15796  
highway is less than three hundred feet long and the frontage is 15797

improved with residences or residences and buildings in use for 15798  
business. 15799

Whenever a board of township trustees finds upon the basis 15800  
of criteria established by an engineering study, as defined by 15801  
the director, that the prima-facie speed permitted by division 15802  
(B) (5) of this section on any part of a highway under its 15803  
jurisdiction that is located in a commercial or residential 15804  
subdivision, except on highways or portions thereof at the 15805  
entrances to which vehicular traffic from the majority of 15806  
intersecting highways is required to yield the right-of-way to 15807  
vehicles on such highways in obedience to stop or yield signs or 15808  
traffic control signals, is greater than is reasonable and safe 15809  
under the conditions found to exist at the location, the board 15810  
may by resolution declare a reasonable and safe prima-facie 15811  
speed limit of less than fifty-five but not less than twenty- 15812  
five miles per hour at the location. An altered speed limit 15813  
adopted by a board of township trustees under this division 15814  
shall become effective when appropriate signs giving notice 15815  
thereof are erected at the location by the township. Whenever, 15816  
in the opinion of a board of township trustees, any altered 15817  
prima-facie speed limit established by it under this division 15818  
becomes unreasonable, it may adopt a resolution withdrawing the 15819  
altered prima-facie speed, and upon such withdrawal, the altered 15820  
prima-facie speed shall become ineffective, and the signs 15821  
relating thereto shall be immediately removed by the township. 15822

(L) (1) The director of transportation, based upon an 15823  
engineering study, as defined by the director, of a highway, 15824  
expressway, or freeway described in division (B) (12), (13), 15825  
(14), (15), or (16) of this section, in consultation with the 15826  
director of public safety and, if applicable, the local 15827  
authority having jurisdiction over the studied highway, 15828

expressway, or freeway, may determine and declare that the speed 15829  
limit established on such highway, expressway, or freeway under 15830  
division (B) (12), (13), (14), (15), or (16) of this section 15831  
either is reasonable and safe or is more or less than that which 15832  
is reasonable and safe. 15833

(2) If the established speed limit for a highway, 15834  
expressway, or freeway studied pursuant to division (L) (1) of 15835  
this section is determined to be more or less than that which is 15836  
reasonable and safe, the director of transportation, in 15837  
consultation with the director of public safety and, if 15838  
applicable, the local authority having jurisdiction over the 15839  
studied highway, expressway, or freeway, shall determine and 15840  
declare a reasonable and safe speed limit for that highway, 15841  
expressway, or freeway. 15842

(M) (1) (a) If the boundary of two local authorities rests 15843  
on the centerline of a highway and both authorities have 15844  
jurisdiction over the highway, the speed limit for the part of 15845  
the highway within their joint jurisdiction shall be either one 15846  
of the following as agreed to by both authorities: 15847

(i) Either prima-facie speed limit permitted by division 15848  
(B) of this section; 15849

(ii) An altered speed limit determined and posted in 15850  
accordance with this section. 15851

(b) If the local authorities are unable to reach an 15852  
agreement, the speed limit shall remain as established and 15853  
posted under this section. 15854

(2) Neither local authority may declare an altered prima- 15855  
facie speed limit pursuant to this section on the part of the 15856  
highway under their joint jurisdiction unless both of the local 15857

authorities determine, upon the basis of criteria established by 15858  
an engineering study, as defined by the director, that the speed 15859  
permitted by this section is greater than is reasonable or safe 15860  
under the conditions found to exist at the location and both 15861  
authorities agree upon a uniform reasonable and safe prima-facie 15862  
speed limit of less than fifty-five but not less than twenty- 15863  
five miles per hour for that location. If both authorities so 15864  
agree, each shall follow the procedure specified in this section 15865  
for altering the prima-facie speed limit on the highway, and the 15866  
speed limit for the part of the highway within their joint 15867  
jurisdiction shall be uniformly altered. No altered speed limit 15868  
may be withdrawn unless both local authorities determine that 15869  
the altered prima-facie speed limit previously adopted becomes 15870  
unreasonable and each adopts a resolution withdrawing the 15871  
altered prima-facie speed limit pursuant to the procedure 15872  
specified in this section. 15873

(N) The legislative authority of a municipal corporation 15874  
or township in which a boarding school is located, by resolution 15875  
or ordinance, may establish a boarding school zone. The 15876  
legislative authority may alter the speed limit on any street or 15877  
highway within the boarding school zone and shall specify the 15878  
hours during which the altered speed limit is in effect. For 15879  
purposes of determining the boundaries of the boarding school 15880  
zone, the altered speed limit within the boarding school zone, 15881  
and the hours the altered speed limit is in effect, the 15882  
legislative authority shall consult with the administration of 15883  
the boarding school and with the county engineer or other 15884  
appropriate engineer, as applicable. A boarding school zone 15885  
speed limit becomes effective only when appropriate signs giving 15886  
notice thereof are erected at the appropriate locations. 15887

(O) As used in this section: 15888



(1) "Interstate system" has the same meaning as in 23 U.S.C. 101.	15889 15890
(2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.	15891 15892 15893
(3) "Noncommercial bus" includes but is not limited to a school bus or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.	15894 15895 15896 15897
(4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the director.	15898 15899 15900 15901
(5) "Rural" means an area outside urbanized areas and outside of a business or urban district, and areas that extend within urbanized areas where the roadway characteristics remain mostly unchanged from those outside the urbanized areas.	15902 15903 15904 15905
(6) "Urbanized area" has the same meaning as in 23 U.S.C. 101.	15906 15907
(7) "Divided" means a roadway having two or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four feet, excluding turn lanes.	15908 15909 15910 15911
(P) (1) A violation of any provision of this section is one of the following:	15912 15913
(a) Except as otherwise provided in divisions (P) (1) (b), (1) (c), (2), and (3) of this section, a minor misdemeanor;	15914 15915
(b) If, within one year of the offense, the offender	15916

previously has been convicted of or pleaded guilty to two 15917  
violations of any provision of this section or of any provision 15918  
of a municipal ordinance that is substantially similar to any 15919  
provision of this section, a misdemeanor of the fourth degree; 15920

(c) If, within one year of the offense, the offender 15921  
previously has been convicted of or pleaded guilty to three or 15922  
more violations of any provision of this section or of any 15923  
provision of a municipal ordinance that is substantially similar 15924  
to any provision of this section, a misdemeanor of the third 15925  
degree. 15926

~~(2) If the offender has not previously been convicted of- 15927  
or pleaded guilty to a violation of any provision of this- 15928  
section or of any provision of a municipal ordinance that is- 15929  
substantially similar to this section and operated a motor 15930  
vehicle faster than thirty-five miles an hour in a business 15931  
district of a municipal corporation, faster than fifty miles an 15932  
hour in other portions of a municipal corporation, or faster 15933  
than thirty-five miles an hour in a school zone during recess or 15934  
while children are going to or leaving school during the 15935  
school's opening or closing hours, a misdemeanor of the fourth 15936  
degree. Division (P) (2) of this section does not apply if 15937  
penalties may be imposed under division (P) (1) (b) or (c) of this 15938  
section. 15939~~

(3) Notwithstanding division (P) (1) of this section, if 15940  
the offender operated a motor vehicle in a construction zone 15941  
where a sign was then posted in accordance with section 4511.98 15942  
of the Revised Code, the court, in addition to all other 15943  
penalties provided by law, shall impose upon the offender a fine 15944  
of two times the usual amount imposed for the violation. No 15945  
court shall impose a fine of two times the usual amount imposed 15946

for the violation upon an offender if the offender alleges, in 15947  
an affidavit filed with the court prior to the offender's 15948  
sentencing, that the offender is indigent and is unable to pay 15949  
the fine imposed pursuant to this division and if the court 15950  
determines that the offender is an indigent person and unable to 15951  
pay the fine. 15952

(4) If the offender commits the offense while distracted 15953  
and the distracting activity is a contributing factor to the 15954  
commission of the offense, the offender is subject to the 15955  
additional fine established under section 4511.991 of the 15956  
Revised Code. 15957

**Sec. 4723.28.** (A) The board of nursing, by a vote of a 15958  
quorum, may impose one or more of the following sanctions if it 15959  
finds that a person committed fraud in passing an examination 15960  
required to obtain a license or dialysis technician certificate 15961  
issued by the board or to have committed fraud, 15962  
misrepresentation, or deception in applying for or securing any 15963  
nursing license or dialysis technician certificate issued by the 15964  
board: deny, revoke, suspend, or place restrictions on any 15965  
nursing license or dialysis technician certificate issued by the 15966  
board; reprimand or otherwise discipline a holder of a nursing 15967  
license or dialysis technician certificate; or impose a fine of 15968  
not more than five hundred dollars per violation. 15969

(B) Except as provided in section 4723.092 of the Revised 15970  
Code, the board of nursing, by a vote of a quorum, may impose 15971  
one or more of the following sanctions: deny, revoke, suspend, 15972  
or place restrictions on any nursing license or dialysis 15973  
technician certificate issued by the board; reprimand or 15974  
otherwise discipline a holder of a nursing license or dialysis 15975  
technician certificate; or impose a fine of not more than five 15976

hundred dollars per violation. The sanctions may be imposed for	15977
any of the following:	15978
(1) Denial, revocation, suspension, or restriction of	15979
authority to engage in a licensed profession or practice a	15980
health care occupation, including nursing or practice as a	15981
dialysis technician, for any reason other than a failure to	15982
renew, in Ohio or another state or jurisdiction;	15983
(2) Engaging in the practice of nursing or engaging in	15984
practice as a dialysis technician, having failed to renew a	15985
nursing license or dialysis technician certificate issued under	15986
this chapter, or while a nursing license or dialysis technician	15987
certificate is under suspension;	15988
(3) Conviction of, a plea of guilty to, a judicial finding	15989
of guilt of, a judicial finding of guilt resulting from a plea	15990
of no contest to, or a judicial finding of eligibility for a	15991
pretrial diversion or similar program or for intervention in	15992
lieu of conviction for, a misdemeanor committed in the course of	15993
practice;	15994
(4) Conviction of, a plea of guilty to, a judicial finding	15995
of guilt of, a judicial finding of guilt resulting from a plea	15996
of no contest to, or a judicial finding of eligibility for a	15997
pretrial diversion or similar program or for intervention in	15998
lieu of conviction for, any felony or of any crime involving	15999
gross immorality or moral turpitude;	16000
(5) Selling, giving away, or administering drugs or	16001
therapeutic devices for other than legal and legitimate	16002
therapeutic purposes; or conviction of, a plea of guilty to, a	16003
judicial finding of guilt of, a judicial finding of guilt	16004
resulting from a plea of no contest to, or a judicial finding of	16005

eligibility for a pretrial diversion or similar program or for 16006  
intervention in lieu of conviction for, violating any municipal, 16007  
state, county, or federal drug law; 16008

(6) Conviction of, a plea of guilty to, a judicial finding 16009  
of guilt of, a judicial finding of guilt resulting from a plea 16010  
of no contest to, or a judicial finding of eligibility for a 16011  
pretrial diversion or similar program or for intervention in 16012  
lieu of conviction for, an act in another jurisdiction that 16013  
would constitute a felony or a crime of moral turpitude in Ohio; 16014

(7) Conviction of, a plea of guilty to, a judicial finding 16015  
of guilt of, a judicial finding of guilt resulting from a plea 16016  
of no contest to, or a judicial finding of eligibility for a 16017  
pretrial diversion or similar program or for intervention in 16018  
lieu of conviction for, an act in the course of practice in 16019  
another jurisdiction that would constitute a misdemeanor in 16020  
Ohio; 16021

(8) Self-administering or otherwise taking into the body 16022  
any dangerous drug, as defined in section 4729.01 of the Revised 16023  
Code, in any way that is not in accordance with a legal, valid 16024  
prescription issued for that individual, or self-administering 16025  
or otherwise taking into the body any drug that is a schedule I 16026  
controlled substance; 16027

(9) Habitual or excessive use of controlled substances, 16028  
other habit-forming drugs, or alcohol or other chemical 16029  
substances to an extent that impairs the individual's ability to 16030  
provide safe nursing care or safe dialysis care; 16031

(10) Impairment of the ability to practice according to 16032  
acceptable and prevailing standards of safe nursing care or safe 16033  
dialysis care because of the use of drugs, alcohol, or other 16034

chemical substances;	16035
(11) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care or safe dialysis care because of a physical or mental disability;	16036 16037 16038
(12) Assaulting or causing harm to a patient or depriving a patient of the means to summon assistance;	16039 16040
(13) Misappropriation or attempted misappropriation of money or anything of value in the course of practice;	16041 16042
(14) Adjudication by a probate court of being mentally ill or mentally incompetent. The board may reinstate the person's nursing license or dialysis technician certificate upon adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency.	16043 16044 16045 16046 16047 16048
(15) The suspension or termination of employment by the United States department of defense or department of veterans affairs for any act that violates or would violate this chapter;	16049 16050 16051
(16) Violation of this chapter or any rules adopted under it;	16052 16053
(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;	16054 16055
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	16056 16057 16058
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	16059 16060
(20) In the case of a registered nurse, engaging in	16061

activities that exceed the practice of nursing as a registered nurse;	16062 16063
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	16064 16065 16066
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	16067 16068 16069
(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;	16070 16071 16072
(24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following:	16073 16074 16075
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	16076 16077 16078 16079 16080 16081
(b) Advertising that the nurse will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay.	16082 16083 16084 16085 16086
(25) Failure to comply with the terms and conditions of participation in the substance use disorder monitoring program established under section 4723.35 of the Revised Code;	16087 16088 16089

(26) Failure to comply with the terms and conditions required under the practice intervention and improvement program established under section 4723.282 of the Revised Code;	16090 16091 16092
(27) In the case of an advanced practice registered nurse:	16093
(a) Engaging in activities that exceed those permitted for the nurse's nursing specialty under section 4723.43 of the Revised Code;	16094 16095 16096
(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code.	16097 16098
(28) In the case of an advanced practice registered nurse other than a certified registered nurse anesthetist, failure to maintain a standard care arrangement in accordance with section 4723.431 of the Revised Code or to practice in accordance with the standard care arrangement;	16099 16100 16101 16102 16103
(29) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code;	16104 16105 16106 16107 16108
(30) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;	16109 16110
(31) Failure to establish and maintain professional boundaries with a patient, as specified in rules adopted under section 4723.07 of the Revised Code;	16111 16112 16113
(32) Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the registered nurse, licensed practical nurse, or dialysis technician in any of the following:	16114 16115 16116 16117



(a) Sexual contact, as defined in section 2907.01 of the Revised Code;	16118 16119
(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.	16120 16121 16122
(33) Assisting suicide, as defined in section 3795.01 of the Revised Code;	16123 16124
(34) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	16125 16126 16127 16128
(35) Failure to comply with section 4723.487 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	16129 16130 16131 16132
(36) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice;	16133 16134 16135 16136 16137 16138
(37) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code.	16139 16140 16141 16142 16143
(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication conducted under Chapter 119. of the Revised	16144 16145 16146

Code, except that in lieu of a hearing, the board may enter into 16147  
a consent agreement with an individual to resolve an allegation 16148  
of a violation of this chapter or any rule adopted under it. A 16149  
consent agreement, when ratified by a vote of a quorum, shall 16150  
constitute the findings and order of the board with respect to 16151  
the matter addressed in the agreement. If the board refuses to 16152  
ratify a consent agreement, the admissions and findings 16153  
contained in the agreement shall be of no effect. 16154

(D) The hearings of the board shall be conducted in 16155  
accordance with Chapter 119. of the Revised Code, the board may 16156  
appoint a hearing examiner, as provided in section 119.09 of the 16157  
Revised Code, to conduct any hearing the board is authorized to 16158  
hold under Chapter 119. of the Revised Code. 16159

In any instance in which the board is required under 16160  
Chapter 119. of the Revised Code to give notice of an 16161  
opportunity for a hearing and the applicant, licensee, or 16162  
certificate holder does not make a timely request for a hearing 16163  
in accordance with section 119.07 of the Revised Code, the board 16164  
is not required to hold a hearing, but may adopt, by a vote of a 16165  
quorum, a final order that contains the board's findings. In the 16166  
final order, the board may order any of the sanctions listed in 16167  
division (A) or (B) of this section. 16168

(E) If a criminal action is brought against a registered 16169  
nurse, licensed practical nurse, or dialysis technician for an 16170  
act or crime described in divisions (B) (3) to (7) of this 16171  
section and the action is dismissed by the trial court other 16172  
than on the merits, the board shall conduct an adjudication to 16173  
determine whether the registered nurse, licensed practical 16174  
nurse, or dialysis technician committed the act on which the 16175  
action was based. If the board determines on the basis of the 16176

adjudication that the registered nurse, licensed practical 16177  
nurse, or dialysis technician committed the act, or if the 16178  
registered nurse, licensed practical nurse, or dialysis 16179  
technician fails to participate in the adjudication, the board 16180  
may take action as though the registered nurse, licensed 16181  
practical nurse, or dialysis technician had been convicted of 16182  
the act. 16183

If the board takes action on the basis of a conviction, 16184  
plea, or a judicial finding as described in divisions (B) (3) to 16185  
(7) of this section that is overturned on appeal, the registered 16186  
nurse, licensed practical nurse, or dialysis technician may, on 16187  
exhaustion of the appeal process, petition the board for 16188  
reconsideration of its action. On receipt of the petition and 16189  
supporting court documents, the board shall temporarily rescind 16190  
its action. If the board determines that the decision on appeal 16191  
was a decision on the merits, it shall permanently rescind its 16192  
action. If the board determines that the decision on appeal was 16193  
not a decision on the merits, it shall conduct an adjudication 16194  
to determine whether the registered nurse, licensed practical 16195  
nurse, or dialysis technician committed the act on which the 16196  
original conviction, plea, or judicial finding was based. If the 16197  
board determines on the basis of the adjudication that the 16198  
registered nurse, licensed practical nurse, or dialysis 16199  
technician committed such act, or if the registered nurse, 16200  
licensed practical nurse, or dialysis technician does not 16201  
request an adjudication, the board shall reinstate its action; 16202  
otherwise, the board shall permanently rescind its action. 16203

Notwithstanding the provision of division ~~(C) (2)~~ (D) (2) of 16204  
section 2953.32 of the Revised Code specifying that if records 16205  
pertaining to a criminal case are sealed or expunged under that 16206  
section the proceedings in the case shall be deemed not to have 16207

occurred, sealing or expungement of the following records on 16208  
which the board has based an action under this section shall 16209  
have no effect on the board's action or any sanction imposed by 16210  
the board under this section: records of any conviction, guilty 16211  
plea, judicial finding of guilt resulting from a plea of no 16212  
contest, or a judicial finding of eligibility for a pretrial 16213  
diversion program or intervention in lieu of conviction. 16214

The board shall not be required to seal, destroy, redact, 16215  
or otherwise modify its records to reflect the court's sealing 16216  
or expungement of conviction records. 16217

(F) The board may investigate an individual's criminal 16218  
background in performing its duties under this section. As part 16219  
of such investigation, the board may order the individual to 16220  
submit, at the individual's expense, a request to the bureau of 16221  
criminal identification and investigation for a criminal records 16222  
check and check of federal bureau of investigation records in 16223  
accordance with the procedure described in section 4723.091 of 16224  
the Revised Code. 16225

(G) During the course of an investigation conducted under 16226  
this section, the board may compel any registered nurse, 16227  
licensed practical nurse, or dialysis technician or applicant 16228  
under this chapter to submit to a mental or physical 16229  
examination, or both, as required by the board and at the 16230  
expense of the individual, if the board finds reason to believe 16231  
that the individual under investigation may have a physical or 16232  
mental impairment that may affect the individual's ability to 16233  
provide safe nursing care. Failure of any individual to submit 16234  
to a mental or physical examination when directed constitutes an 16235  
admission of the allegations, unless the failure is due to 16236  
circumstances beyond the individual's control, and a default and 16237

final order may be entered without the taking of testimony or 16238  
presentation of evidence. 16239

If the board finds that an individual is impaired, the 16240  
board shall require the individual to submit to care, 16241  
counseling, or treatment approved or designated by the board, as 16242  
a condition for initial, continued, reinstated, or renewed 16243  
authority to practice. The individual shall be afforded an 16244  
opportunity to demonstrate to the board that the individual can 16245  
begin or resume the individual's occupation in compliance with 16246  
acceptable and prevailing standards of care under the provisions 16247  
of the individual's authority to practice. 16248

For purposes of this division, any registered nurse, 16249  
licensed practical nurse, or dialysis technician or applicant 16250  
under this chapter shall be deemed to have given consent to 16251  
submit to a mental or physical examination when directed to do 16252  
so in writing by the board, and to have waived all objections to 16253  
the admissibility of testimony or examination reports that 16254  
constitute a privileged communication. 16255

(H) The board shall investigate evidence that appears to 16256  
show that any person has violated any provision of this chapter 16257  
or any rule of the board. Any person may report to the board any 16258  
information the person may have that appears to show a violation 16259  
of any provision of this chapter or rule of the board. In the 16260  
absence of bad faith, any person who reports such information or 16261  
who testifies before the board in any adjudication conducted 16262  
under Chapter 119. of the Revised Code shall not be liable for 16263  
civil damages as a result of the report or testimony. 16264

(I) All of the following apply under this chapter with 16265  
respect to the confidentiality of information: 16266

(1) Information received by the board pursuant to a 16267  
complaint or an investigation is confidential and not subject to 16268  
discovery in any civil action, except that the board may 16269  
disclose information to law enforcement officers and government 16270  
entities for purposes of an investigation of either a licensed 16271  
health care professional, including a registered nurse, licensed 16272  
practical nurse, or dialysis technician, or a person who may 16273  
have engaged in the unauthorized practice of nursing or dialysis 16274  
care. No law enforcement officer or government entity with 16275  
knowledge of any information disclosed by the board pursuant to 16276  
this division shall divulge the information to any other person 16277  
or government entity except for the purpose of a government 16278  
investigation, a prosecution, or an adjudication by a court or 16279  
government entity. 16280

(2) If an investigation requires a review of patient 16281  
records, the investigation and proceeding shall be conducted in 16282  
such a manner as to protect patient confidentiality. 16283

(3) All adjudications and investigations of the board 16284  
shall be considered civil actions for the purposes of section 16285  
2305.252 of the Revised Code. 16286

(4) Any board activity that involves continued monitoring 16287  
of an individual as part of or following any disciplinary action 16288  
taken under this section shall be conducted in a manner that 16289  
maintains the individual's confidentiality. Information received 16290  
or maintained by the board with respect to the board's 16291  
monitoring activities is not subject to discovery in any civil 16292  
action and is confidential, except that the board may disclose 16293  
information to law enforcement officers and government entities 16294  
for purposes of an investigation of a licensee or certificate 16295  
holder. 16296

(J) Any action taken by the board under this section 16297  
resulting in a suspension from practice shall be accompanied by 16298  
a written statement of the conditions under which the person may 16299  
be reinstated to practice. 16300

(K) When the board refuses to grant a license or 16301  
certificate to an applicant, revokes a license or certificate, 16302  
or refuses to reinstate a license or certificate, the board may 16303  
specify that its action is permanent. An individual subject to 16304  
permanent action taken by the board is forever ineligible to 16305  
hold a license or certificate of the type that was refused or 16306  
revoked and the board shall not accept from the individual an 16307  
application for reinstatement of the license or certificate or 16308  
for a new license or certificate. 16309

(L) No unilateral surrender of a nursing license or 16310  
dialysis technician certificate issued under this chapter shall 16311  
be effective unless accepted by majority vote of the board. No 16312  
application for a nursing license or dialysis technician 16313  
certificate issued under this chapter may be withdrawn without a 16314  
majority vote of the board. The board's jurisdiction to take 16315  
disciplinary action under this section is not removed or limited 16316  
when an individual has a license or certificate classified as 16317  
inactive or fails to renew a license or certificate. 16318

(M) Sanctions shall not be imposed under division (B) (24) 16319  
of this section against any licensee who waives deductibles and 16320  
copayments as follows: 16321

(1) In compliance with the health benefit plan that 16322  
expressly allows such a practice. Waiver of the deductibles or 16323  
copayments shall be made only with the full knowledge and 16324  
consent of the plan purchaser, payer, and third-party 16325  
administrator. Documentation of the consent shall be made 16326

available to the board upon request. 16327

(2) For professional services rendered to any other person 16328  
licensed pursuant to this chapter to the extent allowed by this 16329  
chapter and the rules of the board. 16330

**Sec. 4729.16.** (A) (1) The state board of pharmacy, after 16331  
notice and hearing in accordance with Chapter 119. of the 16332  
Revised Code, may impose any one or more of the following 16333  
sanctions on a pharmacist or pharmacy intern if the board finds 16334  
the individual engaged in any of the conduct set forth in 16335  
division (A) (2) of this section: 16336

(a) Revoke, suspend, restrict, limit, or refuse to grant 16337  
or renew a license; 16338

(b) Reprimand or place the license holder on probation; 16339

(c) Impose a monetary penalty or forfeiture not to exceed 16340  
in severity any fine designated under the Revised Code for a 16341  
similar offense, or in the case of a violation of a section of 16342  
the Revised Code that does not bear a penalty, a monetary 16343  
penalty or forfeiture of not more than five hundred dollars. 16344

(2) Except as provided in division (I) of this section, 16345  
the board may impose the sanctions listed in division (A) (1) of 16346  
this section if the board finds a pharmacist or pharmacy intern: 16347

(a) Has been convicted of a felony, or a crime of moral 16348  
turpitude, as defined in section 4776.10 of the Revised Code; 16349

(b) Engaged in dishonesty or unprofessional conduct in the 16350  
practice of pharmacy; 16351

(c) Is addicted to or abusing alcohol or drugs or is 16352  
impaired physically or mentally to such a degree as to render 16353  
the pharmacist or pharmacy intern unfit to practice pharmacy; 16354



- (d) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy; 16355  
16356
- (e) Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions; 16357  
16358  
16359  
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16361
- (f) Permitted someone other than a pharmacist or pharmacy intern to practice pharmacy; 16362  
16363
- (g) Knowingly lent the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or had a professional connection with an illegal practitioner of pharmacy; 16364  
16365  
16366  
16367
- (h) Divided or agreed to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home; 16368  
16369  
16370  
16371  
16372
- (i) Violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code; 16373  
16374
- (j) Committed fraud, misrepresentation, or deception in applying for or securing a license issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code; 16375  
16376  
16377  
16378
- (k) Failed to comply with an order of the board or a settlement agreement; 16379  
16380
- (l) Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 16381  
16382

4729.26 of the Revised Code.	16383
(B) Any individual whose license is revoked, suspended, or refused, shall return the license to the offices of the state board of pharmacy within ten days after receipt of notice of such action.	16384 16385 16386 16387
(C) As used in this section:	16388
"Unprofessional conduct in the practice of pharmacy" includes any of the following:	16389 16390
(1) Advertising or displaying signs that promote dangerous drugs to the public in a manner that is false or misleading;	16391 16392
(2) Except as provided in section 4729.281, 4729.44, or 4729.47 of the Revised Code, the dispensing or sale of any drug for which a prescription is required, without having received a prescription for the drug;	16393 16394 16395 16396
(3) Knowingly dispensing medication pursuant to false or forged prescriptions;	16397 16398
(4) Knowingly failing to maintain complete and accurate records of all dangerous drugs received or dispensed in compliance with federal laws and regulations and state laws and rules;	16399 16400 16401 16402
(5) Obtaining any remuneration by fraud, misrepresentation, or deception;	16403 16404
(6) Failing to conform to prevailing standards of care of similar pharmacists or pharmacy interns under the same or similar circumstances, whether or not actual injury to a patient is established;	16405 16406 16407 16408
(7) Engaging in any other conduct that the board specifies	16409

as unprofessional conduct in the practice of pharmacy in rules 16410  
adopted under section 4729.26 of the Revised Code. 16411

(D) The board may suspend a license under division (B) of 16412  
section 3719.121 of the Revised Code by utilizing a telephone 16413  
conference call to review the allegations and take a vote. 16414

(E) For purposes of this division, an individual 16415  
authorized to practice as a pharmacist or pharmacy intern 16416  
accepts the privilege of practicing in this state subject to 16417  
supervision by the board. By filing an application for or 16418  
holding a license to practice as a pharmacist or pharmacy 16419  
intern, an individual gives consent to submit to a mental or 16420  
physical examination when ordered to do so by the board in 16421  
writing and waives all objections to the admissibility of 16422  
testimony or examination reports that constitute privileged 16423  
communications. 16424

If the board has reasonable cause to believe that an 16425  
individual who is a pharmacist or pharmacy intern is physically 16426  
or mentally impaired, the board may require the individual to 16427  
submit to a physical or mental examination, or both. The expense 16428  
of the examination is the responsibility of the individual 16429  
required to be examined. 16430

Failure of an individual who is a pharmacist or pharmacy 16431  
intern to submit to a physical or mental examination ordered by 16432  
the board, unless the failure is due to circumstances beyond the 16433  
individual's control, constitutes an admission of the 16434  
allegations and a suspension order shall be entered without the 16435  
taking of testimony or presentation of evidence. Any subsequent 16436  
adjudication hearing under Chapter 119. of the Revised Code 16437  
concerning failure to submit to an examination is limited to 16438  
consideration of whether the failure was beyond the individual's 16439

control. 16440

If, based on the results of an examination ordered under 16441  
this division, the board determines that the individual's 16442  
ability to practice is impaired, the board shall suspend the 16443  
individual's license or deny the individual's application and 16444  
shall require the individual, as a condition for an initial, 16445  
continued, reinstated, or renewed license to practice, to submit 16446  
to a physical or mental examination and treatment. 16447

An order of suspension issued under this division shall 16448  
not be subject to suspension by a court during pendency of any 16449  
appeal filed under section 119.12 of the Revised Code. 16450

(F) If the board is required under Chapter 119. of the 16451  
Revised Code to give notice of an opportunity for a hearing and 16452  
the applicant or licensee does not make a timely request for a 16453  
hearing in accordance with section 119.07 of the Revised Code, 16454  
the board is not required to hold a hearing, but may adopt a 16455  
final order that contains the board's findings. In the final 16456  
order, the board may impose any of the sanctions listed in 16457  
division (A) of this section. 16458

(G) Notwithstanding the provision of division ~~(C)(2)~~ (D) 16459  
(2) of section 2953.32 of the Revised Code specifying that if 16460  
records pertaining to a criminal case are sealed or expunged 16461  
under that section the proceedings in the case must be deemed 16462  
not to have occurred, sealing or expungement of the following 16463  
records on which the board has based an action under this 16464  
section shall have no effect on the board's action or any 16465  
sanction imposed by the board under this section: records of any 16466  
conviction, guilty plea, judicial finding of guilt resulting 16467  
from a plea of no contest, or a judicial finding of eligibility 16468  
for a pretrial diversion program or intervention in lieu of 16469

conviction. The board shall not be required to seal, destroy, 16470  
redact, or otherwise modify its records to reflect the court's 16471  
sealing or expungement of conviction records. 16472

(H) No pharmacist or pharmacy intern shall knowingly 16473  
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 16474  
(e) to (l) of this section. 16475

(I) The board shall not refuse to issue a license to an 16476  
applicant for a conviction of an offense unless the refusal is 16477  
in accordance with section 9.79 of the Revised Code. 16478

**Sec. 4729.56.** (A) (1) The state board of pharmacy, in 16479  
accordance with Chapter 119. of the Revised Code, may impose any 16480  
one or more of the following sanctions on a person licensed 16481  
under division (B) (1) (a) of section 4729.52 of the Revised Code 16482  
for any of the causes set forth in division (A) (2) of this 16483  
section: 16484

(a) Suspend, revoke, restrict, limit, or refuse to grant 16485  
or renew a license; 16486

(b) Reprimand or place the license holder on probation; 16487

(c) Impose a monetary penalty or forfeiture not to exceed 16488  
in severity any fine designated under the Revised Code for a 16489  
similar offense or two thousand five hundred dollars if the acts 16490  
committed are not classified as an offense by the Revised Code; 16491

(2) The board may impose the sanctions set forth in 16492  
division (A) (1) of this section for any of the following: 16493

(a) Making any false material statements in an application 16494  
for licensure under section 4729.52 of the Revised Code; 16495

(b) Violating any federal, state, or local drug law; any 16496  
provision of this chapter or Chapter 2925., 3715., or 3719. of 16497

the Revised Code; or any rule of the board; 16498

(c) A conviction of a felony; 16499

(d) Failing to satisfy the qualifications for licensure 16500  
under section 4729.53 of the Revised Code or the rules of the 16501  
board or ceasing to satisfy the qualifications after the 16502  
registration is granted or renewed; 16503

(e) Falsely or fraudulently promoting to the public a drug 16504  
that is a controlled substance included in schedule I, II, III, 16505  
IV, or V, except that nothing in this division prohibits a 16506  
manufacturer, outsourcing facility, third-party logistics 16507  
provider, repackager, or wholesale distributor of dangerous 16508  
drugs from furnishing information concerning a controlled 16509  
substance to a health care provider or licensed terminal 16510  
distributor; 16511

(f) Violating any provision of the "Federal Food, Drug, 16512  
and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or 16513  
Chapter 3715. of the Revised Code; 16514

(g) Any other cause for which the board may impose 16515  
sanctions as set forth in rules adopted under section 4729.26 of 16516  
the Revised Code. 16517

(B) Upon the suspension or revocation of any license 16518  
identified in division (B) (1) (a) of section 4729.52 of the 16519  
Revised Code, the licensee shall immediately surrender the 16520  
license to the board. 16521

(C) If the board suspends, revokes, or refuses to renew 16522  
any license identified in division (B) (1) (a) of section 4729.52 16523  
of the Revised Code and determines that there is clear and 16524  
convincing evidence of a danger of immediate and serious harm to 16525  
any person, the board may place under seal all dangerous drugs 16526

owned by or in the possession, custody, or control of the 16527  
affected licensee. Except as provided in this division, the 16528  
board shall not dispose of the dangerous drugs sealed under this 16529  
division until the licensee exhausts all of the licensee's 16530  
appeal rights under Chapter 119. of the Revised Code. The court 16531  
involved in such an appeal may order the board, during the 16532  
pendency of the appeal, to sell sealed dangerous drugs that are 16533  
perishable. The board shall deposit the proceeds of the sale 16534  
with the court. 16535

(D) If the board is required under Chapter 119. of the 16536  
Revised Code to give notice of an opportunity for a hearing and 16537  
the license holder does not make a timely request for a hearing 16538  
in accordance with section 119.07 of the Revised Code, the board 16539  
is not required to hold a hearing, but may adopt a final order 16540  
that contains the board's findings. In the final order, the 16541  
board may impose any of the sanctions listed in division (A) of 16542  
this section. 16543

(E) Notwithstanding division ~~(C) (2)~~ (D) (2) of section 16544  
2953.32 of the Revised Code specifying that if records 16545  
pertaining to a criminal case are sealed or expunged under that 16546  
section the proceedings in the case must be deemed not to have 16547  
occurred, sealing or expungement of the following records on 16548  
which the board has based an action under this section shall 16549  
have no effect on the board's action or any sanction imposed by 16550  
the board under this section: records of any conviction, guilty 16551  
plea, judicial finding of guilt resulting from a plea of no 16552  
contest, or a judicial finding of eligibility for a pretrial 16553  
diversion program or intervention in lieu of conviction. The 16554  
board is not required to seal, destroy, redact, or otherwise 16555  
modify its records to reflect the court's sealing or expungement 16556  
of conviction records. 16557

**Sec. 4729.57.** (A) The state board of pharmacy may after 16558  
notice and a hearing in accordance with Chapter 119. of the 16559  
Revised Code, impose any one or more of the following sanctions 16560  
on a terminal distributor of dangerous drugs for any of the 16561  
causes set forth in division (B) of this section: 16562

(1) Suspend, revoke, restrict, limit, or refuse to grant 16563  
or renew any license; 16564

(2) Reprimand or place the license holder on probation; 16565

(3) Impose a monetary penalty or forfeiture not to exceed 16566  
in severity any fine designated under the Revised Code for a 16567  
similar offense or one thousand dollars if the acts committed 16568  
have not been classified as an offense by the Revised Code. 16569

(B) The board may impose the sanctions listed in division 16570  
(A) of this section for any of the following: 16571

(1) Making any false material statements in an application 16572  
for a license as a terminal distributor of dangerous drugs; 16573

(2) Violating any rule of the board; 16574

(3) Violating any provision of this chapter; 16575

(4) Except as provided in section 4729.89 of the Revised 16576  
Code, violating any provision of the "Federal Food, Drug, and 16577  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 16578  
3715. of the Revised Code; 16579

(5) Violating any provision of the federal drug abuse 16580  
control laws or Chapter 2925. or 3719. of the Revised Code; 16581

(6) Falsely or fraudulently promoting to the public a 16582  
dangerous drug, except that nothing in this division prohibits a 16583  
terminal distributor of dangerous drugs from furnishing 16584



information concerning a dangerous drug to a health care 16585  
provider or another licensed terminal distributor; 16586

(7) Ceasing to satisfy the qualifications of a terminal 16587  
distributor of dangerous drugs set forth in section 4729.55 of 16588  
the Revised Code; 16589

(8) Except as provided in division (C) of this section: 16590

(a) Waiving the payment of all or any part of a deductible 16591  
or copayment that an individual, pursuant to a health insurance 16592  
or health care policy, contract, or plan that covers the 16593  
services provided by a terminal distributor of dangerous drugs, 16594  
would otherwise be required to pay for the services if the 16595  
waiver is used as an enticement to a patient or group of 16596  
patients to receive pharmacy services from that terminal 16597  
distributor; 16598

(b) Advertising that the terminal distributor will waive 16599  
the payment of all or any part of a deductible or copayment that 16600  
an individual, pursuant to a health insurance or health care 16601  
policy, contract, or plan that covers the pharmaceutical 16602  
services, would otherwise be required to pay for the services. 16603

(9) Conviction of a felony; 16604

(10) Any other cause for which the board may impose 16605  
discipline as set forth in rules adopted under section 4729.26 16606  
of the Revised Code. 16607

(C) Sanctions shall not be imposed under division (B) (8) 16608  
of this section against any terminal distributor of dangerous 16609  
drugs that waives deductibles and copayments as follows: 16610

(1) In compliance with a health benefit plan that 16611  
expressly allows such a practice. Waiver of the deductibles or 16612

copayments shall be made only with the full knowledge and 16613  
consent of the plan purchaser, payer, and third-party 16614  
administrator. Documentation of the consent shall be made 16615  
available to the board on request. 16616

(2) For professional services rendered to any other person 16617  
licensed pursuant to this chapter to the extent allowed by this 16618  
chapter and the rules of the board. 16619

(D) (1) Upon the suspension or revocation of a license 16620  
issued to a terminal distributor of dangerous drugs or the 16621  
refusal by the board to renew such a license, the distributor 16622  
shall immediately surrender the license to the board. 16623

(2) (a) The board may place under seal all dangerous drugs 16624  
that are owned by or in the possession, custody, or control of a 16625  
terminal distributor at the time the license is suspended or 16626  
revoked or at the time the board refuses to renew the license. 16627  
Except as provided in division (D) (2) (b) of this section, 16628  
dangerous drugs so sealed shall not be disposed of until appeal 16629  
rights under Chapter 119. of the Revised Code have expired or an 16630  
appeal filed pursuant to that chapter has been determined. 16631

(b) The court involved in an appeal filed pursuant to 16632  
Chapter 119. of the Revised Code may order the board, during the 16633  
pendency of the appeal, to sell sealed dangerous drugs that are 16634  
perishable. The proceeds of such a sale shall be deposited with 16635  
that court. 16636

(E) If the board is required under Chapter 119. of the 16637  
Revised Code to give notice of an opportunity for a hearing and 16638  
the license holder does not make a timely request for a hearing 16639  
in accordance with section 119.07 of the Revised Code, the board 16640  
is not required to hold a hearing, but may adopt a final order 16641

that contains the board's findings. In the final order, the 16642  
board may impose any of the sanctions listed in division (A) of 16643  
this section. 16644

(F) Notwithstanding division ~~(C) (2)~~ (D) (2) of section 16645  
2953.32 of the Revised Code specifying that if records 16646  
pertaining to a criminal case are sealed or expunged under that 16647  
section the proceedings in the case must be deemed not to have 16648  
occurred, sealing or expungement of the following records on 16649  
which the board has based an action under this section shall 16650  
have no effect on the board's action or any sanction imposed by 16651  
the board under this section: records of any conviction, guilty 16652  
plea, judicial finding of guilt resulting from a plea of no 16653  
contest, or a judicial finding of eligibility for a pretrial 16654  
diversion program or intervention in lieu of conviction. The 16655  
board is not required to seal, destroy, redact, or otherwise 16656  
modify its records to reflect the court's sealing or expungement 16657  
of conviction records. 16658

**Sec. 4729.96.** (A) (1) The state board of pharmacy, after 16659  
notice and hearing in accordance with Chapter 119. of the 16660  
Revised Code, may impose one or more of the following sanctions 16661  
on a pharmacy technician trainee, registered pharmacy 16662  
technician, or certified pharmacy technician if the board finds 16663  
the individual engaged in any of the conduct set forth in 16664  
division (A) (2) of this section: 16665

(a) Revoke, suspend, restrict, limit, or refuse to grant 16666  
or renew a registration; 16667

(b) Reprimand or place the holder of the registration on 16668  
probation; 16669

(c) Impose a monetary penalty or forfeiture not to exceed 16670

in severity any fine designated under the Revised Code for a 16671  
similar offense, or in the case of a violation of a section of 16672  
the Revised Code that does not bear a penalty, a monetary 16673  
penalty or forfeiture of not more than five hundred dollars. 16674

(2) Except as provided in division (G) of this section, 16675  
the board may impose the sanctions listed in division (A)(1) of 16676  
this section if the board finds a pharmacy technician trainee, 16677  
registered pharmacy technician, or certified pharmacy 16678  
technician: 16679

(a) Has been convicted of a felony, or a crime of moral 16680  
turpitude, as defined in section 4776.10 of the Revised Code; 16681

(b) Engaged in dishonesty or unprofessional conduct, as 16682  
prescribed in rules adopted by the board under section 4729.94 16683  
of the Revised Code; 16684

(c) Is addicted to or abusing alcohol or drugs or impaired 16685  
physically or mentally to such a degree as to render the 16686  
individual unable to perform the individual's duties; 16687

(d) Violated, conspired to violate, attempted to violate, 16688  
or aided and abetted the violation of any of the provisions of 16689  
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 16690  
Chapter 2925. or 3719. of the Revised Code, or any rule adopted 16691  
by the board under those provisions; 16692

(e) Committed fraud, misrepresentation, or deception in 16693  
applying for or securing a registration issued by the board 16694  
under this chapter; 16695

(f) Failed to comply with an order of the board or a 16696  
settlement agreement; 16697

(g) Engaged in any other conduct for which the board may 16698

impose discipline as set forth in rules adopted by the board 16699  
under section 4729.94 of the Revised Code. 16700

(B) The board may suspend a registration under division 16701  
(B) of section 3719.121 of the Revised Code by utilizing a 16702  
telephone conference call to review the allegations and take a 16703  
vote. 16704

(C) For purposes of this division, an individual 16705  
authorized to practice as a pharmacy technician trainee, 16706  
registered pharmacy technician, or certified pharmacy technician 16707  
accepts the privilege of practicing in this state subject to 16708  
supervision by the board. By filing an application for or 16709  
holding a registration under this chapter, the individual gives 16710  
consent to submit to a mental or physical examination when 16711  
ordered to do so by the board in writing and waives all 16712  
objections to the admissibility of testimony or examination 16713  
reports that constitute privileged communications. 16714

If the board has reasonable cause to believe that an 16715  
individual who is a pharmacy technician trainee, registered 16716  
pharmacy technician, or certified pharmacy technician is 16717  
physically or mentally impaired, the board may require the 16718  
individual to submit to a physical or mental examination, or 16719  
both. The expense of the examination is the responsibility of 16720  
the individual required to be examined. 16721

Failure of an individual who is a pharmacy technician 16722  
trainee, registered pharmacy technician, or certified pharmacy 16723  
technician to submit to a physical or mental examination ordered 16724  
by the board, unless the failure is due to circumstances beyond 16725  
the individual's control, constitutes an admission of the 16726  
allegations and a suspension order shall be entered without the 16727  
taking of testimony or presentation of evidence. Any subsequent 16728

adjudication hearing under Chapter 119. of the Revised Code 16729  
concerning failure to submit to an examination is limited to 16730  
consideration of whether the failure was beyond the individual's 16731  
control. 16732

If, based on the results of an examination ordered under 16733  
this division, the board determines that the individual's 16734  
ability to practice is impaired, the board shall suspend the 16735  
individual's registration or deny the individual's application 16736  
and shall require the individual, as a condition for an initial, 16737  
continued, reinstated, or renewed registration to practice, to 16738  
submit to a physical or mental examination and treatment. 16739

An order of suspension issued under this division shall 16740  
not be subject to suspension by a court during pendency of any 16741  
appeal filed under section 119.12 of the Revised Code. 16742

(D) If the board is required under Chapter 119. of the 16743  
Revised Code to give notice of an opportunity for a hearing and 16744  
the applicant or registrant does not make a timely request for a 16745  
hearing in accordance with section 119.07 of the Revised Code, 16746  
the board is not required to hold a hearing, but may adopt a 16747  
final order that contains the board's findings. In the final 16748  
order, the board may impose any of the sanctions listed in 16749  
division (A) of this section. 16750

(E) Notwithstanding the provision of division ~~(C)(2)~~ (D) 16751  
(2) of section 2953.32 of the Revised Code specifying that if 16752  
records pertaining to a criminal case are sealed or expunged 16753  
under that section the proceedings in the case must be deemed 16754  
not to have occurred, sealing or expungement of the following 16755  
records on which the board has based an action under this 16756  
section shall have no effect on the board's action or any 16757  
sanction imposed by the board under this section: records of any 16758

conviction, guilty plea, judicial finding of guilt resulting 16759  
from a plea of no contest, or a judicial finding of eligibility 16760  
for a pretrial diversion program or intervention in lieu of 16761  
conviction. The board shall not be required to seal, destroy, 16762  
redact, or otherwise modify its records to reflect the court's 16763  
sealing or expungement of conviction records. 16764

(F) No pharmacy technician trainee, registered pharmacy 16765  
technician, or certified pharmacy technician shall knowingly 16766  
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 16767  
(d) to (g) of this section. 16768

(G) The board shall not refuse to issue a registration to 16769  
an applicant because of a conviction of an offense unless the 16770  
refusal is in accordance with section 9.79 of the Revised Code. 16771

**Sec. 4730.25.** (A) The state medical board, by an 16772  
affirmative vote of not fewer than six members, may revoke or 16773  
may refuse to grant a license to practice as a physician 16774  
assistant to a person found by the board to have committed 16775  
fraud, misrepresentation, or deception in applying for or 16776  
securing the license. 16777

(B) Except as provided in division (N) of this section, 16778  
the board, by an affirmative vote of not fewer than six members, 16779  
shall, to the extent permitted by law, limit, revoke, or suspend 16780  
an individual's license to practice as a physician assistant or 16781  
prescriber number, refuse to issue a license to an applicant, 16782  
refuse to renew a license, refuse to reinstate a license, or 16783  
reprimand or place on probation the holder of a license for any 16784  
of the following reasons: 16785

(1) Failure to practice in accordance with the supervising 16786  
physician's supervision agreement with the physician assistant, 16787

including, if applicable, the policies of the health care 16788  
facility in which the supervising physician and physician 16789  
assistant are practicing; 16790

(2) Failure to comply with the requirements of this 16791  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 16792  
by the board; 16793

(3) Violating or attempting to violate, directly or 16794  
indirectly, or assisting in or abetting the violation of, or 16795  
conspiring to violate, any provision of this chapter, Chapter 16796  
4731. of the Revised Code, or the rules adopted by the board; 16797

(4) Inability to practice according to acceptable and 16798  
prevailing standards of care by reason of mental illness or 16799  
physical illness, including physical deterioration that 16800  
adversely affects cognitive, motor, or perceptive skills; 16801

(5) Impairment of ability to practice according to 16802  
acceptable and prevailing standards of care because of habitual 16803  
or excessive use or abuse of drugs, alcohol, or other substances 16804  
that impair ability to practice; 16805

(6) Administering drugs for purposes other than those 16806  
authorized under this chapter; 16807

(7) Willfully betraying a professional confidence; 16808

(8) Making a false, fraudulent, deceptive, or misleading 16809  
statement in soliciting or advertising for employment as a 16810  
physician assistant; in connection with any solicitation or 16811  
advertisement for patients; in relation to the practice of 16812  
medicine as it pertains to physician assistants; or in securing 16813  
or attempting to secure a license to practice as a physician 16814  
assistant. 16815



As used in this division, "false, fraudulent, deceptive, 16816  
or misleading statement" means a statement that includes a 16817  
misrepresentation of fact, is likely to mislead or deceive 16818  
because of a failure to disclose material facts, is intended or 16819  
is likely to create false or unjustified expectations of 16820  
favorable results, or includes representations or implications 16821  
that in reasonable probability will cause an ordinarily prudent 16822  
person to misunderstand or be deceived. 16823

(9) Representing, with the purpose of obtaining 16824  
compensation or other advantage personally or for any other 16825  
person, that an incurable disease or injury, or other incurable 16826  
condition, can be permanently cured; 16827

(10) The obtaining of, or attempting to obtain, money or 16828  
anything of value by fraudulent misrepresentations in the course 16829  
of practice; 16830

(11) A plea of guilty to, a judicial finding of guilt of, 16831  
or a judicial finding of eligibility for intervention in lieu of 16832  
conviction for, a felony; 16833

(12) Commission of an act that constitutes a felony in 16834  
this state, regardless of the jurisdiction in which the act was 16835  
committed; 16836

(13) A plea of guilty to, a judicial finding of guilt of, 16837  
or a judicial finding of eligibility for intervention in lieu of 16838  
conviction for, a misdemeanor committed in the course of 16839  
practice; 16840

(14) A plea of guilty to, a judicial finding of guilt of, 16841  
or a judicial finding of eligibility for intervention in lieu of 16842  
conviction for, a misdemeanor involving moral turpitude; 16843

(15) Commission of an act in the course of practice that 16844

constitutes a misdemeanor in this state, regardless of the 16845  
jurisdiction in which the act was committed; 16846

(16) Commission of an act involving moral turpitude that 16847  
constitutes a misdemeanor in this state, regardless of the 16848  
jurisdiction in which the act was committed; 16849

(17) A plea of guilty to, a judicial finding of guilt of, 16850  
or a judicial finding of eligibility for intervention in lieu of 16851  
conviction for violating any state or federal law regulating the 16852  
possession, distribution, or use of any drug, including 16853  
trafficking in drugs; 16854

(18) Any of the following actions taken by the state 16855  
agency responsible for regulating the practice of physician 16856  
assistants in another state, for any reason other than the 16857  
nonpayment of fees: the limitation, revocation, or suspension of 16858  
an individual's license to practice; acceptance of an 16859  
individual's license surrender; denial of a license; refusal to 16860  
renew or reinstate a license; imposition of probation; or 16861  
issuance of an order of censure or other reprimand; 16862

(19) A departure from, or failure to conform to, minimal 16863  
standards of care of similar physician assistants under the same 16864  
or similar circumstances, regardless of whether actual injury to 16865  
a patient is established; 16866

(20) Violation of the conditions placed by the board on a 16867  
license to practice as a physician assistant; 16868

(21) Failure to use universal blood and body fluid 16869  
precautions established by rules adopted under section 4731.051 16870  
of the Revised Code; 16871

(22) Failure to cooperate in an investigation conducted by 16872  
the board under section 4730.26 of the Revised Code, including 16873

failure to comply with a subpoena or order issued by the board 16874  
or failure to answer truthfully a question presented by the 16875  
board at a deposition or in written interrogatories, except that 16876  
failure to cooperate with an investigation shall not constitute 16877  
grounds for discipline under this section if a court of 16878  
competent jurisdiction has issued an order that either quashes a 16879  
subpoena or permits the individual to withhold the testimony or 16880  
evidence in issue; 16881

(23) Assisting suicide, as defined in section 3795.01 of 16882  
the Revised Code; 16883

(24) Prescribing any drug or device to perform or induce 16884  
an abortion, or otherwise performing or inducing an abortion; 16885

(25) Failure to comply with section 4730.53 of the Revised 16886  
Code, unless the board no longer maintains a drug database 16887  
pursuant to section 4729.75 of the Revised Code; 16888

(26) Failure to comply with the requirements in section 16889  
3719.061 of the Revised Code before issuing for a minor a 16890  
prescription for an opioid analgesic, as defined in section 16891  
3719.01 of the Revised Code; 16892

(27) Having certification by the national commission on 16893  
certification of physician assistants or a successor 16894  
organization expire, lapse, or be suspended or revoked; 16895

(28) The revocation, suspension, restriction, reduction, 16896  
or termination of clinical privileges by the United States 16897  
department of defense or department of veterans affairs or the 16898  
termination or suspension of a certificate of registration to 16899  
prescribe drugs by the drug enforcement administration of the 16900  
United States department of justice; 16901

(29) Failure to comply with terms of a consult agreement 16902

entered into with a pharmacist pursuant to section 4729.39 of 16903  
the Revised Code. 16904

(C) Disciplinary actions taken by the board under 16905  
divisions (A) and (B) of this section shall be taken pursuant to 16906  
an adjudication under Chapter 119. of the Revised Code, except 16907  
that in lieu of an adjudication, the board may enter into a 16908  
consent agreement with a physician assistant or applicant to 16909  
resolve an allegation of a violation of this chapter or any rule 16910  
adopted under it. A consent agreement, when ratified by an 16911  
affirmative vote of not fewer than six members of the board, 16912  
shall constitute the findings and order of the board with 16913  
respect to the matter addressed in the agreement. If the board 16914  
refuses to ratify a consent agreement, the admissions and 16915  
findings contained in the consent agreement shall be of no force 16916  
or effect. 16917

(D) For purposes of divisions (B) (12), (15), and (16) of 16918  
this section, the commission of the act may be established by a 16919  
finding by the board, pursuant to an adjudication under Chapter 16920  
119. of the Revised Code, that the applicant or license holder 16921  
committed the act in question. The board shall have no 16922  
jurisdiction under these divisions in cases where the trial 16923  
court renders a final judgment in the license holder's favor and 16924  
that judgment is based upon an adjudication on the merits. The 16925  
board shall have jurisdiction under these divisions in cases 16926  
where the trial court issues an order of dismissal upon 16927  
technical or procedural grounds. 16928

(E) The sealing or expungement of conviction records by 16929  
any court shall have no effect upon a prior board order entered 16930  
under the provisions of this section or upon the board's 16931  
jurisdiction to take action under the provisions of this section 16932

if, based upon a plea of guilty, a judicial finding of guilt, or 16933  
a judicial finding of eligibility for intervention in lieu of 16934  
conviction, the board issued a notice of opportunity for a 16935  
hearing prior to the court's order to seal or expunge the 16936  
records. The board shall not be required to seal, destroy, 16937  
redact, or otherwise modify its records to reflect the court's 16938  
sealing or expungement of conviction records. 16939

(F) For purposes of this division, any individual who 16940  
holds a license issued under this chapter, or applies for a 16941  
license issued under this chapter, shall be deemed to have given 16942  
consent to submit to a mental or physical examination when 16943  
directed to do so in writing by the board and to have waived all 16944  
objections to the admissibility of testimony or examination 16945  
reports that constitute a privileged communication. 16946

(1) In enforcing division (B)(4) of this section, the 16947  
board, upon a showing of a possible violation, may compel any 16948  
individual who holds a license issued under this chapter or who 16949  
has applied for a license pursuant to this chapter to submit to 16950  
a mental examination, physical examination, including an HIV 16951  
test, or both a mental and physical examination. The expense of 16952  
the examination is the responsibility of the individual 16953  
compelled to be examined. Failure to submit to a mental or 16954  
physical examination or consent to an HIV test ordered by the 16955  
board constitutes an admission of the allegations against the 16956  
individual unless the failure is due to circumstances beyond the 16957  
individual's control, and a default and final order may be 16958  
entered without the taking of testimony or presentation of 16959  
evidence. If the board finds a physician assistant unable to 16960  
practice because of the reasons set forth in division (B)(4) of 16961  
this section, the board shall require the physician assistant to 16962  
submit to care, counseling, or treatment by physicians approved 16963

or designated by the board, as a condition for an initial, 16964  
continued, reinstated, or renewed license. An individual 16965  
affected under this division shall be afforded an opportunity to 16966  
demonstrate to the board the ability to resume practicing in 16967  
compliance with acceptable and prevailing standards of care. 16968

(2) For purposes of division (B)(5) of this section, if 16969  
the board has reason to believe that any individual who holds a 16970  
license issued under this chapter or any applicant for a license 16971  
suffers such impairment, the board may compel the individual to 16972  
submit to a mental or physical examination, or both. The expense 16973  
of the examination is the responsibility of the individual 16974  
compelled to be examined. Any mental or physical examination 16975  
required under this division shall be undertaken by a treatment 16976  
provider or physician qualified to conduct such examination and 16977  
chosen by the board. 16978

Failure to submit to a mental or physical examination 16979  
ordered by the board constitutes an admission of the allegations 16980  
against the individual unless the failure is due to 16981  
circumstances beyond the individual's control, and a default and 16982  
final order may be entered without the taking of testimony or 16983  
presentation of evidence. If the board determines that the 16984  
individual's ability to practice is impaired, the board shall 16985  
suspend the individual's license or deny the individual's 16986  
application and shall require the individual, as a condition for 16987  
initial, continued, reinstated, or renewed licensure, to submit 16988  
to treatment. 16989

Before being eligible to apply for reinstatement of a 16990  
license suspended under this division, the physician assistant 16991  
shall demonstrate to the board the ability to resume practice or 16992  
prescribing in compliance with acceptable and prevailing 16993

standards of care. The demonstration shall include the 16994  
following: 16995

(a) Certification from a treatment provider approved under 16996  
section 4731.25 of the Revised Code that the individual has 16997  
successfully completed any required inpatient treatment; 16998

(b) Evidence of continuing full compliance with an 16999  
aftercare contract or consent agreement; 17000

(c) Two written reports indicating that the individual's 17001  
ability to practice has been assessed and that the individual 17002  
has been found capable of practicing according to acceptable and 17003  
prevailing standards of care. The reports shall be made by 17004  
individuals or providers approved by the board for making such 17005  
assessments and shall describe the basis for their 17006  
determination. 17007

The board may reinstate a license suspended under this 17008  
division after such demonstration and after the individual has 17009  
entered into a written consent agreement. 17010

When the impaired physician assistant resumes practice or 17011  
prescribing, the board shall require continued monitoring of the 17012  
physician assistant. The monitoring shall include compliance 17013  
with the written consent agreement entered into before 17014  
reinstatement or with conditions imposed by board order after a 17015  
hearing, and, upon termination of the consent agreement, 17016  
submission to the board for at least two years of annual written 17017  
progress reports made under penalty of falsification stating 17018  
whether the physician assistant has maintained sobriety. 17019

(G) If the secretary and supervising member determine that 17020  
there is clear and convincing evidence that a physician 17021  
assistant has violated division (B) of this section and that the 17022

individual's continued practice or prescribing presents a danger 17023  
of immediate and serious harm to the public, they may recommend 17024  
that the board suspend the individual's license without a prior 17025  
hearing. Written allegations shall be prepared for consideration 17026  
by the board. 17027

The board, upon review of those allegations and by an 17028  
affirmative vote of not fewer than six of its members, excluding 17029  
the secretary and supervising member, may suspend a license 17030  
without a prior hearing. A telephone conference call may be 17031  
utilized for reviewing the allegations and taking the vote on 17032  
the summary suspension. 17033

The board shall issue a written order of suspension by 17034  
certified mail or in person in accordance with section 119.07 of 17035  
the Revised Code. The order shall not be subject to suspension 17036  
by the court during pendency of any appeal filed under section 17037  
119.12 of the Revised Code. If the physician assistant requests 17038  
an adjudicatory hearing by the board, the date set for the 17039  
hearing shall be within fifteen days, but not earlier than seven 17040  
days, after the physician assistant requests the hearing, unless 17041  
otherwise agreed to by both the board and the license holder. 17042

A summary suspension imposed under this division shall 17043  
remain in effect, unless reversed on appeal, until a final 17044  
adjudicative order issued by the board pursuant to this section 17045  
and Chapter 119. of the Revised Code becomes effective. The 17046  
board shall issue its final adjudicative order within sixty days 17047  
after completion of its hearing. Failure to issue the order 17048  
within sixty days shall result in dissolution of the summary 17049  
suspension order, but shall not invalidate any subsequent, final 17050  
adjudicative order. 17051

(H) If the board takes action under division (B) (11), 17052



(13), or (14) of this section, and the judicial finding of 17053  
guilt, guilty plea, or judicial finding of eligibility for 17054  
intervention in lieu of conviction is overturned on appeal, upon 17055  
exhaustion of the criminal appeal, a petition for 17056  
reconsideration of the order may be filed with the board along 17057  
with appropriate court documents. Upon receipt of a petition and 17058  
supporting court documents, the board shall reinstate the 17059  
individual's license. The board may then hold an adjudication 17060  
under Chapter 119. of the Revised Code to determine whether the 17061  
individual committed the act in question. Notice of opportunity 17062  
for hearing shall be given in accordance with Chapter 119. of 17063  
the Revised Code. If the board finds, pursuant to an 17064  
adjudication held under this division, that the individual 17065  
committed the act, or if no hearing is requested, it may order 17066  
any of the sanctions identified under division (B) of this 17067  
section. 17068

(I) The license to practice issued to a physician 17069  
assistant and the physician assistant's practice in this state 17070  
are automatically suspended as of the date the physician 17071  
assistant pleads guilty to, is found by a judge or jury to be 17072  
guilty of, or is subject to a judicial finding of eligibility 17073  
for intervention in lieu of conviction in this state or 17074  
treatment or intervention in lieu of conviction in another state 17075  
for any of the following criminal offenses in this state or a 17076  
substantially equivalent criminal offense in another 17077  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 17078  
felonious assault, kidnapping, rape, sexual battery, gross 17079  
sexual imposition, aggravated arson, aggravated robbery, or 17080  
aggravated burglary. Continued practice after the suspension 17081  
shall be considered practicing without a license. 17082

The board shall notify the individual subject to the 17083

suspension by certified mail or in person in accordance with 17084  
section 119.07 of the Revised Code. If an individual whose 17085  
license is suspended under this division fails to make a timely 17086  
request for an adjudication under Chapter 119. of the Revised 17087  
Code, the board shall enter a final order permanently revoking 17088  
the individual's license to practice. 17089

(J) In any instance in which the board is required by 17090  
Chapter 119. of the Revised Code to give notice of opportunity 17091  
for hearing and the individual subject to the notice does not 17092  
timely request a hearing in accordance with section 119.07 of 17093  
the Revised Code, the board is not required to hold a hearing, 17094  
but may adopt, by an affirmative vote of not fewer than six of 17095  
its members, a final order that contains the board's findings. 17096  
In that final order, the board may order any of the sanctions 17097  
identified under division (A) or (B) of this section. 17098

(K) Any action taken by the board under division (B) of 17099  
this section resulting in a suspension shall be accompanied by a 17100  
written statement of the conditions under which the physician 17101  
assistant's license may be reinstated. The board shall adopt 17102  
rules in accordance with Chapter 119. of the Revised Code 17103  
governing conditions to be imposed for reinstatement. 17104  
Reinstatement of a license suspended pursuant to division (B) of 17105  
this section requires an affirmative vote of not fewer than six 17106  
members of the board. 17107

(L) When the board refuses to grant or issue to an 17108  
applicant a license to practice as a physician assistant, 17109  
revokes an individual's license, refuses to renew an 17110  
individual's license, or refuses to reinstate an individual's 17111  
license, the board may specify that its action is permanent. An 17112  
individual subject to a permanent action taken by the board is 17113

forever thereafter ineligible to hold the license and the board 17114  
shall not accept an application for reinstatement of the license 17115  
or for issuance of a new license. 17116

(M) Notwithstanding any other provision of the Revised 17117  
Code, all of the following apply: 17118

(1) The surrender of a license issued under this chapter 17119  
is not effective unless or until accepted by the board. 17120  
Reinstatement of a license surrendered to the board requires an 17121  
affirmative vote of not fewer than six members of the board. 17122

(2) An application made under this chapter for a license 17123  
may not be withdrawn without approval of the board. 17124

(3) Failure by an individual to renew a license in 17125  
accordance with section 4730.14 of the Revised Code shall not 17126  
remove or limit the board's jurisdiction to take disciplinary 17127  
action under this section against the individual. 17128

(N) The board shall not refuse to issue a license to an 17129  
applicant because of a conviction, plea of guilty, judicial 17130  
finding of guilt, judicial finding of eligibility for 17131  
intervention in lieu of conviction, or the commission of an act 17132  
that constitutes a criminal offense, unless the refusal is in 17133  
accordance with section 9.79 of the Revised Code. 17134

**Sec. 4731.22.** (A) The state medical board, by an 17135  
affirmative vote of not fewer than six of its members, may 17136  
limit, revoke, or suspend a license or certificate to practice 17137  
or certificate to recommend, refuse to grant a license or 17138  
certificate, refuse to renew a license or certificate, refuse to 17139  
reinstate a license or certificate, or reprimand or place on 17140  
probation the holder of a license or certificate if the 17141  
individual applying for or holding the license or certificate is 17142

found by the board to have committed fraud during the 17143  
administration of the examination for a license or certificate 17144  
to practice or to have committed fraud, misrepresentation, or 17145  
deception in applying for, renewing, or securing any license or 17146  
certificate to practice or certificate to recommend issued by 17147  
the board. 17148

(B) Except as provided in division (P) of this section, 17149  
the board, by an affirmative vote of not fewer than six members, 17150  
shall, to the extent permitted by law, limit, revoke, or suspend 17151  
a license or certificate to practice or certificate to 17152  
recommend, refuse to issue a license or certificate, refuse to 17153  
renew a license or certificate, refuse to reinstate a license or 17154  
certificate, or reprimand or place on probation the holder of a 17155  
license or certificate for one or more of the following reasons: 17156

(1) Permitting one's name or one's license or certificate 17157  
to practice to be used by a person, group, or corporation when 17158  
the individual concerned is not actually directing the treatment 17159  
given; 17160

(2) Failure to maintain minimal standards applicable to 17161  
the selection or administration of drugs, or failure to employ 17162  
acceptable scientific methods in the selection of drugs or other 17163  
modalities for treatment of disease; 17164

(3) Except as provided in section 4731.97 of the Revised 17165  
Code, selling, giving away, personally furnishing, prescribing, 17166  
or administering drugs for other than legal and legitimate 17167  
therapeutic purposes or a plea of guilty to, a judicial finding 17168  
of guilt of, or a judicial finding of eligibility for 17169  
intervention in lieu of conviction of, a violation of any 17170  
federal or state law regulating the possession, distribution, or 17171  
use of any drug; 17172

(4) Willfully betraying a professional confidence. 17173

For purposes of this division, "willfully betraying a 17174  
professional confidence" does not include providing any 17175  
information, documents, or reports under sections 307.621 to 17176  
307.629 of the Revised Code to a child fatality review board; 17177  
does not include providing any information, documents, or 17178  
reports under sections 307.631 to 307.6410 of the Revised Code 17179  
to a drug overdose fatality review committee, a suicide fatality 17180  
review committee, or hybrid drug overdose fatality and suicide 17181  
fatality review committee; does not include providing any 17182  
information, documents, or reports to the director of health 17183  
pursuant to guidelines established under section 3701.70 of the 17184  
Revised Code; does not include written notice to a mental health 17185  
professional under section 4731.62 of the Revised Code; and does 17186  
not include the making of a report of an employee's use of a 17187  
drug of abuse, or a report of a condition of an employee other 17188  
than one involving the use of a drug of abuse, to the employer 17189  
of the employee as described in division (B) of section 2305.33 17190  
of the Revised Code. Nothing in this division affects the 17191  
immunity from civil liability conferred by section 2305.33 or 17192  
4731.62 of the Revised Code upon a physician who makes a report 17193  
in accordance with section 2305.33 or notifies a mental health 17194  
professional in accordance with section 4731.62 of the Revised 17195  
Code. As used in this division, "employee," "employer," and 17196  
"physician" have the same meanings as in section 2305.33 of the 17197  
Revised Code. 17198

(5) Making a false, fraudulent, deceptive, or misleading 17199  
statement in the solicitation of or advertising for patients; in 17200  
relation to the practice of medicine and surgery, osteopathic 17201  
medicine and surgery, podiatric medicine and surgery, or a 17202  
limited branch of medicine; or in securing or attempting to 17203

secure any license or certificate to practice issued by the 17204  
board. 17205

As used in this division, "false, fraudulent, deceptive, 17206  
or misleading statement" means a statement that includes a 17207  
misrepresentation of fact, is likely to mislead or deceive 17208  
because of a failure to disclose material facts, is intended or 17209  
is likely to create false or unjustified expectations of 17210  
favorable results, or includes representations or implications 17211  
that in reasonable probability will cause an ordinarily prudent 17212  
person to misunderstand or be deceived. 17213

(6) A departure from, or the failure to conform to, 17214  
minimal standards of care of similar practitioners under the 17215  
same or similar circumstances, whether or not actual injury to a 17216  
patient is established; 17217

(7) Representing, with the purpose of obtaining 17218  
compensation or other advantage as personal gain or for any 17219  
other person, that an incurable disease or injury, or other 17220  
incurable condition, can be permanently cured; 17221

(8) The obtaining of, or attempting to obtain, money or 17222  
anything of value by fraudulent misrepresentations in the course 17223  
of practice; 17224

(9) A plea of guilty to, a judicial finding of guilt of, 17225  
or a judicial finding of eligibility for intervention in lieu of 17226  
conviction for, a felony; 17227

(10) Commission of an act that constitutes a felony in 17228  
this state, regardless of the jurisdiction in which the act was 17229  
committed; 17230

(11) A plea of guilty to, a judicial finding of guilt of, 17231  
or a judicial finding of eligibility for intervention in lieu of 17232

conviction for, a misdemeanor committed in the course of	17233
practice;	17234
(12) Commission of an act in the course of practice that	17235
constitutes a misdemeanor in this state, regardless of the	17236
jurisdiction in which the act was committed;	17237
(13) A plea of guilty to, a judicial finding of guilt of,	17238
or a judicial finding of eligibility for intervention in lieu of	17239
conviction for, a misdemeanor involving moral turpitude;	17240
(14) Commission of an act involving moral turpitude that	17241
constitutes a misdemeanor in this state, regardless of the	17242
jurisdiction in which the act was committed;	17243
(15) Violation of the conditions of limitation placed by	17244
the board upon a license or certificate to practice;	17245
(16) Failure to pay license renewal fees specified in this	17246
chapter;	17247
(17) Except as authorized in section 4731.31 of the	17248
Revised Code, engaging in the division of fees for referral of	17249
patients, or the receiving of a thing of value in return for a	17250
specific referral of a patient to utilize a particular service	17251
or business;	17252
(18) Subject to section 4731.226 of the Revised Code,	17253
violation of any provision of a code of ethics of the American	17254
medical association, the American osteopathic association, the	17255
American podiatric medical association, or any other national	17256
professional organizations that the board specifies by rule. The	17257
state medical board shall obtain and keep on file current copies	17258
of the codes of ethics of the various national professional	17259
organizations. The individual whose license or certificate is	17260
being suspended or revoked shall not be found to have violated	17261

any provision of a code of ethics of an organization not 17262  
appropriate to the individual's profession. 17263

For purposes of this division, a "provision of a code of 17264  
ethics of a national professional organization" does not include 17265  
any provision that would preclude the making of a report by a 17266  
physician of an employee's use of a drug of abuse, or of a 17267  
condition of an employee other than one involving the use of a 17268  
drug of abuse, to the employer of the employee as described in 17269  
division (B) of section 2305.33 of the Revised Code. Nothing in 17270  
this division affects the immunity from civil liability 17271  
conferred by that section upon a physician who makes either type 17272  
of report in accordance with division (B) of that section. As 17273  
used in this division, "employee," "employer," and "physician" 17274  
have the same meanings as in section 2305.33 of the Revised 17275  
Code. 17276

(19) Inability to practice according to acceptable and 17277  
prevailing standards of care by reason of mental illness or 17278  
physical illness, including, but not limited to, physical 17279  
deterioration that adversely affects cognitive, motor, or 17280  
perceptive skills. 17281

In enforcing this division, the board, upon a showing of a 17282  
possible violation, may compel any individual authorized to 17283  
practice by this chapter or who has submitted an application 17284  
pursuant to this chapter to submit to a mental examination, 17285  
physical examination, including an HIV test, or both a mental 17286  
and a physical examination. The expense of the examination is 17287  
the responsibility of the individual compelled to be examined. 17288  
Failure to submit to a mental or physical examination or consent 17289  
to an HIV test ordered by the board constitutes an admission of 17290  
the allegations against the individual unless the failure is due 17291



to circumstances beyond the individual's control, and a default 17292  
and final order may be entered without the taking of testimony 17293  
or presentation of evidence. If the board finds an individual 17294  
unable to practice because of the reasons set forth in this 17295  
division, the board shall require the individual to submit to 17296  
care, counseling, or treatment by physicians approved or 17297  
designated by the board, as a condition for initial, continued, 17298  
reinstated, or renewed authority to practice. An individual 17299  
affected under this division shall be afforded an opportunity to 17300  
demonstrate to the board the ability to resume practice in 17301  
compliance with acceptable and prevailing standards under the 17302  
provisions of the individual's license or certificate. For the 17303  
purpose of this division, any individual who applies for or 17304  
receives a license or certificate to practice under this chapter 17305  
accepts the privilege of practicing in this state and, by so 17306  
doing, shall be deemed to have given consent to submit to a 17307  
mental or physical examination when directed to do so in writing 17308  
by the board, and to have waived all objections to the 17309  
admissibility of testimony or examination reports that 17310  
constitute a privileged communication. 17311

(20) Except as provided in division (F)(1)(b) of section 17312  
4731.282 of the Revised Code or when civil penalties are imposed 17313  
under section 4731.225 of the Revised Code, and subject to 17314  
section 4731.226 of the Revised Code, violating or attempting to 17315  
violate, directly or indirectly, or assisting in or abetting the 17316  
violation of, or conspiring to violate, any provisions of this 17317  
chapter or any rule promulgated by the board. 17318

This division does not apply to a violation or attempted 17319  
violation of, assisting in or abetting the violation of, or a 17320  
conspiracy to violate, any provision of this chapter or any rule 17321  
adopted by the board that would preclude the making of a report 17322

by a physician of an employee's use of a drug of abuse, or of a 17323  
condition of an employee other than one involving the use of a 17324  
drug of abuse, to the employer of the employee as described in 17325  
division (B) of section 2305.33 of the Revised Code. Nothing in 17326  
this division affects the immunity from civil liability 17327  
conferred by that section upon a physician who makes either type 17328  
of report in accordance with division (B) of that section. As 17329  
used in this division, "employee," "employer," and "physician" 17330  
have the same meanings as in section 2305.33 of the Revised 17331  
Code. 17332

(21) The violation of section 3701.79 of the Revised Code 17333  
or of any abortion rule adopted by the director of health 17334  
pursuant to section 3701.341 of the Revised Code; 17335

(22) Any of the following actions taken by an agency 17336  
responsible for authorizing, certifying, or regulating an 17337  
individual to practice a health care occupation or provide 17338  
health care services in this state or another jurisdiction, for 17339  
any reason other than the nonpayment of fees: the limitation, 17340  
revocation, or suspension of an individual's license to 17341  
practice; acceptance of an individual's license surrender; 17342  
denial of a license; refusal to renew or reinstate a license; 17343  
imposition of probation; or issuance of an order of censure or 17344  
other reprimand; 17345

(23) The violation of section 2919.12 of the Revised Code 17346  
or the performance or inducement of an abortion upon a pregnant 17347  
woman with actual knowledge that the conditions specified in 17348  
division (B) of section 2317.56 of the Revised Code have not 17349  
been satisfied or with a heedless indifference as to whether 17350  
those conditions have been satisfied, unless an affirmative 17351  
defense as specified in division (H) (2) of that section would 17352

apply in a civil action authorized by division (H) (1) of that section; 17353  
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(24) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice; 17355  
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(25) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency; 17361  
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(26) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. 17364  
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For the purposes of this division, any individual authorized to practice by this chapter accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a license or certificate to practice under this chapter, an individual shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the board in writing, and to have waived all objections to the admissibility of testimony or examination reports that constitute privileged communications. 17368  
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If it has reason to believe that any individual authorized to practice by this chapter or any applicant for licensure or certification to practice suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the 17377  
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responsibility of the individual compelled to be examined. Any 17382  
mental or physical examination required under this division 17383  
shall be undertaken by a treatment provider or physician who is 17384  
qualified to conduct the examination and who is chosen by the 17385  
board. 17386

Failure to submit to a mental or physical examination 17387  
ordered by the board constitutes an admission of the allegations 17388  
against the individual unless the failure is due to 17389  
circumstances beyond the individual's control, and a default and 17390  
final order may be entered without the taking of testimony or 17391  
presentation of evidence. If the board determines that the 17392  
individual's ability to practice is impaired, the board shall 17393  
suspend the individual's license or certificate or deny the 17394  
individual's application and shall require the individual, as a 17395  
condition for initial, continued, reinstated, or renewed 17396  
licensure or certification to practice, to submit to treatment. 17397

Before being eligible to apply for reinstatement of a 17398  
license or certificate suspended under this division, the 17399  
impaired practitioner shall demonstrate to the board the ability 17400  
to resume practice in compliance with acceptable and prevailing 17401  
standards of care under the provisions of the practitioner's 17402  
license or certificate. The demonstration shall include, but 17403  
shall not be limited to, the following: 17404

(a) Certification from a treatment provider approved under 17405  
section 4731.25 of the Revised Code that the individual has 17406  
successfully completed any required inpatient treatment; 17407

(b) Evidence of continuing full compliance with an 17408  
aftercare contract or consent agreement; 17409

(c) Two written reports indicating that the individual's 17410

ability to practice has been assessed and that the individual 17411  
has been found capable of practicing according to acceptable and 17412  
prevailing standards of care. The reports shall be made by 17413  
individuals or providers approved by the board for making the 17414  
assessments and shall describe the basis for their 17415  
determination. 17416

The board may reinstate a license or certificate suspended 17417  
under this division after that demonstration and after the 17418  
individual has entered into a written consent agreement. 17419

When the impaired practitioner resumes practice, the board 17420  
shall require continued monitoring of the individual. The 17421  
monitoring shall include, but not be limited to, compliance with 17422  
the written consent agreement entered into before reinstatement 17423  
or with conditions imposed by board order after a hearing, and, 17424  
upon termination of the consent agreement, submission to the 17425  
board for at least two years of annual written progress reports 17426  
made under penalty of perjury stating whether the individual has 17427  
maintained sobriety. 17428

(27) A second or subsequent violation of section 4731.66 17429  
or 4731.69 of the Revised Code; 17430

(28) Except as provided in division (N) of this section: 17431

(a) Waiving the payment of all or any part of a deductible 17432  
or copayment that a patient, pursuant to a health insurance or 17433  
health care policy, contract, or plan that covers the 17434  
individual's services, otherwise would be required to pay if the 17435  
waiver is used as an enticement to a patient or group of 17436  
patients to receive health care services from that individual; 17437

(b) Advertising that the individual will waive the payment 17438  
of all or any part of a deductible or copayment that a patient, 17439

pursuant to a health insurance or health care policy, contract, 17440  
or plan that covers the individual's services, otherwise would 17441  
be required to pay. 17442

(29) Failure to use universal blood and body fluid 17443  
precautions established by rules adopted under section 4731.051 17444  
of the Revised Code; 17445

(30) Failure to provide notice to, and receive 17446  
acknowledgment of the notice from, a patient when required by 17447  
section 4731.143 of the Revised Code prior to providing 17448  
nonemergency professional services, or failure to maintain that 17449  
notice in the patient's medical record; 17450

(31) Failure of a physician supervising a physician 17451  
assistant to maintain supervision in accordance with the 17452  
requirements of Chapter 4730. of the Revised Code and the rules 17453  
adopted under that chapter; 17454

(32) Failure of a physician or podiatrist to enter into a 17455  
standard care arrangement with a clinical nurse specialist, 17456  
certified nurse-midwife, or certified nurse practitioner with 17457  
whom the physician or podiatrist is in collaboration pursuant to 17458  
section 4731.27 of the Revised Code or failure to fulfill the 17459  
responsibilities of collaboration after entering into a standard 17460  
care arrangement; 17461

(33) Failure to comply with the terms of a consult 17462  
agreement entered into with a pharmacist pursuant to section 17463  
4729.39 of the Revised Code; 17464

(34) Failure to cooperate in an investigation conducted by 17465  
the board under division (F) of this section, including failure 17466  
to comply with a subpoena or order issued by the board or 17467  
failure to answer truthfully a question presented by the board 17468

in an investigative interview, an investigative office 17469  
conference, at a deposition, or in written interrogatories, 17470  
except that failure to cooperate with an investigation shall not 17471  
constitute grounds for discipline under this section if a court 17472  
of competent jurisdiction has issued an order that either 17473  
quashes a subpoena or permits the individual to withhold the 17474  
testimony or evidence in issue; 17475

(35) Failure to supervise an acupuncturist in accordance 17476  
with Chapter 4762. of the Revised Code and the board's rules for 17477  
providing that supervision; 17478

(36) Failure to supervise an anesthesiologist assistant in 17479  
accordance with Chapter 4760. of the Revised Code and the 17480  
board's rules for supervision of an anesthesiologist assistant; 17481

(37) Assisting suicide, as defined in section 3795.01 of 17482  
the Revised Code; 17483

(38) Failure to comply with the requirements of section 17484  
2317.561 of the Revised Code; 17485

(39) Failure to supervise a radiologist assistant in 17486  
accordance with Chapter 4774. of the Revised Code and the 17487  
board's rules for supervision of radiologist assistants; 17488

(40) Performing or inducing an abortion at an office or 17489  
facility with knowledge that the office or facility fails to 17490  
post the notice required under section 3701.791 of the Revised 17491  
Code; 17492

(41) Failure to comply with the standards and procedures 17493  
established in rules under section 4731.054 of the Revised Code 17494  
for the operation of or the provision of care at a pain 17495  
management clinic; 17496

(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	17497 17498 17499 17500
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	17501 17502 17503 17504
(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	17505 17506 17507 17508 17509
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	17510 17511 17512 17513 17514
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	17515 17516 17517 17518
(47) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code;	17519 17520 17521 17522 17523
(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a	17524 17525



prescription for an opioid analgesic, as defined in section 17526  
3719.01 of the Revised Code; 17527

(49) Failure to comply with the requirements of section 17528  
4731.30 of the Revised Code or rules adopted under section 17529  
4731.301 of the Revised Code when recommending treatment with 17530  
medical marijuana; 17531

(50) Practicing at a facility, clinic, or other location 17532  
that is subject to licensure as a category III terminal 17533  
distributor of dangerous drugs with an office-based opioid 17534  
treatment classification unless the person operating that place 17535  
has obtained and maintains the license with the classification; 17536

(51) Owning a facility, clinic, or other location that is 17537  
subject to licensure as a category III terminal distributor of 17538  
dangerous drugs with an office-based opioid treatment 17539  
classification unless that place is licensed with the 17540  
classification; 17541

(52) A pattern of continuous or repeated violations of 17542  
division (E) (2) or (3) of section 3963.02 of the Revised Code; 17543

(53) Failure to fulfill the responsibilities of a 17544  
collaboration agreement entered into with an athletic trainer as 17545  
described in section 4755.621 of the Revised Code; 17546

(54) Failure to take the steps specified in section 17547  
4731.911 of the Revised Code following an abortion or attempted 17548  
abortion in an ambulatory surgical facility or other location 17549  
that is not a hospital when a child is born alive. 17550

(C) Disciplinary actions taken by the board under 17551  
divisions (A) and (B) of this section shall be taken pursuant to 17552  
an adjudication under Chapter 119. of the Revised Code, except 17553  
that in lieu of an adjudication, the board may enter into a 17554

consent agreement with an individual to resolve an allegation of 17555  
a violation of this chapter or any rule adopted under it. A 17556  
consent agreement, when ratified by an affirmative vote of not 17557  
fewer than six members of the board, shall constitute the 17558  
findings and order of the board with respect to the matter 17559  
addressed in the agreement. If the board refuses to ratify a 17560  
consent agreement, the admissions and findings contained in the 17561  
consent agreement shall be of no force or effect. 17562

A telephone conference call may be utilized for 17563  
ratification of a consent agreement that revokes or suspends an 17564  
individual's license or certificate to practice or certificate 17565  
to recommend. The telephone conference call shall be considered 17566  
a special meeting under division (F) of section 121.22 of the 17567  
Revised Code. 17568

If the board takes disciplinary action against an 17569  
individual under division (B) of this section for a second or 17570  
subsequent plea of guilty to, or judicial finding of guilt of, a 17571  
violation of section 2919.123 or 2919.124 of the Revised Code, 17572  
the disciplinary action shall consist of a suspension of the 17573  
individual's license or certificate to practice for a period of 17574  
at least one year or, if determined appropriate by the board, a 17575  
more serious sanction involving the individual's license or 17576  
certificate to practice. Any consent agreement entered into 17577  
under this division with an individual that pertains to a second 17578  
or subsequent plea of guilty to, or judicial finding of guilt 17579  
of, a violation of that section shall provide for a suspension 17580  
of the individual's license or certificate to practice for a 17581  
period of at least one year or, if determined appropriate by the 17582  
board, a more serious sanction involving the individual's 17583  
license or certificate to practice. 17584

(D) For purposes of divisions (B) (10), (12), and (14) of 17585  
this section, the commission of the act may be established by a 17586  
finding by the board, pursuant to an adjudication under Chapter 17587  
119. of the Revised Code, that the individual committed the act. 17588  
The board does not have jurisdiction under those divisions if 17589  
the trial court renders a final judgment in the individual's 17590  
favor and that judgment is based upon an adjudication on the 17591  
merits. The board has jurisdiction under those divisions if the 17592  
trial court issues an order of dismissal upon technical or 17593  
procedural grounds. 17594

(E) The sealing or expungement of conviction records by 17595  
any court shall have no effect upon a prior board order entered 17596  
under this section or upon the board's jurisdiction to take 17597  
action under this section if, based upon a plea of guilty, a 17598  
judicial finding of guilt, or a judicial finding of eligibility 17599  
for intervention in lieu of conviction, the board issued a 17600  
notice of opportunity for a hearing prior to the court's order 17601  
to seal or expunge the records. The board shall not be required 17602  
to seal, expunge, destroy, redact, or otherwise modify its 17603  
records to reflect the court's sealing of conviction records. 17604

(F) (1) The board shall investigate evidence that appears 17605  
to show that a person has violated any provision of this chapter 17606  
or any rule adopted under it. Any person may report to the board 17607  
in a signed writing any information that the person may have 17608  
that appears to show a violation of any provision of this 17609  
chapter or any rule adopted under it. In the absence of bad 17610  
faith, any person who reports information of that nature or who 17611  
testifies before the board in any adjudication conducted under 17612  
Chapter 119. of the Revised Code shall not be liable in damages 17613  
in a civil action as a result of the report or testimony. Each 17614  
complaint or allegation of a violation received by the board 17615

shall be assigned a case number and shall be recorded by the board. 17616  
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(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4731.39 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case. 17618  
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(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, or in conducting an inspection under division (E) of section 4731.054 of the Revised Code, the board may question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary and supervising member of the board. 17627  
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(a) Before issuance of a subpoena for patient record information, the secretary and supervising member shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable 17639  
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period of time surrounding the alleged violation. 17646

(b) On failure to comply with any subpoena issued by the 17647  
board and after reasonable notice to the person being 17648  
subpoenaed, the board may move for an order compelling the 17649  
production of persons or records pursuant to the Rules of Civil 17650  
Procedure. 17651

(c) A subpoena issued by the board may be served by a 17652  
sheriff, the sheriff's deputy, or a board employee or agent 17653  
designated by the board. Service of a subpoena issued by the 17654  
board may be made by delivering a copy of the subpoena to the 17655  
person named therein, reading it to the person, or leaving it at 17656  
the person's usual place of residence, usual place of business, 17657  
or address on file with the board. When serving a subpoena to an 17658  
applicant for or the holder of a license or certificate issued 17659  
under this chapter, service of the subpoena may be made by 17660  
certified mail, return receipt requested, and the subpoena shall 17661  
be deemed served on the date delivery is made or the date the 17662  
person refuses to accept delivery. If the person being served 17663  
refuses to accept the subpoena or is not located, service may be 17664  
made to an attorney who notifies the board that the attorney is 17665  
representing the person. 17666

(d) A sheriff's deputy who serves a subpoena shall receive 17667  
the same fees as a sheriff. Each witness who appears before the 17668  
board in obedience to a subpoena shall receive the fees and 17669  
mileage provided for under section 119.094 of the Revised Code. 17670

(4) All hearings, investigations, and inspections of the 17671  
board shall be considered civil actions for the purposes of 17672  
section 2305.252 of the Revised Code. 17673

(5) A report required to be submitted to the board under 17674

this chapter, a complaint, or information received by the board 17675  
pursuant to an investigation or pursuant to an inspection under 17676  
division (E) of section 4731.054 of the Revised Code is 17677  
confidential and not subject to discovery in any civil action. 17678

The board shall conduct all investigations or inspections 17679  
and proceedings in a manner that protects the confidentiality of 17680  
patients and persons who file complaints with the board. The 17681  
board shall not make public the names or any other identifying 17682  
information about patients or complainants unless proper consent 17683  
is given or, in the case of a patient, a waiver of the patient 17684  
privilege exists under division (B) of section 2317.02 of the 17685  
Revised Code, except that consent or a waiver of that nature is 17686  
not required if the board possesses reliable and substantial 17687  
evidence that no bona fide physician-patient relationship 17688  
exists. 17689

The board may share any information it receives pursuant 17690  
to an investigation or inspection, including patient records and 17691  
patient record information, with law enforcement agencies, other 17692  
licensing boards, and other governmental agencies that are 17693  
prosecuting, adjudicating, or investigating alleged violations 17694  
of statutes or administrative rules. An agency or board that 17695  
receives the information shall comply with the same requirements 17696  
regarding confidentiality as those with which the state medical 17697  
board must comply, notwithstanding any conflicting provision of 17698  
the Revised Code or procedure of the agency or board that 17699  
applies when it is dealing with other information in its 17700  
possession. In a judicial proceeding, the information may be 17701  
admitted into evidence only in accordance with the Rules of 17702  
Evidence, but the court shall require that appropriate measures 17703  
are taken to ensure that confidentiality is maintained with 17704  
respect to any part of the information that contains names or 17705

other identifying information about patients or complainants 17706  
whose confidentiality was protected by the state medical board 17707  
when the information was in the board's possession. Measures to 17708  
ensure confidentiality that may be taken by the court include 17709  
sealing its records or deleting specific information from its 17710  
records. 17711

(6) On a quarterly basis, the board shall prepare a report 17712  
that documents the disposition of all cases during the preceding 17713  
three months. The report shall contain the following information 17714  
for each case with which the board has completed its activities: 17715

(a) The case number assigned to the complaint or alleged 17716  
violation; 17717

(b) The type of license or certificate to practice, if 17718  
any, held by the individual against whom the complaint is 17719  
directed; 17720

(c) A description of the allegations contained in the 17721  
complaint; 17722

(d) The disposition of the case. 17723

The report shall state how many cases are still pending 17724  
and shall be prepared in a manner that protects the identity of 17725  
each person involved in each case. The report shall be a public 17726  
record under section 149.43 of the Revised Code. 17727

(G) If the secretary and supervising member determine both 17728  
of the following, they may recommend that the board suspend an 17729  
individual's license or certificate to practice or certificate 17730  
to recommend without a prior hearing: 17731

(1) That there is clear and convincing evidence that an 17732  
individual has violated division (B) of this section; 17733

(2) That the individual's continued practice presents a 17734  
danger of immediate and serious harm to the public. 17735

Written allegations shall be prepared for consideration by 17736  
the board. The board, upon review of those allegations and by an 17737  
affirmative vote of not fewer than six of its members, excluding 17738  
the secretary and supervising member, may suspend a license or 17739  
certificate without a prior hearing. A telephone conference call 17740  
may be utilized for reviewing the allegations and taking the 17741  
vote on the summary suspension. 17742

The board shall issue a written order of suspension by 17743  
certified mail or in person in accordance with section 119.07 of 17744  
the Revised Code. The order shall not be subject to suspension 17745  
by the court during pendency of any appeal filed under section 17746  
119.12 of the Revised Code. If the individual subject to the 17747  
summary suspension requests an adjudicatory hearing by the 17748  
board, the date set for the hearing shall be within fifteen 17749  
days, but not earlier than seven days, after the individual 17750  
requests the hearing, unless otherwise agreed to by both the 17751  
board and the individual. 17752

Any summary suspension imposed under this division shall 17753  
remain in effect, unless reversed on appeal, until a final 17754  
adjudicative order issued by the board pursuant to this section 17755  
and Chapter 119. of the Revised Code becomes effective. The 17756  
board shall issue its final adjudicative order within seventy- 17757  
five days after completion of its hearing. A failure to issue 17758  
the order within seventy-five days shall result in dissolution 17759  
of the summary suspension order but shall not invalidate any 17760  
subsequent, final adjudicative order. 17761

(H) If the board takes action under division (B) (9), (11), 17762  
or (13) of this section and the judicial finding of guilt, 17763



guilty plea, or judicial finding of eligibility for intervention 17764  
in lieu of conviction is overturned on appeal, upon exhaustion 17765  
of the criminal appeal, a petition for reconsideration of the 17766  
order may be filed with the board along with appropriate court 17767  
documents. Upon receipt of a petition of that nature and 17768  
supporting court documents, the board shall reinstate the 17769  
individual's license or certificate to practice. The board may 17770  
then hold an adjudication under Chapter 119. of the Revised Code 17771  
to determine whether the individual committed the act in 17772  
question. Notice of an opportunity for a hearing shall be given 17773  
in accordance with Chapter 119. of the Revised Code. If the 17774  
board finds, pursuant to an adjudication held under this 17775  
division, that the individual committed the act or if no hearing 17776  
is requested, the board may order any of the sanctions 17777  
identified under division (B) of this section. 17778

(I) The license or certificate to practice issued to an 17779  
individual under this chapter and the individual's practice in 17780  
this state are automatically suspended as of the date of the 17781  
individual's second or subsequent plea of guilty to, or judicial 17782  
finding of guilt of, a violation of section 2919.123 or 2919.124 17783  
of the Revised Code. In addition, the license or certificate to 17784  
practice or certificate to recommend issued to an individual 17785  
under this chapter and the individual's practice in this state 17786  
are automatically suspended as of the date the individual pleads 17787  
guilty to, is found by a judge or jury to be guilty of, or is 17788  
subject to a judicial finding of eligibility for intervention in 17789  
lieu of conviction in this state or treatment or intervention in 17790  
lieu of conviction in another jurisdiction for any of the 17791  
following criminal offenses in this state or a substantially 17792  
equivalent criminal offense in another jurisdiction: aggravated 17793  
murder, murder, voluntary manslaughter, felonious assault, 17794

kidnapping, rape, sexual battery, gross sexual imposition, 17795  
aggravated arson, aggravated robbery, or aggravated burglary. 17796  
Continued practice after suspension shall be considered 17797  
practicing without a license or certificate. 17798

The board shall notify the individual subject to the 17799  
suspension by certified mail or in person in accordance with 17800  
section 119.07 of the Revised Code. If an individual whose 17801  
license or certificate is automatically suspended under this 17802  
division fails to make a timely request for an adjudication 17803  
under Chapter 119. of the Revised Code, the board shall do 17804  
whichever of the following is applicable: 17805

(1) If the automatic suspension under this division is for 17806  
a second or subsequent plea of guilty to, or judicial finding of 17807  
guilt of, a violation of section 2919.123 or 2919.124 of the 17808  
Revised Code, the board shall enter an order suspending the 17809  
individual's license or certificate to practice for a period of 17810  
at least one year or, if determined appropriate by the board, 17811  
imposing a more serious sanction involving the individual's 17812  
license or certificate to practice. 17813

(2) In all circumstances in which division (I)(1) of this 17814  
section does not apply, enter a final order permanently revoking 17815  
the individual's license or certificate to practice. 17816

(J) If the board is required by Chapter 119. of the 17817  
Revised Code to give notice of an opportunity for a hearing and 17818  
if the individual subject to the notice does not timely request 17819  
a hearing in accordance with section 119.07 of the Revised Code, 17820  
the board is not required to hold a hearing, but may adopt, by 17821  
an affirmative vote of not fewer than six of its members, a 17822  
final order that contains the board's findings. In that final 17823  
order, the board may order any of the sanctions identified under 17824

division (A) or (B) of this section. 17825

(K) Any action taken by the board under division (B) of 17826  
this section resulting in a suspension from practice shall be 17827  
accompanied by a written statement of the conditions under which 17828  
the individual's license or certificate to practice may be 17829  
reinstated. The board shall adopt rules governing conditions to 17830  
be imposed for reinstatement. Reinstatement of a license or 17831  
certificate suspended pursuant to division (B) of this section 17832  
requires an affirmative vote of not fewer than six members of 17833  
the board. 17834

(L) When the board refuses to grant or issue a license or 17835  
certificate to practice to an applicant, revokes an individual's 17836  
license or certificate to practice, refuses to renew an 17837  
individual's license or certificate to practice, or refuses to 17838  
reinstate an individual's license or certificate to practice, 17839  
the board may specify that its action is permanent. An 17840  
individual subject to a permanent action taken by the board is 17841  
forever thereafter ineligible to hold a license or certificate 17842  
to practice and the board shall not accept an application for 17843  
reinstatement of the license or certificate or for issuance of a 17844  
new license or certificate. 17845

(M) Notwithstanding any other provision of the Revised 17846  
Code, all of the following apply: 17847

(1) The surrender of a license or certificate issued under 17848  
this chapter shall not be effective unless or until accepted by 17849  
the board. A telephone conference call may be utilized for 17850  
acceptance of the surrender of an individual's license or 17851  
certificate to practice. The telephone conference call shall be 17852  
considered a special meeting under division (F) of section 17853  
121.22 of the Revised Code. Reinstatement of a license or 17854

certificate surrendered to the board requires an affirmative 17855  
vote of not fewer than six members of the board. 17856

(2) An application for a license or certificate made under 17857  
the provisions of this chapter may not be withdrawn without 17858  
approval of the board. 17859

(3) Failure by an individual to renew a license or 17860  
certificate to practice in accordance with this chapter or a 17861  
certificate to recommend in accordance with rules adopted under 17862  
section 4731.301 of the Revised Code shall not remove or limit 17863  
the board's jurisdiction to take any disciplinary action under 17864  
this section against the individual. 17865

(4) At the request of the board, a license or certificate 17866  
holder shall immediately surrender to the board a license or 17867  
certificate that the board has suspended, revoked, or 17868  
permanently revoked. 17869

(N) Sanctions shall not be imposed under division (B) (28) 17870  
of this section against any person who waives deductibles and 17871  
copayments as follows: 17872

(1) In compliance with the health benefit plan that 17873  
expressly allows such a practice. Waiver of the deductibles or 17874  
copayments shall be made only with the full knowledge and 17875  
consent of the plan purchaser, payer, and third-party 17876  
administrator. Documentation of the consent shall be made 17877  
available to the board upon request. 17878

(2) For professional services rendered to any other person 17879  
authorized to practice pursuant to this chapter, to the extent 17880  
allowed by this chapter and rules adopted by the board. 17881

(O) Under the board's investigative duties described in 17882  
this section and subject to division (F) of this section, the 17883

board shall develop and implement a quality intervention program 17884  
designed to improve through remedial education the clinical and 17885  
communication skills of individuals authorized under this 17886  
chapter to practice medicine and surgery, osteopathic medicine 17887  
and surgery, and podiatric medicine and surgery. In developing 17888  
and implementing the quality intervention program, the board may 17889  
do all of the following: 17890

(1) Offer in appropriate cases as determined by the board 17891  
an educational and assessment program pursuant to an 17892  
investigation the board conducts under this section; 17893

(2) Select providers of educational and assessment 17894  
services, including a quality intervention program panel of case 17895  
reviewers; 17896

(3) Make referrals to educational and assessment service 17897  
providers and approve individual educational programs 17898  
recommended by those providers. The board shall monitor the 17899  
progress of each individual undertaking a recommended individual 17900  
educational program. 17901

(4) Determine what constitutes successful completion of an 17902  
individual educational program and require further monitoring of 17903  
the individual who completed the program or other action that 17904  
the board determines to be appropriate; 17905

(5) Adopt rules in accordance with Chapter 119. of the 17906  
Revised Code to further implement the quality intervention 17907  
program. 17908

An individual who participates in an individual 17909  
educational program pursuant to this division shall pay the 17910  
financial obligations arising from that educational program. 17911

(P) The board shall not refuse to issue a license to an 17912

applicant because of a conviction, plea of guilty, judicial 17913  
finding of guilt, judicial finding of eligibility for 17914  
intervention in lieu of conviction, or the commission of an act 17915  
that constitutes a criminal offense, unless the refusal is in 17916  
accordance with section 9.79 of the Revised Code. 17917

**Sec. 4734.31.** (A) The state chiropractic board may take 17918  
any of the actions specified in division (B) of this section 17919  
against an individual who has applied for or holds a license to 17920  
practice chiropractic in this state if any of the reasons 17921  
specified in division (C) of this section for taking action 17922  
against an individual are applicable. Except as provided in 17923  
division (D) of this section, actions taken against an 17924  
individual shall be taken in accordance with Chapter 119. of the 17925  
Revised Code. The board may specify that any action it takes is 17926  
a permanent action. The board's authority to take action against 17927  
an individual is not removed or limited by the individual's 17928  
failure to renew a license. 17929

(B) In its imposition of sanctions against an individual, 17930  
the board may do any of the following: 17931

(1) Except as provided in division (I) of this section, 17932  
refuse to issue, renew, restore, or reinstate a license to 17933  
practice chiropractic or a certificate to practice acupuncture; 17934

(2) Reprimand or censure a license holder; 17935

(3) Place limits, restrictions, or probationary conditions 17936  
on a license holder's practice; 17937

(4) Impose a civil fine of not more than five thousand 17938  
dollars according to a schedule of fines specified in rules that 17939  
the board shall adopt in accordance with Chapter 119. of the 17940  
Revised Code. 17941

(5) Suspend a license to practice chiropractic or a certificate to practice acupuncture for a limited or indefinite period;	17942 17943 17944
(6) Revoke a license to practice chiropractic or a certificate to practice acupuncture.	17945 17946
(C) The board may take the actions specified in division (B) of this section for any of the following reasons:	17947 17948
(1) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony in any jurisdiction, in which case a certified copy of the court record shall be conclusive evidence of the conviction;	17949 17950 17951 17952 17953
(2) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	17954 17955 17956
(3) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude, as determined by the board, in which case a certified copy of the court record shall be conclusive evidence of the matter;	17957 17958 17959 17960 17961
(4) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	17962 17963 17964
(5) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice, in which case a certified copy of the court record shall be conclusive evidence of the matter;	17965 17966 17967 17968 17969

(6) Commission of an act in the course of practice that 17970  
constitutes a misdemeanor in this state, regardless of the 17971  
jurisdiction in which the act was committed; 17972

(7) A violation or attempted violation of this chapter or 17973  
the rules adopted under it governing the practice of 17974  
chiropractic, animal chiropractic, or acupuncture by a 17975  
chiropractor licensed under this chapter; 17976

(8) Failure to cooperate in an investigation conducted by 17977  
the board, including failure to comply with a subpoena or order 17978  
issued by the board or failure to answer truthfully a question 17979  
presented by the board at a deposition or in written 17980  
interrogatories, except that failure to cooperate with an 17981  
investigation shall not constitute grounds for discipline under 17982  
this section if the board or a court of competent jurisdiction 17983  
has issued an order that either quashes a subpoena or permits 17984  
the individual to withhold the testimony or evidence in issue; 17985

(9) Engaging in an ongoing professional relationship with 17986  
a person or entity that violates any provision of this chapter 17987  
or the rules adopted under it, unless the chiropractor makes a 17988  
good faith effort to have the person or entity comply with the 17989  
provisions; 17990

(10) Retaliating against a chiropractor for the 17991  
chiropractor's reporting to the board or any other agency with 17992  
jurisdiction any violation of the law or for cooperating with 17993  
the board of another agency in the investigation of any 17994  
violation of the law; 17995

(11) Aiding, abetting, assisting, counseling, or 17996  
conspiring with any person in that person's violation of any 17997  
provision of this chapter or the rules adopted under it, 17998



including the practice of chiropractic without a license, the 17999  
practice of animal chiropractic in violation of section 4734.151 18000  
of the Revised Code, the practice of acupuncture without a 18001  
certificate, or aiding, abetting, assisting, counseling, or 18002  
conspiring with any person in that person's unlicensed practice 18003  
of any other health care profession that has licensing 18004  
requirements; 18005

(12) With respect to a report or record that is made, 18006  
filed, or signed in connection with the practice of 18007  
chiropractic, animal chiropractic, or acupuncture, knowingly 18008  
making or filing a report or record that is false, intentionally 18009  
or negligently failing to file a report or record required by 18010  
federal, state, or local law or willfully impeding or 18011  
obstructing the required filing, or inducing another person to 18012  
engage in any such acts; 18013

(13) Making a false, fraudulent, or deceitful statement to 18014  
the board or any agent of the board during any investigation or 18015  
other official proceeding conducted by the board under this 18016  
chapter or in any filing that must be submitted to the board; 18017

(14) Attempting to secure a license to practice 18018  
chiropractic, authorization to practice animal chiropractic, or 18019  
a certificate to practice acupuncture, or to corrupt the outcome 18020  
of an official board proceeding, through bribery or any other 18021  
improper means; 18022

(15) Willfully obstructing or hindering the board or any 18023  
agent of the board in the discharge of the board's duties; 18024

(16) Habitually using drugs or intoxicants to the extent 18025  
that the person is rendered unfit for the practice of 18026  
chiropractic, animal chiropractic, or acupuncture; 18027

- (17) Inability to practice chiropractic, animal  
chiropractic, or acupuncture according to acceptable and  
prevailing standards of care by reason of chemical dependency,  
mental illness, or physical illness, including conditions in  
which physical deterioration has adversely affected the person's  
cognitive, motor, or perceptive skills and conditions in which a  
chiropractor's continued practice may pose a danger to the  
chiropractor or the public; 18028  
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- (18) Any act constituting gross immorality relative to the  
person's practice of chiropractic, animal chiropractic, or  
acupuncture, including acts involving sexual abuse, sexual  
misconduct, or sexual exploitation; 18036  
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- (19) Exploiting a patient for personal or financial gain; 18040
- (20) Failing to maintain proper, accurate, and legible  
records in the English language documenting each patient's care,  
including, as appropriate, records of the following: dates of  
treatment, services rendered, examinations, tests, x-ray  
reports, referrals, and the diagnosis or clinical impression and  
clinical treatment plan provided to the patient; 18041  
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- (21) Except as otherwise required by the board or by law,  
disclosing patient information gained during the chiropractor's  
professional relationship with a patient without obtaining the  
patient's authorization for the disclosure; 18047  
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- (22) Commission of willful or gross malpractice, or  
willful or gross neglect, in the practice of chiropractic,  
animal chiropractic, or acupuncture; 18051  
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- (23) Failing to perform or negligently performing an act  
recognized by the board as a general duty or the exercise of due  
care in the practice of chiropractic, animal chiropractic, or 18054  
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acupuncture, regardless of whether injury results to a patient 18057  
from the failure to perform or negligent performance of the act; 18058

(24) Engaging in any conduct or practice that impairs or 18059  
may impair the ability to practice chiropractic, animal 18060  
chiropractic, or acupuncture safely and skillfully; 18061

(25) Practicing, or claiming to be capable of practicing, 18062  
beyond the scope of the practice of chiropractic, animal 18063  
chiropractic, or acupuncture as established under this chapter 18064  
and the rules adopted under this chapter; 18065

(26) Accepting and performing professional 18066  
responsibilities as a chiropractor, animal chiropractic 18067  
practitioner, or chiropractor with a certificate to practice 18068  
acupuncture when not qualified to perform those 18069  
responsibilities, if the person knew or had reason to know that 18070  
the person was not qualified to perform them; 18071

(27) Delegating any of the professional responsibilities 18072  
of a chiropractor, animal chiropractic practitioner, or 18073  
chiropractor with a certificate to practice acupuncture to an 18074  
employee or other individual when the delegating chiropractor 18075  
knows or had reason to know that the employee or other 18076  
individual is not qualified by training, experience, or 18077  
professional licensure to perform the responsibilities; 18078

(28) Delegating any of the professional responsibilities 18079  
of a chiropractor, animal chiropractic practitioner, or 18080  
chiropractor with a certificate to practice acupuncture to an 18081  
employee or other individual in a negligent manner or failing to 18082  
provide proper supervision of the employee or other individual 18083  
to whom the responsibilities are delegated; 18084

(29) Failing to refer a patient to another health care 18085

practitioner for consultation or treatment when the chiropractor	18086
knows or has reason to know that the referral is in the best	18087
interest of the patient;	18088
(30) Obtaining or attempting to obtain any fee or other	18089
advantage by fraud or misrepresentation;	18090
(31) Making misleading, deceptive, false, or fraudulent	18091
representations in the practice of chiropractic, animal	18092
chiropractic, or acupuncture;	18093
(32) Being guilty of false, fraudulent, deceptive, or	18094
misleading advertising or other solicitations for patients or	18095
knowingly having professional connection with any person that	18096
advertises or solicits for patients in such a manner;	18097
(33) Violation of a provision of any code of ethics	18098
established or adopted by the board under section 4734.16 of the	18099
Revised Code;	18100
(34) Failing to meet the examination requirements for	18101
receipt of a license specified under section 4734.20 of the	18102
Revised Code;	18103
(35) Actions taken for any reason, other than nonpayment	18104
of fees, by the chiropractic or acupuncture licensing authority	18105
of another state or country;	18106
(36) Failing to maintain clean and sanitary conditions at	18107
the clinic, office, or other place in which chiropractic	18108
services, animal chiropractic services, or acupuncture services	18109
are provided;	18110
(37) Except as provided in division (G) of this section:	18111
(a) Waiving the payment of all or any part of a deductible	18112
or copayment that a patient, pursuant to a health insurance or	18113

health care policy, contract, or plan that covers the 18114  
chiropractor's services, otherwise would be required to pay if 18115  
the waiver is used as an enticement to a patient or group of 18116  
patients to receive health care services from that chiropractor; 18117

(b) Advertising that the chiropractor will waive the 18118  
payment of all or any part of a deductible or copayment that a 18119  
patient, pursuant to a health insurance or health care policy, 18120  
contract, or plan that covers the chiropractor's services, 18121  
otherwise would be required to pay. 18122

(38) Failure to supervise an acupuncturist in accordance 18123  
with the provisions of section 4762.11 of the Revised Code that 18124  
are applicable to a supervising chiropractor. 18125

(D) The adjudication requirements of Chapter 119. of the 18126  
Revised Code apply to the board when taking actions against an 18127  
individual under this section, except as follows: 18128

(1) An applicant is not entitled to an adjudication for 18129  
failing to meet the conditions specified under section 4734.20 18130  
of the Revised Code for receipt of a license that involve the 18131  
board's examination on jurisprudence or the examinations of the 18132  
national board of chiropractic examiners. 18133

(2) A person is not entitled to an adjudication if the 18134  
person fails to make a timely request for a hearing, in 18135  
accordance with Chapter 119. of the Revised Code. 18136

(3) In lieu of an adjudication, the board may accept the 18137  
surrender of a license to practice chiropractic or certificate 18138  
to practice acupuncture from a chiropractor. 18139

(4) In lieu of an adjudication, the board may enter into a 18140  
consent agreement with an individual to resolve an allegation of 18141  
a violation of this chapter or any rule adopted under it. A 18142

consent agreement, when ratified by the board, shall constitute 18143  
the findings and order of the board with respect to the matter 18144  
addressed in the agreement. If the board refuses to ratify a 18145  
consent agreement, the admissions and findings contained in the 18146  
consent agreement shall be of no force or effect. 18147

(E) (1) This section does not require the board to hire, 18148  
contract with, or retain the services of an expert witness when 18149  
the board takes action against a chiropractor concerning 18150  
compliance with acceptable and prevailing standards of care in 18151  
the practice of chiropractic or acupuncture. As part of an 18152  
action taken concerning compliance with acceptable and 18153  
prevailing standards of care, the board may rely on the 18154  
knowledge of its members for purposes of making a determination 18155  
of compliance, notwithstanding any expert testimony presented by 18156  
the chiropractor that contradicts the knowledge and opinions of 18157  
the members of the board. 18158

(2) If the board conducts a review or investigation or 18159  
takes action against a chiropractor concerning an allegation of 18160  
harm to an animal from the practice of animal chiropractic, the 18161  
board shall retain as an expert witness a licensed veterinarian 18162  
who holds a current, valid certification from a credentialing 18163  
organization specified in division (A) (3) of section 4734.151 of 18164  
the Revised Code. 18165

(F) The sealing or expungement of conviction records by a 18166  
court shall have no effect on a prior board order entered under 18167  
this section or on the board's jurisdiction to take action under 18168  
this section if, based on a plea of guilty, a judicial finding 18169  
of guilt, or a judicial finding of eligibility for intervention 18170  
in lieu of conviction, the board issued a notice of opportunity 18171  
for a hearing prior to the court's order to seal or expunge the 18172

records. The board shall not be required to seal, destroy, 18173  
redact, or otherwise modify its records to reflect the court's 18174  
sealing or expungement of conviction records. 18175

(G) Actions shall not be taken pursuant to division (C) 18176  
(37) of this section against any chiropractor who waives 18177  
deductibles and copayments as follows: 18178

(1) In compliance with the health benefit plan that 18179  
expressly allows a practice of that nature. Waiver of the 18180  
deductibles or copayments shall be made only with the full 18181  
knowledge and consent of the plan purchaser, payer, and third- 18182  
party administrator. Documentation of the consent shall be made 18183  
available to the board upon request. 18184

(2) For professional services rendered to any other person 18185  
licensed pursuant to this chapter, to the extent allowed by this 18186  
chapter and the rules of the board. 18187

(H) As used in this section, "animal chiropractic" and 18188  
"animal chiropractic practitioner" have the same meanings as in 18189  
section 4734.151 of the Revised Code. 18190

(I) The board shall not refuse to issue a license to an 18191  
applicant because of a conviction, plea of guilty, judicial 18192  
finding of guilt, judicial finding of eligibility for 18193  
intervention in lieu of conviction, or the commission of an act 18194  
that constitutes a criminal offense, unless the refusal is in 18195  
accordance with section 9.79 of the Revised Code. 18196

**Sec. 4752.09.** (A) The state board of pharmacy may, in 18197  
accordance with Chapter 119. of the Revised Code, impose any one 18198  
or more of the following sanctions on an applicant for a license 18199  
or certificate of registration issued under this chapter or a 18200  
license or certificate holder for any of the causes set forth in 18201

division (B) of this section:	18202
(1) Suspend, revoke, restrict, limit, or refuse to grant or renew a license or certificate of registration;	18203 18204
(2) Reprimand or place the license or certificate holder on probation;	18205 18206
(3) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or not more than five thousand dollars if the acts committed are not classified as an offense by the Revised Code.	18207 18208 18209 18210 18211
(B) The board may impose the sanctions listed in division (A) of this section for any of the following:	18212 18213
(1) Violation of any provision of this chapter or an order or rule of the board, as those provisions, orders, or rules are applicable to persons licensed under this chapter;	18214 18215 18216
(2) A plea of guilty to or a judicial finding of guilt of a felony or a misdemeanor that involves dishonesty or is directly related to the provision of home medical equipment services;	18217 18218 18219 18220
(3) Making a material misstatement in furnishing information to the board;	18221 18222
(4) Professional incompetence;	18223
(5) Being guilty of negligence or gross misconduct in providing home medical equipment services;	18224 18225
(6) Aiding, assisting, or willfully permitting another person to violate any provision of this chapter or an order or rule of the board, as those provisions, orders, or rules are	18226 18227 18228



applicable to persons licensed under this chapter;	18229
(7) Failing to provide information in response to a written request by the board;	18230 18231
(8) Engaging in conduct likely to deceive, defraud, or harm the public;	18232 18233
(9) Denial, revocation, suspension, or restriction of a license to provide home medical equipment services, for any reason other than failure to renew, in another state or jurisdiction;	18234 18235 18236 18237
(10) Directly or indirectly giving to or receiving from any person a fee, commission, rebate, or other form of compensation for services not rendered;	18238 18239 18240
(11) Knowingly making or filing false records, reports, or billings in the course of providing home medical equipment services, including false records, reports, or billings prepared for or submitted to state and federal agencies or departments;	18241 18242 18243 18244
(12) Failing to comply with federal rules issued pursuant to the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as amended, relating to operations, financial transactions, and general business practices of home medical services providers;	18245 18246 18247 18248 18249
(13) Any other cause for which the board may impose sanctions as set forth in rules adopted under section 4752.17 of the Revised Code.	18250 18251 18252
(C) Notwithstanding any provision of divisions (A) and (B) of this section to the contrary, the board shall not refuse to issue a license or certificate of registration to an applicant because of a plea of guilty to or a judicial finding of guilt of	18253 18254 18255 18256

an offense unless the refusal is in accordance with section 9.79 18257  
of the Revised Code. 18258

(D) The state board of pharmacy immediately may suspend a 18259  
license without a hearing if it determines that there is 18260  
evidence that the license holder is subject to actions under 18261  
this section and that there is clear and convincing evidence 18262  
that continued operation by the license holder presents an 18263  
immediate and serious harm to the public. The board shall follow 18264  
the procedure for suspension without a prior hearing in section 18265  
119.07 of the Revised Code. The board may vote on the suspension 18266  
by way of a telephone conference call. 18267

A suspension under this division shall remain in effect, 18268  
unless reversed by the board, until a final adjudication order 18269  
issued by the board pursuant to this section and Chapter 119. of 18270  
the Revised Code becomes effective. The board shall issue its 18271  
final adjudication order not later than ninety days after 18272  
completion of the hearing. The board's failure to issue the 18273  
order by that day shall cause the summary suspension to end, but 18274  
shall not affect the validity of any subsequent final 18275  
adjudication order. 18276

(E) If the board is required under Chapter 119. of the 18277  
Revised Code to give notice of an opportunity for a hearing and 18278  
the applicant or license or certificate holder does not make a 18279  
timely request for a hearing in accordance with section 119.07 18280  
of the Revised Code, the board is not required to hold a 18281  
hearing, but may adopt a final order that contains the board's 18282  
findings. In the final order, the board may impose any of the 18283  
sanctions listed in division (A) of this section. 18284

(F) Notwithstanding the provision of division ~~(C) (2)~~ (D) 18285  
(2) of section 2953.32 of the Revised Code specifying that if 18286

records pertaining to a criminal case are sealed or expunged 18287  
under that section the proceedings in the case must be deemed 18288  
not to have occurred, sealing or expungement of the following 18289  
records on which the board has based an action under this 18290  
section shall have no effect on the board's action or any 18291  
sanction imposed by the board under this section: records of any 18292  
conviction, guilty plea, judicial finding of guilt resulting 18293  
from a plea of no contest, or a judicial finding of eligibility 18294  
for a pretrial diversion program or intervention in lieu of 18295  
conviction. The board shall not be required to seal, destroy, 18296  
redact, or otherwise modify its records to reflect the court's 18297  
sealing or expungement of conviction records. 18298

**Sec. 4759.07.** (A) The state medical board, by an 18299  
affirmative vote of not fewer than six members, shall, except as 18300  
provided in division (B) of this section, and to the extent 18301  
permitted by law, limit, revoke, or suspend an individual's 18302  
license or limited permit, refuse to issue a license or limited 18303  
permit to an individual, refuse to renew a license or limited 18304  
permit, refuse to reinstate a license or limited permit, or 18305  
reprimand or place on probation the holder of a license or 18306  
limited permit for one or more of the following reasons: 18307

(1) Except when civil penalties are imposed under section 18308  
4759.071 of the Revised Code, violating or attempting to 18309  
violate, directly or indirectly, or assisting in or abetting the 18310  
violation of, or conspiring to violate, any provision of this 18311  
chapter or the rules adopted by the board; 18312

(2) Making a false, fraudulent, deceptive, or misleading 18313  
statement in the solicitation of or advertising for patients; in 18314  
relation to the practice of dietetics; or in securing or 18315  
attempting to secure any license or permit issued by the board 18316

under this chapter. 18317

As used in division (A)(2) of this section, "false, 18318  
fraudulent, deceptive, or misleading statement" means a 18319  
statement that includes a misrepresentation of fact, is likely 18320  
to mislead or deceive because of a failure to disclose material 18321  
facts, is intended or is likely to create false or unjustified 18322  
expectations of favorable results, or includes representations 18323  
or implications that in reasonable probability will cause an 18324  
ordinarily prudent person to misunderstand or be deceived. 18325

(3) Committing fraud during the administration of the 18326  
examination for a license to practice or committing fraud, 18327  
misrepresentation, or deception in applying for, renewing, or 18328  
securing any license or permit issued by the board; 18329

(4) A plea of guilty to, a judicial finding of guilt of, 18330  
or a judicial finding of eligibility for intervention in lieu of 18331  
conviction for, a felony; 18332

(5) Commission of an act that constitutes a felony in this 18333  
state, regardless of the jurisdiction in which the act was 18334  
committed; 18335

(6) A plea of guilty to, a judicial finding of guilt of, 18336  
or a judicial finding of eligibility for intervention in lieu of 18337  
conviction for, a misdemeanor committed in the course of 18338  
practice; 18339

(7) Commission of an act in the course of practice that 18340  
constitutes a misdemeanor in this state, regardless of the 18341  
jurisdiction in which the act was committed; 18342

(8) A plea of guilty to, a judicial finding of guilt of, 18343  
or a judicial finding of eligibility for intervention in lieu of 18344  
conviction for, a misdemeanor involving moral turpitude; 18345

- (9) Commission of an act involving moral turpitude that 18346  
constitutes a misdemeanor in this state, regardless of the 18347  
jurisdiction in which the act was committed; 18348
- (10) A record of engaging in incompetent or negligent 18349  
conduct in the practice of dietetics; 18350
- (11) A departure from, or failure to conform to, minimal 18351  
standards of care of similar practitioners under the same or 18352  
similar circumstances, whether or not actual injury to a patient 18353  
is established; 18354
- (12) The obtaining of, or attempting to obtain, money or 18355  
anything of value by fraudulent misrepresentations in the course 18356  
of practice; 18357
- (13) Violation of the conditions of limitation placed by 18358  
the board on a license or permit; 18359
- (14) Inability to practice according to acceptable and 18360  
prevailing standards of care by reason of mental illness or 18361  
physical illness, including, physical deterioration that 18362  
adversely affects cognitive, motor, or perceptive skills; 18363
- (15) Any of the following actions taken by an agency 18364  
responsible for authorizing, certifying, or regulating an 18365  
individual to practice a health care occupation or provide 18366  
health care services in this state or another jurisdiction, for 18367  
any reason other than the nonpayment of fees: the limitation, 18368  
revocation, or suspension of an individual's license; acceptance 18369  
of an individual's license surrender; denial of a license; 18370  
refusal to renew or reinstate a license; imposition of 18371  
probation; or issuance of an order of censure or other 18372  
reprimand; 18373
- (16) The revocation, suspension, restriction, reduction, 18374

or termination of practice privileges by the United States 18375  
department of defense or department of veterans affairs; 18376

(17) Termination or suspension from participation in the 18377  
medicare or medicaid programs by the department of health and 18378  
human services or other responsible agency for any act or acts 18379  
that also would constitute a violation of division (A) (11), 18380  
(12), or (14) of this section; 18381

(18) Impairment of ability to practice according to 18382  
acceptable and prevailing standards of care because of habitual 18383  
or excessive use or abuse of drugs, alcohol, or other substances 18384  
that impair ability to practice; 18385

(19) Failure to cooperate in an investigation conducted by 18386  
the board under division (B) of section 4759.05 of the Revised 18387  
Code, including failure to comply with a subpoena or order 18388  
issued by the board or failure to answer truthfully a question 18389  
presented by the board in an investigative interview, an 18390  
investigative office conference, at a deposition, or in written 18391  
interrogatories, except that failure to cooperate with an 18392  
investigation shall not constitute grounds for discipline under 18393  
this section if a court of competent jurisdiction has issued an 18394  
order that either quashes a subpoena or permits the individual 18395  
to withhold the testimony or evidence in issue; 18396

(20) Representing with the purpose of obtaining 18397  
compensation or other advantage as personal gain or for any 18398  
other person, that an incurable disease or injury, or other 18399  
incurable condition, can be permanently cured. 18400

(B) The board shall not refuse to issue a license or 18401  
limited permit to an applicant because of a plea of guilty to, a 18402  
judicial finding of guilt of, or a judicial finding of 18403

eligibility for intervention in lieu of conviction for an 18404  
offense unless the refusal is in accordance with section 9.79 of 18405  
the Revised Code. 18406

(C) Any action taken by the board under division (A) of 18407  
this section resulting in a suspension from practice shall be 18408  
accompanied by a written statement of the conditions under which 18409  
the individual's license or permit may be reinstated. The board 18410  
shall adopt rules governing conditions to be imposed for 18411  
reinstatement. Reinstatement of a license or permit suspended 18412  
pursuant to division (A) of this section requires an affirmative 18413  
vote of not fewer than six members of the board. 18414

(D) When the board refuses to grant or issue a license or 18415  
permit to an applicant, revokes an individual's license or 18416  
permit, refuses to renew an individual's license or permit, or 18417  
refuses to reinstate an individual's license or permit, the 18418  
board may specify that its action is permanent. An individual 18419  
subject to a permanent action taken by the board is forever 18420  
thereafter ineligible to hold a license or permit and the board 18421  
shall not accept an application for reinstatement of the license 18422  
or permit or for issuance of a new license or permit. 18423

(E) Disciplinary actions taken by the board under division 18424  
(A) of this section shall be taken pursuant to an adjudication 18425  
under Chapter 119. of the Revised Code, except that in lieu of 18426  
an adjudication, the board may enter into a consent agreement 18427  
with an individual to resolve an allegation of a violation of 18428  
this chapter or any rule adopted under it. A consent agreement, 18429  
when ratified by an affirmative vote of not fewer than six 18430  
members of the board, shall constitute the findings and order of 18431  
the board with respect to the matter addressed in the agreement. 18432  
If the board refuses to ratify a consent agreement, the 18433

admissions and findings contained in the consent agreement shall 18434  
be of no force or effect. 18435

A telephone conference call may be utilized for 18436  
ratification of a consent agreement that revokes or suspends an 18437  
individual's license or permit. The telephone conference call 18438  
shall be considered a special meeting under division (F) of 18439  
section 121.22 of the Revised Code. 18440

(F) In enforcing division (A) (14) of this section, the 18441  
board, upon a showing of a possible violation, may compel any 18442  
individual authorized to practice by this chapter or who has 18443  
submitted an application pursuant to this chapter to submit to a 18444  
mental examination, physical examination, including an HIV test, 18445  
or both a mental and a physical examination. The expense of the 18446  
examination is the responsibility of the individual compelled to 18447  
be examined. Failure to submit to a mental or physical 18448  
examination or consent to an HIV test ordered by the board 18449  
constitutes an admission of the allegations against the 18450  
individual unless the failure is due to circumstances beyond the 18451  
individual's control, and a default and final order may be 18452  
entered without the taking of testimony or presentation of 18453  
evidence. If the board finds an individual unable to practice 18454  
because of the reasons set forth in division (A) (14) of this 18455  
section, the board shall require the individual to submit to 18456  
care, counseling, or treatment by physicians approved or 18457  
designated by the board, as a condition for initial, continued, 18458  
reinstated, or renewed authority to practice. An individual 18459  
affected under this division shall be afforded an opportunity to 18460  
demonstrate to the board the ability to resume practice in 18461  
compliance with acceptable and prevailing standards under the 18462  
provisions of the individual's license or permit. For the 18463  
purpose of division (A) (14) of this section, any individual who 18464



applies for or receives a license or permit under this chapter 18465  
accepts the privilege of practicing in this state and, by so 18466  
doing, shall be deemed to have given consent to submit to a 18467  
mental or physical examination when directed to do so in writing 18468  
by the board, and to have waived all objections to the 18469  
admissibility of testimony or examination reports that 18470  
constitute a privileged communication. 18471

(G) For the purposes of division (A) (18) of this section, 18472  
any individual authorized to practice by this chapter accepts 18473  
the privilege of practicing in this state subject to supervision 18474  
by the board. By filing an application for or holding a license 18475  
or permit under this chapter, an individual shall be deemed to 18476  
have given consent to submit to a mental or physical examination 18477  
when ordered to do so by the board in writing, and to have 18478  
waived all objections to the admissibility of testimony or 18479  
examination reports that constitute privileged communications. 18480

If it has reason to believe that any individual authorized 18481  
to practice by this chapter or any applicant for a license or 18482  
permit suffers such impairment, the board may compel the 18483  
individual to submit to a mental or physical examination, or 18484  
both. The expense of the examination is the responsibility of 18485  
the individual compelled to be examined. Any mental or physical 18486  
examination required under this division shall be undertaken by 18487  
a treatment provider or physician who is qualified to conduct 18488  
the examination and who is chosen by the board. 18489

Failure to submit to a mental or physical examination 18490  
ordered by the board constitutes an admission of the allegations 18491  
against the individual unless the failure is due to 18492  
circumstances beyond the individual's control, and a default and 18493  
final order may be entered without the taking of testimony or 18494

presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or permit or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license or permit, to submit to treatment.

Before being eligible to apply for reinstatement of a license or permit suspended under this division, the impaired practitioner shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care under the provisions of the practitioner's license or permit. The demonstration shall include, but shall not be limited to, the following:

(1) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(2) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(3) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making the assessments and shall describe the basis for their determination.

The board may reinstate a license or permit suspended under this division after that demonstration and after the individual has entered into a written consent agreement.

When the impaired practitioner resumes practice, the board

shall require continued monitoring of the individual. The 18524  
monitoring shall include, but not be limited to, compliance with 18525  
the written consent agreement entered into before reinstatement 18526  
or with conditions imposed by board order after a hearing, and, 18527  
upon termination of the consent agreement, submission to the 18528  
board for at least two years of annual written progress reports 18529  
made under penalty of perjury stating whether the individual has 18530  
maintained sobriety. 18531

(H) If the secretary and supervising member determine both 18532  
of the following, they may recommend that the board suspend an 18533  
individual's license or permit without a prior hearing: 18534

(1) That there is clear and convincing evidence that an 18535  
individual has violated division (A) of this section; 18536

(2) That the individual's continued practice presents a 18537  
danger of immediate and serious harm to the public. 18538

Written allegations shall be prepared for consideration by 18539  
the board. The board, upon review of those allegations and by an 18540  
affirmative vote of not fewer than six of its members, excluding 18541  
the secretary and supervising member, may suspend a license or 18542  
permit without a prior hearing. A telephone conference call may 18543  
be utilized for reviewing the allegations and taking the vote on 18544  
the summary suspension. 18545

The board shall issue a written order of suspension by 18546  
certified mail or in person in accordance with section 119.07 of 18547  
the Revised Code. The order shall not be subject to suspension 18548  
by the court during pendency of any appeal filed under section 18549  
119.12 of the Revised Code. If the individual subject to the 18550  
summary suspension requests an adjudicatory hearing by the 18551  
board, the date set for the hearing shall be within fifteen 18552

days, but not earlier than seven days, after the individual 18553  
requests the hearing, unless otherwise agreed to by both the 18554  
board and the individual. 18555

Any summary suspension imposed under this division shall 18556  
remain in effect, unless reversed on appeal, until a final 18557  
adjudicative order issued by the board pursuant to this section 18558  
and Chapter 119. of the Revised Code becomes effective. The 18559  
board shall issue its final adjudicative order within seventy- 18560  
five days after completion of its hearing. A failure to issue 18561  
the order within seventy-five days shall result in dissolution 18562  
of the summary suspension order but shall not invalidate any 18563  
subsequent, final adjudicative order. 18564

(I) If the board is required by Chapter 119. of the 18565  
Revised Code to give notice of an opportunity for a hearing and 18566  
if the individual subject to the notice does not timely request 18567  
a hearing in accordance with section 119.07 of the Revised Code, 18568  
the board is not required to hold a hearing, but may adopt, by 18569  
an affirmative vote of not fewer than six of its members, a 18570  
final order that contains the board's findings. In the final 18571  
order, the board may order any of the sanctions identified under 18572  
division (A) of this section. 18573

(J) For purposes of divisions (A) (5), (7), and (9) of this 18574  
section, the commission of the act may be established by a 18575  
finding by the board, pursuant to an adjudication under Chapter 18576  
119. of the Revised Code, that the individual committed the act. 18577  
The board does not have jurisdiction under those divisions if 18578  
the trial court renders a final judgment in the individual's 18579  
favor and that judgment is based upon an adjudication on the 18580  
merits. The board has jurisdiction under those divisions if the 18581  
trial court issues an order of dismissal upon technical or 18582

procedural grounds. 18583

(K) The sealing or expungement of conviction records by 18584  
any court shall have no effect upon a prior board order entered 18585  
under this section or upon the board's jurisdiction to take 18586  
action under this section if, based upon a plea of guilty, a 18587  
judicial finding of guilt, or a judicial finding of eligibility 18588  
for intervention in lieu of conviction, the board issued a 18589  
notice of opportunity for a hearing prior to the court's order 18590  
to seal or expunge the records. The board shall not be required 18591  
to seal, destroy, redact, or otherwise modify its records to 18592  
reflect the court's sealing or expungement of conviction 18593  
records. 18594

(L) If the board takes action under division (A) (4), (6), 18595  
or (8) of this section, and the judicial finding of guilt, 18596  
guilty plea, or judicial finding of eligibility for intervention 18597  
in lieu of conviction is overturned on appeal, upon exhaustion 18598  
of the criminal appeal, a petition for reconsideration of the 18599  
order may be filed with the board along with appropriate court 18600  
documents. Upon receipt of a petition for reconsideration and 18601  
supporting court documents, the board shall reinstate the 18602  
individual's license or permit. The board may then hold an 18603  
adjudication under Chapter 119. of the Revised Code to determine 18604  
whether the individual committed the act in question. Notice of 18605  
an opportunity for a hearing shall be given in accordance with 18606  
Chapter 119. of the Revised Code. If the board finds, pursuant 18607  
to an adjudication held under this division, that the individual 18608  
committed the act or if no hearing is requested, the board may 18609  
order any of the sanctions identified under division (A) of this 18610  
section. 18611

(M) The license or permit issued to an individual under 18612

this chapter and the individual's practice in this state are 18613  
automatically suspended as of the date the individual pleads 18614  
guilty to, is found by a judge or jury to be guilty of, or is 18615  
subject to a judicial finding of eligibility for intervention in 18616  
lieu of conviction in this state or treatment or intervention in 18617  
lieu of conviction in another jurisdiction for any of the 18618  
following criminal offenses in this state or a substantially 18619  
equivalent criminal offense in another jurisdiction: aggravated 18620  
murder, murder, voluntary manslaughter, felonious assault, 18621  
kidnapping, rape, sexual battery, gross sexual imposition, 18622  
aggravated arson, aggravated robbery, or aggravated burglary. 18623  
Continued practice after suspension shall be considered 18624  
practicing without a license or permit. 18625

The board shall notify the individual subject to the 18626  
suspension by certified mail or in person in accordance with 18627  
section 119.07 of the Revised Code. If an individual whose 18628  
license or permit is automatically suspended under this division 18629  
fails to make a timely request for an adjudication under Chapter 18630  
119. of the Revised Code, the board shall enter a final order 18631  
permanently revoking the individual's license or permit. 18632

(N) Notwithstanding any other provision of the Revised 18633  
Code, all of the following apply: 18634

(1) The surrender of a license or permit issued under this 18635  
chapter shall not be effective unless or until accepted by the 18636  
board. A telephone conference call may be utilized for 18637  
acceptance of the surrender of an individual's license or 18638  
permit. The telephone conference call shall be considered a 18639  
special meeting under division (F) of section 121.22 of the 18640  
Revised Code. Reinstatement of a license or permit surrendered 18641  
to the board requires an affirmative vote of not fewer than six 18642

members of the board. 18643

(2) An application for a license or permit made under the 18644  
provisions of this chapter may not be withdrawn without approval 18645  
of the board. 18646

(3) Failure by an individual to renew a license or permit 18647  
in accordance with this chapter shall not remove or limit the 18648  
board's jurisdiction to take any disciplinary action under this 18649  
section against the individual. 18650

(4) At the request of the board, a license or permit 18651  
holder shall immediately surrender to the board a license or 18652  
permit that the board has suspended, revoked, or permanently 18653  
revoked. 18654

**Sec. 4760.13.** (A) The state medical board, by an 18655  
affirmative vote of not fewer than six members, may revoke or 18656  
may refuse to grant a license to practice as an anesthesiologist 18657  
assistant to a person found by the board to have committed 18658  
fraud, misrepresentation, or deception in applying for or 18659  
securing the license. 18660

(B) The board, by an affirmative vote of not fewer than 18661  
six members, shall, except as provided in division (C) of this 18662  
section, and to the extent permitted by law, limit, revoke, or 18663  
suspend an individual's license to practice as an 18664  
anesthesiologist assistant, refuse to issue a license to an 18665  
applicant, refuse to renew a license, refuse to reinstate a 18666  
license, or reprimand or place on probation the holder of a 18667  
license for any of the following reasons: 18668

(1) Permitting the holder's name or license to be used by 18669  
another person; 18670

(2) Failure to comply with the requirements of this 18671

chapter, Chapter 4731. of the Revised Code, or any rules adopted 18672  
by the board; 18673

(3) Violating or attempting to violate, directly or 18674  
indirectly, or assisting in or abetting the violation of, or 18675  
conspiring to violate, any provision of this chapter, Chapter 18676  
4731. of the Revised Code, or the rules adopted by the board; 18677

(4) A departure from, or failure to conform to, minimal 18678  
standards of care of similar practitioners under the same or 18679  
similar circumstances whether or not actual injury to the 18680  
patient is established; 18681

(5) Inability to practice according to acceptable and 18682  
prevailing standards of care by reason of mental illness or 18683  
physical illness, including physical deterioration that 18684  
adversely affects cognitive, motor, or perceptive skills; 18685

(6) Impairment of ability to practice according to 18686  
acceptable and prevailing standards of care because of habitual 18687  
or excessive use or abuse of drugs, alcohol, or other substances 18688  
that impair ability to practice; 18689

(7) Willfully betraying a professional confidence; 18690

(8) Making a false, fraudulent, deceptive, or misleading 18691  
statement in securing or attempting to secure a license to 18692  
practice as an anesthesiologist assistant. 18693

As used in this division, "false, fraudulent, deceptive, 18694  
or misleading statement" means a statement that includes a 18695  
misrepresentation of fact, is likely to mislead or deceive 18696  
because of a failure to disclose material facts, is intended or 18697  
is likely to create false or unjustified expectations of 18698  
favorable results, or includes representations or implications 18699  
that in reasonable probability will cause an ordinarily prudent 18700



person to misunderstand or be deceived. 18701

(9) The obtaining of, or attempting to obtain, money or a 18702  
thing of value by fraudulent misrepresentations in the course of 18703  
practice; 18704

(10) A plea of guilty to, a judicial finding of guilt of, 18705  
or a judicial finding of eligibility for intervention in lieu of 18706  
conviction for, a felony; 18707

(11) Commission of an act that constitutes a felony in 18708  
this state, regardless of the jurisdiction in which the act was 18709  
committed; 18710

(12) A plea of guilty to, a judicial finding of guilt of, 18711  
or a judicial finding of eligibility for intervention in lieu of 18712  
conviction for, a misdemeanor committed in the course of 18713  
practice; 18714

(13) A plea of guilty to, a judicial finding of guilt of, 18715  
or a judicial finding of eligibility for intervention in lieu of 18716  
conviction for, a misdemeanor involving moral turpitude; 18717

(14) Commission of an act in the course of practice that 18718  
constitutes a misdemeanor in this state, regardless of the 18719  
jurisdiction in which the act was committed; 18720

(15) Commission of an act involving moral turpitude that 18721  
constitutes a misdemeanor in this state, regardless of the 18722  
jurisdiction in which the act was committed; 18723

(16) A plea of guilty to, a judicial finding of guilt of, 18724  
or a judicial finding of eligibility for intervention in lieu of 18725  
conviction for violating any state or federal law regulating the 18726  
possession, distribution, or use of any drug, including 18727  
trafficking in drugs; 18728

- (17) Any of the following actions taken by the state agency responsible for regulating the practice of anesthesiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;
- (18) Violation of the conditions placed by the board on a license to practice;
- (19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;
- (20) Failure to cooperate in an investigation conducted by the board under section 4760.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;
- (21) Failure to comply with any code of ethics established by the national commission for the certification of anesthesiologist assistants;
- (22) Failure to notify the state medical board of the revocation or failure to maintain certification from the
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national commission for certification of anesthesiologist 18758  
assistants. 18759

(C) The board shall not refuse to issue a certificate to 18760  
an applicant because of a plea of guilty to, a judicial finding 18761  
of guilt of, or a judicial finding of eligibility for 18762  
intervention in lieu of conviction for an offense unless the 18763  
refusal is in accordance with section 9.79 of the Revised Code. 18764

(D) Disciplinary actions taken by the board under 18765  
divisions (A) and (B) of this section shall be taken pursuant to 18766  
an adjudication under Chapter 119. of the Revised Code, except 18767  
that in lieu of an adjudication, the board may enter into a 18768  
consent agreement with an anesthesiologist assistant or 18769  
applicant to resolve an allegation of a violation of this 18770  
chapter or any rule adopted under it. A consent agreement, when 18771  
ratified by an affirmative vote of not fewer than six members of 18772  
the board, shall constitute the findings and order of the board 18773  
with respect to the matter addressed in the agreement. If the 18774  
board refuses to ratify a consent agreement, the admissions and 18775  
findings contained in the consent agreement shall be of no force 18776  
or effect. 18777

(E) For purposes of divisions (B) (11), (14), and (15) of 18778  
this section, the commission of the act may be established by a 18779  
finding by the board, pursuant to an adjudication under Chapter 18780  
119. of the Revised Code, that the applicant or license holder 18781  
committed the act in question. The board shall have no 18782  
jurisdiction under these divisions in cases where the trial 18783  
court renders a final judgment in the license holder's favor and 18784  
that judgment is based upon an adjudication on the merits. The 18785  
board shall have jurisdiction under these divisions in cases 18786  
where the trial court issues an order of dismissal on technical 18787

or procedural grounds. 18788

(F) The sealing or expungement of conviction records by 18789  
any court shall have no effect on a prior board order entered 18790  
under the provisions of this section or on the board's 18791  
jurisdiction to take action under the provisions of this section 18792  
if, based upon a plea of guilty, a judicial finding of guilt, or 18793  
a judicial finding of eligibility for intervention in lieu of 18794  
conviction, the board issued a notice of opportunity for a 18795  
hearing prior to the court's order to seal or expunge the 18796  
records. The board shall not be required to seal, destroy, 18797  
redact, or otherwise modify its records to reflect the court's 18798  
sealing or expungement of conviction records. 18799

(G) For purposes of this division, any individual who 18800  
holds a license to practice issued under this chapter, or 18801  
applies for a license to practice, shall be deemed to have given 18802  
consent to submit to a mental or physical examination when 18803  
directed to do so in writing by the board and to have waived all 18804  
objections to the admissibility of testimony or examination 18805  
reports that constitute a privileged communication. 18806

(1) In enforcing division (B) (5) of this section, the 18807  
board, on a showing of a possible violation, may compel any 18808  
individual who holds a license to practice issued under this 18809  
chapter or who has applied for a license to practice pursuant to 18810  
this chapter to submit to a mental or physical examination, or 18811  
both. A physical examination may include an HIV test. The 18812  
expense of the examination is the responsibility of the 18813  
individual compelled to be examined. Failure to submit to a 18814  
mental or physical examination or consent to an HIV test ordered 18815  
by the board constitutes an admission of the allegations against 18816  
the individual unless the failure is due to circumstances beyond 18817

the individual's control, and a default and final order may be 18818  
entered without the taking of testimony or presentation of 18819  
evidence. If the board finds an anesthesiologist assistant 18820  
unable to practice because of the reasons set forth in division 18821  
(B) (5) of this section, the board shall require the 18822  
anesthesiologist assistant to submit to care, counseling, or 18823  
treatment by physicians approved or designated by the board, as 18824  
a condition for an initial, continued, reinstated, or renewed 18825  
license to practice. An individual affected by this division 18826  
shall be afforded an opportunity to demonstrate to the board the 18827  
ability to resume practicing in compliance with acceptable and 18828  
prevailing standards of care. 18829

(2) For purposes of division (B) (6) of this section, if 18830  
the board has reason to believe that any individual who holds a 18831  
license to practice issued under this chapter or any applicant 18832  
for a license to practice suffers such impairment, the board may 18833  
compel the individual to submit to a mental or physical 18834  
examination, or both. The expense of the examination is the 18835  
responsibility of the individual compelled to be examined. Any 18836  
mental or physical examination required under this division 18837  
shall be undertaken by a treatment provider or physician 18838  
qualified to conduct such examination and chosen by the board. 18839

Failure to submit to a mental or physical examination 18840  
ordered by the board constitutes an admission of the allegations 18841  
against the individual unless the failure is due to 18842  
circumstances beyond the individual's control, and a default and 18843  
final order may be entered without the taking of testimony or 18844  
presentation of evidence. If the board determines that the 18845  
individual's ability to practice is impaired, the board shall 18846  
suspend the individual's license or deny the individual's 18847  
application and shall require the individual, as a condition for 18848

an initial, continued, reinstated, or renewed license to 18849  
practice, to submit to treatment. 18850

Before being eligible to apply for reinstatement of a 18851  
license suspended under this division, the anesthesiologist 18852  
assistant shall demonstrate to the board the ability to resume 18853  
practice in compliance with acceptable and prevailing standards 18854  
of care. The demonstration shall include the following: 18855

(a) Certification from a treatment provider approved under 18856  
section 4731.25 of the Revised Code that the individual has 18857  
successfully completed any required inpatient treatment; 18858

(b) Evidence of continuing full compliance with an 18859  
aftercare contract or consent agreement; 18860

(c) Two written reports indicating that the individual's 18861  
ability to practice has been assessed and that the individual 18862  
has been found capable of practicing according to acceptable and 18863  
prevailing standards of care. The reports shall be made by 18864  
individuals or providers approved by the board for making such 18865  
assessments and shall describe the basis for their 18866  
determination. 18867

The board may reinstate a license suspended under this 18868  
division after such demonstration and after the individual has 18869  
entered into a written consent agreement. 18870

When the impaired anesthesiologist assistant resumes 18871  
practice, the board shall require continued monitoring of the 18872  
anesthesiologist assistant. The monitoring shall include 18873  
monitoring of compliance with the written consent agreement 18874  
entered into before reinstatement or with conditions imposed by 18875  
board order after a hearing, and, on termination of the consent 18876  
agreement, submission to the board for at least two years of 18877

annual written progress reports made under penalty of 18878  
falsification stating whether the anesthesiologist assistant has 18879  
maintained sobriety. 18880

(H) If the secretary and supervising member determine that 18881  
there is clear and convincing evidence that an anesthesiologist 18882  
assistant has violated division (B) of this section and that the 18883  
individual's continued practice presents a danger of immediate 18884  
and serious harm to the public, they may recommend that the 18885  
board suspend the individual's license without a prior hearing. 18886  
Written allegations shall be prepared for consideration by the 18887  
board. 18888

The board, on review of the allegations and by an 18889  
affirmative vote of not fewer than six of its members, excluding 18890  
the secretary and supervising member, may suspend a license 18891  
without a prior hearing. A telephone conference call may be 18892  
utilized for reviewing the allegations and taking the vote on 18893  
the summary suspension. 18894

The board shall issue a written order of suspension by 18895  
certified mail or in person in accordance with section 119.07 of 18896  
the Revised Code. The order shall not be subject to suspension 18897  
by the court during pendency of any appeal filed under section 18898  
119.12 of the Revised Code. If the anesthesiologist assistant 18899  
requests an adjudicatory hearing by the board, the date set for 18900  
the hearing shall be within fifteen days, but not earlier than 18901  
seven days, after the anesthesiologist assistant requests the 18902  
hearing, unless otherwise agreed to by both the board and the 18903  
license holder. 18904

A summary suspension imposed under this division shall 18905  
remain in effect, unless reversed on appeal, until a final 18906  
adjudicative order issued by the board pursuant to this section 18907

and Chapter 119. of the Revised Code becomes effective. The 18908  
board shall issue its final adjudicative order within sixty days 18909  
after completion of its hearing. Failure to issue the order 18910  
within sixty days shall result in dissolution of the summary 18911  
suspension order, but shall not invalidate any subsequent, final 18912  
adjudicative order. 18913

(I) If the board takes action under division (B) (11), 18914  
(13), or (14) of this section, and the judicial finding of 18915  
guilt, guilty plea, or judicial finding of eligibility for 18916  
intervention in lieu of conviction is overturned on appeal, on 18917  
exhaustion of the criminal appeal, a petition for 18918  
reconsideration of the order may be filed with the board along 18919  
with appropriate court documents. On receipt of a petition and 18920  
supporting court documents, the board shall reinstate the 18921  
license to practice. The board may then hold an adjudication 18922  
under Chapter 119. of the Revised Code to determine whether the 18923  
individual committed the act in question. Notice of opportunity 18924  
for hearing shall be given in accordance with Chapter 119. of 18925  
the Revised Code. If the board finds, pursuant to an 18926  
adjudication held under this division, that the individual 18927  
committed the act, or if no hearing is requested, it may order 18928  
any of the sanctions specified in division (B) of this section. 18929

(J) The license to practice of an anesthesiologist 18930  
assistant and the assistant's practice in this state are 18931  
automatically suspended as of the date the anesthesiologist 18932  
assistant pleads guilty to, is found by a judge or jury to be 18933  
guilty of, or is subject to a judicial finding of eligibility 18934  
for intervention in lieu of conviction in this state or 18935  
treatment of intervention in lieu of conviction in another 18936  
jurisdiction for any of the following criminal offenses in this 18937  
state or a substantially equivalent criminal offense in another 18938



jurisdiction: aggravated murder, murder, voluntary manslaughter, 18939  
felonious assault, kidnapping, rape, sexual battery, gross 18940  
sexual imposition, aggravated arson, aggravated robbery, or 18941  
aggravated burglary. Continued practice after the suspension 18942  
shall be considered practicing without a license. 18943

The board shall notify the individual subject to the 18944  
suspension by certified mail or in person in accordance with 18945  
section 119.07 of the Revised Code. If an individual whose 18946  
license is suspended under this division fails to make a timely 18947  
request for an adjudication under Chapter 119. of the Revised 18948  
Code, the board shall enter a final order permanently revoking 18949  
the individual's license to practice. 18950

(K) In any instance in which the board is required by 18951  
Chapter 119. of the Revised Code to give notice of opportunity 18952  
for hearing and the individual subject to the notice does not 18953  
timely request a hearing in accordance with section 119.07 of 18954  
the Revised Code, the board is not required to hold a hearing, 18955  
but may adopt, by an affirmative vote of not fewer than six of 18956  
its members, a final order that contains the board's findings. 18957  
In the final order, the board may order any of the sanctions 18958  
identified under division (A) or (B) of this section. 18959

(L) Any action taken by the board under division (B) of 18960  
this section resulting in a suspension shall be accompanied by a 18961  
written statement of the conditions under which the 18962  
anesthesiologist assistant's license may be reinstated. The 18963  
board shall adopt rules in accordance with Chapter 119. of the 18964  
Revised Code governing conditions to be imposed for 18965  
reinstatement. Reinstatement of a license suspended pursuant to 18966  
division (B) of this section requires an affirmative vote of not 18967  
fewer than six members of the board. 18968

(M) When the board refuses to grant or issue a license to practice as an anesthesiologist assistant to an applicant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license to practice as an anesthesiologist assistant and the board shall not accept an application for reinstatement of the license or for issuance of a new license.

(N) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license to practice issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license to practice may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license to practice in accordance with section 4760.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

**Sec. 4761.09.** (A) The state medical board, by an affirmative vote of not fewer than six members, shall, except as provided in division (B) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license or limited permit, refuse to issue a license or limited permit to an individual, refuse to renew a license or limited

permit, refuse to reinstate a license or limited permit, or 18998  
reprimand or place on probation the holder of a license or 18999  
limited permit for one or more of the following reasons: 19000

(1) A plea of guilty to, a judicial finding of guilt of, 19001  
or a judicial finding of eligibility for intervention in lieu of 19002  
conviction for, a felony; 19003

(2) Commission of an act that constitutes a felony in this 19004  
state, regardless of the jurisdiction in which the act was 19005  
committed; 19006

(3) A plea of guilty to, a judicial finding of guilt of, 19007  
or a judicial finding of eligibility for intervention in lieu of 19008  
conviction for, a misdemeanor committed in the course of 19009  
practice; 19010

(4) Commission of an act in the course of practice that 19011  
constitutes a misdemeanor in this state, regardless of the 19012  
jurisdiction in which the act was committed; 19013

(5) A plea of guilty to, a judicial finding of guilt of, 19014  
or a judicial finding of eligibility for intervention in lieu of 19015  
conviction for, a misdemeanor involving moral turpitude; 19016

(6) Commission of an act involving moral turpitude that 19017  
constitutes a misdemeanor in this state, regardless of the 19018  
jurisdiction in which the act was committed; 19019

(7) Except when civil penalties are imposed under section 19020  
4761.091 of the Revised Code, violating or attempting to 19021  
violate, directly or indirectly, or assisting in or abetting the 19022  
violation of, or conspiring to violate, any provision of this 19023  
chapter or the rules adopted by the board; 19024

(8) Making a false, fraudulent, deceptive, or misleading 19025

statement in the solicitation of or advertising for patients; in 19026  
relation to the practice of respiratory care; or in securing or 19027  
attempting to secure any license or permit issued by the board 19028  
under this chapter. 19029

As used in division (A) (8) of this section, "false, 19030  
fraudulent, deceptive, or misleading statement" means a 19031  
statement that includes a misrepresentation of fact, is likely 19032  
to mislead or deceive because of a failure to disclose material 19033  
facts, is intended or is likely to create false or unjustified 19034  
expectations of favorable results, or includes representations 19035  
or implications that in reasonable probability will cause an 19036  
ordinarily prudent person to misunderstand or be deceived. 19037

(9) Committing fraud during the administration of the 19038  
examination for a license to practice or committing fraud, 19039  
misrepresentation, or deception in applying for, renewing, or 19040  
securing any license or permit issued by the board; 19041

(10) A departure from, or failure to conform to, minimal 19042  
standards of care of similar practitioners under the same or 19043  
similar circumstances, whether or not actual injury to a patient 19044  
is established; 19045

(11) Violating the standards of ethical conduct adopted by 19046  
the board, in the practice of respiratory care; 19047

(12) The obtaining of, or attempting to obtain, money or 19048  
anything of value by fraudulent misrepresentations in the course 19049  
of practice; 19050

(13) Violation of the conditions of limitation placed by 19051  
the board upon a license or permit; 19052

(14) Inability to practice according to acceptable and 19053  
prevailing standards of care by reason of mental illness or 19054

physical illness, including physical deterioration that 19055  
adversely affects cognitive, motor, or perceptive skills; 19056

(15) Any of the following actions taken by an agency 19057  
responsible for authorizing, certifying, or regulating an 19058  
individual to practice a health care occupation or provide 19059  
health care services in this state or another jurisdiction, for 19060  
any reason other than the nonpayment of fees: the limitation, 19061  
revocation, or suspension of an individual's license; acceptance 19062  
of an individual's license surrender; denial of a license; 19063  
refusal to renew or reinstate a license; imposition of 19064  
probation; or issuance of an order of censure or other 19065  
reprimand; 19066

(16) The revocation, suspension, restriction, reduction, 19067  
or termination of practice privileges by the United States 19068  
department of defense or department of veterans affairs; 19069

(17) Termination or suspension from participation in the 19070  
medicare or medicaid programs by the department of health and 19071  
human services or other responsible agency for any act or acts 19072  
that also would constitute a violation of division (A) (10), 19073  
(12), or (14) of this section; 19074

(18) Impairment of ability to practice according to 19075  
acceptable and prevailing standards of care because of habitual 19076  
or excessive use or abuse of drugs, alcohol, or other substances 19077  
that impair ability to practice; 19078

(19) Failure to cooperate in an investigation conducted by 19079  
the board under division (E) of section 4761.03 of the Revised 19080  
Code, including failure to comply with a subpoena or order 19081  
issued by the board or failure to answer truthfully a question 19082  
presented by the board in an investigative interview, an 19083

investigative office conference, at a deposition, or in written 19084  
interrogatories, except that failure to cooperate with an 19085  
investigation shall not constitute grounds for discipline under 19086  
this section if a court of competent jurisdiction has issued an 19087  
order that either quashes a subpoena or permits the individual 19088  
to withhold the testimony or evidence in issue; 19089

(20) Practicing in an area of respiratory care for which 19090  
the person is clearly untrained or incompetent or practicing in 19091  
a manner that conflicts with section 4761.17 of the Revised 19092  
Code; 19093

(21) Employing, directing, or supervising a person who is 19094  
not authorized to practice respiratory care under this chapter 19095  
in the performance of respiratory care procedures; 19096

(22) Misrepresenting educational attainments or authorized 19097  
functions for the purpose of obtaining some benefit related to 19098  
the practice of respiratory care; 19099

(23) Assisting suicide as defined in section 3795.01 of 19100  
the Revised Code; 19101

(24) Representing, with the purpose of obtaining 19102  
compensation or other advantage as personal gain or for any 19103  
other person, that an incurable disease or injury, or other 19104  
incurable condition, can be permanently cured. 19105

Disciplinary actions taken by the board under division (A) 19106  
of this section shall be taken pursuant to an adjudication under 19107  
Chapter 119. of the Revised Code, except that in lieu of an 19108  
adjudication, the board may enter into a consent agreement with 19109  
an individual to resolve an allegation of a violation of this 19110  
chapter or any rule adopted under it. A consent agreement, when 19111  
ratified by an affirmative vote of not fewer than six members of 19112

the board, shall constitute the findings and order of the board 19113  
with respect to the matter addressed in the agreement. If the 19114  
board refuses to ratify a consent agreement, the admissions and 19115  
findings contained in the consent agreement shall be of no 19116  
effect. 19117

A telephone conference call may be utilized for 19118  
ratification of a consent agreement that revokes or suspends an 19119  
individual's license or permit. The telephone conference call 19120  
shall be considered a special meeting under division (F) of 19121  
section 121.22 of the Revised Code. 19122

(B) The board shall not refuse to issue a license or 19123  
limited permit to an applicant because of a plea of guilty to, a 19124  
judicial finding of guilt of, or a judicial finding of 19125  
eligibility for intervention in lieu of conviction for an 19126  
offense unless the refusal is in accordance with section 9.79 of 19127  
the Revised Code. 19128

(C) Any action taken by the board under division (A) of 19129  
this section resulting in a suspension from practice shall be 19130  
accompanied by a written statement of the conditions under which 19131  
the individual's license or permit may be reinstated. The board 19132  
shall adopt rules governing conditions to be imposed for 19133  
reinstatement. Reinstatement of a license or permit suspended 19134  
pursuant to division (A) of this section requires an affirmative 19135  
vote of not fewer than six members of the board. 19136

(D) When the board refuses to grant or issue a license or 19137  
permit to an applicant, revokes an individual's license or 19138  
permit, refuses to renew an individual's license or permit, or 19139  
refuses to reinstate an individual's license or permit, the 19140  
board may specify that its action is permanent. An individual 19141  
subject to a permanent action taken by the board is forever 19142

thereafter ineligible to hold a license or permit and the board shall not accept an application for reinstatement of the license or permit or for issuance of a new license or permit.

(E) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) of this section.

(F) In enforcing division (A) (14) of this section, the board, upon a showing of a possible violation, may compel any individual authorized to practice by this chapter or who has submitted an application pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and a physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an individual unable to practice because of the reasons set forth in division (A) (14) of this section, the board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. An individual



affected under this division shall be afforded an opportunity to 19174  
demonstrate to the board the ability to resume practice in 19175  
compliance with acceptable and prevailing standards under the 19176  
provisions of the individual's license or permit. For the 19177  
purpose of division (A)(14) of this section, any individual who 19178  
applies for or receives a license or permit to practice under 19179  
this chapter accepts the privilege of practicing in this state 19180  
and, by so doing, shall be deemed to have given consent to 19181  
submit to a mental or physical examination when directed to do 19182  
so in writing by the board, and to have waived all objections to 19183  
the admissibility of testimony or examination reports that 19184  
constitute a privileged communication. 19185

(G) For the purposes of division (A)(18) of this section, 19186  
any individual authorized to practice by this chapter accepts 19187  
the privilege of practicing in this state subject to supervision 19188  
by the board. By filing an application for or holding a license 19189  
or permit under this chapter, an individual shall be deemed to 19190  
have given consent to submit to a mental or physical examination 19191  
when ordered to do so by the board in writing, and to have 19192  
waived all objections to the admissibility of testimony or 19193  
examination reports that constitute privileged communications. 19194

If it has reason to believe that any individual authorized 19195  
to practice by this chapter or any applicant for a license or 19196  
permit suffers such impairment, the board may compel the 19197  
individual to submit to a mental or physical examination, or 19198  
both. The expense of the examination is the responsibility of 19199  
the individual compelled to be examined. Any mental or physical 19200  
examination required under this division shall be undertaken by 19201  
a treatment provider or physician who is qualified to conduct 19202  
the examination and who is chosen by the board. 19203

Failure to submit to a mental or physical examination 19204  
ordered by the board constitutes an admission of the allegations 19205  
against the individual unless the failure is due to 19206  
circumstances beyond the individual's control, and a default and 19207  
final order may be entered without the taking of testimony or 19208  
presentation of evidence. If the board determines that the 19209  
individual's ability to practice is impaired, the board shall 19210  
suspend the individual's license or permit or deny the 19211  
individual's application and shall require the individual, as a 19212  
condition for an initial, continued, reinstated, or renewed 19213  
license or permit, to submit to treatment. 19214

Before being eligible to apply for reinstatement of a 19215  
license or permit suspended under this division, the impaired 19216  
practitioner shall demonstrate to the board the ability to 19217  
resume practice in compliance with acceptable and prevailing 19218  
standards of care under the provisions of the practitioner's 19219  
license or permit. The demonstration shall include, but shall 19220  
not be limited to, the following: 19221

(1) Certification from a treatment provider approved under 19222  
section 4731.25 of the Revised Code that the individual has 19223  
successfully completed any required inpatient treatment; 19224

(2) Evidence of continuing full compliance with an 19225  
aftercare contract or consent agreement; 19226

(3) Two written reports indicating that the individual's 19227  
ability to practice has been assessed and that the individual 19228  
has been found capable of practicing according to acceptable and 19229  
prevailing standards of care. The reports shall be made by 19230  
individuals or providers approved by the board for making the 19231  
assessments and shall describe the basis for their 19232  
determination. 19233

The board may reinstate a license or permit suspended 19234  
under this division after that demonstration and after the 19235  
individual has entered into a written consent agreement. 19236

When the impaired practitioner resumes practice, the board 19237  
shall require continued monitoring of the individual. The 19238  
monitoring shall include, but not be limited to, compliance with 19239  
the written consent agreement entered into before reinstatement 19240  
or with conditions imposed by board order after a hearing, and, 19241  
upon termination of the consent agreement, submission to the 19242  
board for at least two years of annual written progress reports 19243  
made under penalty of perjury stating whether the individual has 19244  
maintained sobriety. 19245

(H) If the secretary and supervising member determine both 19246  
of the following, they may recommend that the board suspend an 19247  
individual's license or permit without a prior hearing: 19248

(1) That there is clear and convincing evidence that an 19249  
individual has violated division (A) of this section; 19250

(2) That the individual's continued practice presents a 19251  
danger of immediate and serious harm to the public. 19252

Written allegations shall be prepared for consideration by 19253  
the board. The board, upon review of those allegations and by an 19254  
affirmative vote of not fewer than six of its members, excluding 19255  
the secretary and supervising member, may suspend a license or 19256  
permit without a prior hearing. A telephone conference call may 19257  
be utilized for reviewing the allegations and taking the vote on 19258  
the summary suspension. 19259

The board shall issue a written order of suspension by 19260  
certified mail or in person in accordance with section 119.07 of 19261  
the Revised Code. The order shall not be subject to suspension 19262

by the court during pendency of any appeal filed under section 19263  
119.12 of the Revised Code. If the individual subject to the 19264  
summary suspension requests an adjudicatory hearing by the 19265  
board, the date set for the hearing shall be within fifteen 19266  
days, but not earlier than seven days, after the individual 19267  
requests the hearing, unless otherwise agreed to by both the 19268  
board and the individual. 19269

Any summary suspension imposed under this division shall 19270  
remain in effect, unless reversed on appeal, until a final 19271  
adjudicative order issued by the board pursuant to this section 19272  
and Chapter 119. of the Revised Code becomes effective. The 19273  
board shall issue its final adjudicative order within seventy- 19274  
five days after completion of its hearing. A failure to issue 19275  
the order within seventy-five days shall result in dissolution 19276  
of the summary suspension order but shall not invalidate any 19277  
subsequent, final adjudicative order. 19278

(I) For purposes of divisions (A) (2), (4), and (6) of this 19279  
section, the commission of the act may be established by a 19280  
finding by the board, pursuant to an adjudication under Chapter 19281  
119. of the Revised Code, that the individual committed the act. 19282  
The board does not have jurisdiction under those divisions if 19283  
the trial court renders a final judgment in the individual's 19284  
favor and that judgment is based upon an adjudication on the 19285  
merits. The board has jurisdiction under those divisions if the 19286  
trial court issues an order of dismissal upon technical or 19287  
procedural grounds. 19288

(J) The sealing or expungement of conviction records by 19289  
any court shall have no effect upon a prior board order entered 19290  
under this section or upon the board's jurisdiction to take 19291  
action under this section if, based upon a plea of guilty, a 19292

judicial finding of guilt, or a judicial finding of eligibility 19293  
for intervention in lieu of conviction, the board issued a 19294  
notice of opportunity for a hearing prior to the court's order 19295  
to seal or expunge the records. The board shall not be required 19296  
to seal, destroy, redact, or otherwise modify its records to 19297  
reflect the court's sealing or expungement of conviction 19298  
records. 19299

(K) If the board takes action under division (A) (1), (3), 19300  
or (5) of this section, and the judicial finding of guilt, 19301  
guilty plea, or judicial finding of eligibility for intervention 19302  
in lieu of conviction is overturned on appeal, upon exhaustion 19303  
of the criminal appeal, a petition for reconsideration of the 19304  
order may be filed with the board along with appropriate court 19305  
documents. Upon receipt of a petition for reconsideration and 19306  
supporting court documents, the board shall reinstate the 19307  
individual's license or permit. The board may then hold an 19308  
adjudication under Chapter 119. of the Revised Code to determine 19309  
whether the individual committed the act in question. Notice of 19310  
an opportunity for a hearing shall be given in accordance with 19311  
Chapter 119. of the Revised Code. If the board finds, pursuant 19312  
to an adjudication held under this division, that the individual 19313  
committed the act or if no hearing is requested, the board may 19314  
order any of the sanctions identified under division (A) of this 19315  
section. 19316

(L) The license or permit issued to an individual under 19317  
this chapter and the individual's practice in this state are 19318  
automatically suspended as of the date the individual pleads 19319  
guilty to, is found by a judge or jury to be guilty of, or is 19320  
subject to a judicial finding of eligibility for intervention in 19321  
lieu of conviction in this state or treatment or intervention in 19322  
lieu of conviction in another jurisdiction for any of the 19323

following criminal offenses in this state or a substantially 19324  
equivalent criminal offense in another jurisdiction: aggravated 19325  
murder, murder, voluntary manslaughter, felonious assault, 19326  
kidnapping, rape, sexual battery, gross sexual imposition, 19327  
aggravated arson, aggravated robbery, or aggravated burglary. 19328  
Continued practice after suspension shall be considered 19329  
practicing without a license or permit. 19330

The board shall notify the individual subject to the 19331  
suspension by certified mail or in person in accordance with 19332  
section 119.07 of the Revised Code. If an individual whose 19333  
license or permit is automatically suspended under this division 19334  
fails to make a timely request for an adjudication under Chapter 19335  
119. of the Revised Code, the board shall enter a final order 19336  
permanently revoking the individual's license or permit. 19337

(M) Notwithstanding any other provision of the Revised 19338  
Code, all of the following apply: 19339

(1) The surrender of a license or permit issued under this 19340  
chapter shall not be effective unless or until accepted by the 19341  
board. A telephone conference call may be utilized for 19342  
acceptance of the surrender of an individual's license or 19343  
permit. The telephone conference call shall be considered a 19344  
special meeting under division (F) of section 121.22 of the 19345  
Revised Code. Reinstatement of a license or permit surrendered 19346  
to the board requires an affirmative vote of not fewer than six 19347  
members of the board. 19348

(2) An application for a license or permit made under the 19349  
provisions of this chapter may not be withdrawn without approval 19350  
of the board. 19351

(3) Failure by an individual to renew a license or permit 19352

in accordance with this chapter shall not remove or limit the 19353  
board's jurisdiction to take any disciplinary action under this 19354  
section against the individual. 19355

(4) At the request of the board, a license or permit 19356  
holder shall immediately surrender to the board a license or 19357  
permit that the board has suspended, revoked, or permanently 19358  
revoked. 19359

**Sec. 4762.13.** (A) The state medical board, by an 19360  
affirmative vote of not fewer than six members, may revoke or 19361  
may refuse to grant a license to practice as an oriental 19362  
medicine practitioner or license to practice as an acupuncturist 19363  
to a person found by the board to have committed fraud, 19364  
misrepresentation, or deception in applying for or securing the 19365  
license. 19366

(B) The board, by an affirmative vote of not fewer than 19367  
six members, shall, except as provided in division (C) of this 19368  
section, and to the extent permitted by law, limit, revoke, or 19369  
suspend an individual's license to practice, refuse to issue a 19370  
license to an applicant, refuse to renew a license, refuse to 19371  
reinstate a license, or reprimand or place on probation the 19372  
holder of a license for any of the following reasons: 19373

(1) Permitting the holder's name or license to be used by 19374  
another person; 19375

(2) Failure to comply with the requirements of this 19376  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 19377  
by the board; 19378

(3) Violating or attempting to violate, directly or 19379  
indirectly, or assisting in or abetting the violation of, or 19380  
conspiring to violate, any provision of this chapter, Chapter 19381

4731. of the Revised Code, or the rules adopted by the board;	19382
(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;	19383 19384 19385 19386
(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	19387 19388 19389 19390
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	19391 19392 19393 19394
(7) Willfully betraying a professional confidence;	19395
(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for patients or in securing or attempting to secure a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist.	19396 19397 19398 19399 19400
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	19401 19402 19403 19404 19405 19406 19407 19408
(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other	19409 19410



person, that an incurable disease or injury, or other incurable  
condition, can be permanently cured; 19411  
19412

(10) The obtaining of, or attempting to obtain, money or a  
thing of value by fraudulent misrepresentations in the course of 19413  
practice; 19414  
19415

(11) A plea of guilty to, a judicial finding of guilt of, 19416  
or a judicial finding of eligibility for intervention in lieu of 19417  
conviction for, a felony; 19418

(12) Commission of an act that constitutes a felony in 19419  
this state, regardless of the jurisdiction in which the act was 19420  
committed; 19421

(13) A plea of guilty to, a judicial finding of guilt of, 19422  
or a judicial finding of eligibility for intervention in lieu of 19423  
conviction for, a misdemeanor committed in the course of 19424  
practice; 19425

(14) A plea of guilty to, a judicial finding of guilt of, 19426  
or a judicial finding of eligibility for intervention in lieu of 19427  
conviction for, a misdemeanor involving moral turpitude; 19428

(15) Commission of an act in the course of practice that 19429  
constitutes a misdemeanor in this state, regardless of the 19430  
jurisdiction in which the act was committed; 19431

(16) Commission of an act involving moral turpitude that 19432  
constitutes a misdemeanor in this state, regardless of the 19433  
jurisdiction in which the act was committed; 19434

(17) A plea of guilty to, a judicial finding of guilt of, 19435  
or a judicial finding of eligibility for intervention in lieu of 19436  
conviction for violating any state or federal law regulating the 19437  
possession, distribution, or use of any drug, including 19438

trafficking in drugs;	19439
(18) Any of the following actions taken by the state	19440
agency responsible for regulating the practice of oriental	19441
medicine or acupuncture in another jurisdiction, for any reason	19442
other than the nonpayment of fees: the limitation, revocation,	19443
or suspension of an individual's license to practice; acceptance	19444
of an individual's license surrender; denial of a license;	19445
refusal to renew or reinstate a license; imposition of	19446
probation; or issuance of an order of censure or other	19447
reprimand;	19448
(19) Violation of the conditions placed by the board on a	19449
license to practice as an oriental medicine practitioner or	19450
license to practice as an acupuncturist;	19451
(20) Failure to use universal blood and body fluid	19452
precautions established by rules adopted under section 4731.051	19453
of the Revised Code;	19454
(21) Failure to cooperate in an investigation conducted by	19455
the board under section 4762.14 of the Revised Code, including	19456
failure to comply with a subpoena or order issued by the board	19457
or failure to answer truthfully a question presented by the	19458
board at a deposition or in written interrogatories, except that	19459
failure to cooperate with an investigation shall not constitute	19460
grounds for discipline under this section if a court of	19461
competent jurisdiction has issued an order that either quashes a	19462
subpoena or permits the individual to withhold the testimony or	19463
evidence in issue;	19464
(22) Failure to comply with the standards of the national	19465
certification commission for acupuncture and oriental medicine	19466
regarding professional ethics, commitment to patients,	19467

commitment to the profession, and commitment to the public; 19468

(23) Failure to have adequate professional liability 19469  
insurance coverage in accordance with section 4762.22 of the 19470  
Revised Code; 19471

(24) Failure to maintain a current and active designation 19472  
as a diplomate in oriental medicine, diplomate of acupuncture 19473  
and Chinese herbology, or diplomate in acupuncture, as 19474  
applicable, from the national certification commission for 19475  
acupuncture and oriental medicine, including revocation by the 19476  
commission of the individual's designation, failure by the 19477  
individual to meet the commission's requirements for 19478  
redesignation, or failure to notify the board that the 19479  
appropriate designation has not been maintained. 19480

(C) The board shall not refuse to issue a certificate to 19481  
an applicant because of a plea of guilty to, a judicial finding 19482  
of guilt of, or a judicial finding of eligibility for 19483  
intervention in lieu of conviction for an offense unless the 19484  
refusal is in accordance with section 9.79 of the Revised Code. 19485

(D) Disciplinary actions taken by the board under 19486  
divisions (A) and (B) of this section shall be taken pursuant to 19487  
an adjudication under Chapter 119. of the Revised Code, except 19488  
that in lieu of an adjudication, the board may enter into a 19489  
consent agreement with an oriental medicine practitioner or 19490  
acupuncturist or applicant to resolve an allegation of a 19491  
violation of this chapter or any rule adopted under it. A 19492  
consent agreement, when ratified by an affirmative vote of not 19493  
fewer than six members of the board, shall constitute the 19494  
findings and order of the board with respect to the matter 19495  
addressed in the agreement. If the board refuses to ratify a 19496  
consent agreement, the admissions and findings contained in the 19497

consent agreement shall be of no force or effect. 19498

(E) For purposes of divisions (B) (12), (15), and (16) of 19499  
this section, the commission of the act may be established by a 19500  
finding by the board, pursuant to an adjudication under Chapter 19501  
119. of the Revised Code, that the applicant or license holder 19502  
committed the act in question. The board shall have no 19503  
jurisdiction under these divisions in cases where the trial 19504  
court renders a final judgment in the license holder's favor and 19505  
that judgment is based upon an adjudication on the merits. The 19506  
board shall have jurisdiction under these divisions in cases 19507  
where the trial court issues an order of dismissal upon 19508  
technical or procedural grounds. 19509

(F) The sealing or expungement of conviction records by 19510  
any court shall have no effect upon a prior board order entered 19511  
under the provisions of this section or upon the board's 19512  
jurisdiction to take action under the provisions of this section 19513  
if, based upon a plea of guilty, a judicial finding of guilt, or 19514  
a judicial finding of eligibility for intervention in lieu of 19515  
conviction, the board issued a notice of opportunity for a 19516  
hearing or entered into a consent agreement prior to the court's 19517  
order to seal or expunge the records. The board shall not be 19518  
required to seal, destroy, redact, or otherwise modify its 19519  
records to reflect the court's sealing or expungement of 19520  
conviction records. 19521

(G) For purposes of this division, any individual who 19522  
holds a license to practice issued under this chapter, or 19523  
applies for a license to practice, shall be deemed to have given 19524  
consent to submit to a mental or physical examination when 19525  
directed to do so in writing by the board and to have waived all 19526  
objections to the admissibility of testimony or examination 19527

reports that constitute a privileged communication. 19528

(1) In enforcing division (B)(5) of this section, the 19529  
board, upon a showing of a possible violation, may compel any 19530  
individual who holds a license to practice issued under this 19531  
chapter or who has applied for a license pursuant to this 19532  
chapter to submit to a mental examination, physical examination, 19533  
including an HIV test, or both a mental and physical 19534  
examination. The expense of the examination is the 19535  
responsibility of the individual compelled to be examined. 19536  
Failure to submit to a mental or physical examination or consent 19537  
to an HIV test ordered by the board constitutes an admission of 19538  
the allegations against the individual unless the failure is due 19539  
to circumstances beyond the individual's control, and a default 19540  
and final order may be entered without the taking of testimony 19541  
or presentation of evidence. If the board finds an oriental 19542  
medicine practitioner or acupuncturist unable to practice 19543  
because of the reasons set forth in division (B)(5) of this 19544  
section, the board shall require the individual to submit to 19545  
care, counseling, or treatment by physicians approved or 19546  
designated by the board, as a condition for an initial, 19547  
continued, reinstated, or renewed license to practice. An 19548  
individual affected by this division shall be afforded an 19549  
opportunity to demonstrate to the board the ability to resume 19550  
practicing in compliance with acceptable and prevailing 19551  
standards of care. 19552

(2) For purposes of division (B)(6) of this section, if 19553  
the board has reason to believe that any individual who holds a 19554  
license to practice issued under this chapter or any applicant 19555  
for a license suffers such impairment, the board may compel the 19556  
individual to submit to a mental or physical examination, or 19557  
both. The expense of the examination is the responsibility of 19558

the individual compelled to be examined. Any mental or physical 19559  
examination required under this division shall be undertaken by 19560  
a treatment provider or physician qualified to conduct such 19561  
examination and chosen by the board. 19562

Failure to submit to a mental or physical examination 19563  
ordered by the board constitutes an admission of the allegations 19564  
against the individual unless the failure is due to 19565  
circumstances beyond the individual's control, and a default and 19566  
final order may be entered without the taking of testimony or 19567  
presentation of evidence. If the board determines that the 19568  
individual's ability to practice is impaired, the board shall 19569  
suspend the individual's license or deny the individual's 19570  
application and shall require the individual, as a condition for 19571  
an initial, continued, reinstated, or renewed license, to submit 19572  
to treatment. 19573

Before being eligible to apply for reinstatement of a 19574  
license suspended under this division, the oriental medicine 19575  
practitioner or acupuncturist shall demonstrate to the board the 19576  
ability to resume practice in compliance with acceptable and 19577  
prevailing standards of care. The demonstration shall include 19578  
the following: 19579

(a) Certification from a treatment provider approved under 19580  
section 4731.25 of the Revised Code that the individual has 19581  
successfully completed any required inpatient treatment; 19582

(b) Evidence of continuing full compliance with an 19583  
aftercare contract or consent agreement; 19584

(c) Two written reports indicating that the individual's 19585  
ability to practice has been assessed and that the individual 19586  
has been found capable of practicing according to acceptable and 19587

prevailing standards of care. The reports shall be made by 19588  
individuals or providers approved by the board for making such 19589  
assessments and shall describe the basis for their 19590  
determination. 19591

The board may reinstate a license suspended under this 19592  
division after such demonstration and after the individual has 19593  
entered into a written consent agreement. 19594

When the impaired individual resumes practice, the board 19595  
shall require continued monitoring of the individual. The 19596  
monitoring shall include monitoring of compliance with the 19597  
written consent agreement entered into before reinstatement or 19598  
with conditions imposed by board order after a hearing, and, 19599  
upon termination of the consent agreement, submission to the 19600  
board for at least two years of annual written progress reports 19601  
made under penalty of falsification stating whether the 19602  
individual has maintained sobriety. 19603

(H) If the secretary and supervising member determine both 19604  
of the following, they may recommend that the board suspend an 19605  
individual's license to practice without a prior hearing: 19606

(1) That there is clear and convincing evidence that an 19607  
oriental medicine practitioner or acupuncturist has violated 19608  
division (B) of this section; 19609

(2) That the individual's continued practice presents a 19610  
danger of immediate and serious harm to the public. 19611

Written allegations shall be prepared for consideration by 19612  
the board. The board, upon review of the allegations and by an 19613  
affirmative vote of not fewer than six of its members, excluding 19614  
the secretary and supervising member, may suspend a license 19615  
without a prior hearing. A telephone conference call may be 19616

utilized for reviewing the allegations and taking the vote on 19617  
the summary suspension. 19618

The board shall issue a written order of suspension by 19619  
certified mail or in person in accordance with section 119.07 of 19620  
the Revised Code. The order shall not be subject to suspension 19621  
by the court during pendency of any appeal filed under section 19622  
119.12 of the Revised Code. If the oriental medicine 19623  
practitioner or acupuncturist requests an adjudicatory hearing 19624  
by the board, the date set for the hearing shall be within 19625  
fifteen days, but not earlier than seven days, after the hearing 19626  
is requested, unless otherwise agreed to by both the board and 19627  
the license holder. 19628

A summary suspension imposed under this division shall 19629  
remain in effect, unless reversed on appeal, until a final 19630  
adjudicative order issued by the board pursuant to this section 19631  
and Chapter 119. of the Revised Code becomes effective. The 19632  
board shall issue its final adjudicative order within sixty days 19633  
after completion of its hearing. Failure to issue the order 19634  
within sixty days shall result in dissolution of the summary 19635  
suspension order, but shall not invalidate any subsequent, final 19636  
adjudicative order. 19637

(I) If the board takes action under division (B) (11), 19638  
(13), or (14) of this section, and the judicial finding of 19639  
guilt, guilty plea, or judicial finding of eligibility for 19640  
intervention in lieu of conviction is overturned on appeal, upon 19641  
exhaustion of the criminal appeal, a petition for 19642  
reconsideration of the order may be filed with the board along 19643  
with appropriate court documents. Upon receipt of a petition and 19644  
supporting court documents, the board shall reinstate the 19645  
license. The board may then hold an adjudication under Chapter 19646



119. of the Revised Code to determine whether the individual 19647  
committed the act in question. Notice of opportunity for hearing 19648  
shall be given in accordance with Chapter 119. of the Revised 19649  
Code. If the board finds, pursuant to an adjudication held under 19650  
this division, that the individual committed the act, or if no 19651  
hearing is requested, it may order any of the sanctions 19652  
specified in division (B) of this section. 19653

(J) The license to practice of an oriental medicine 19654  
practitioner or acupuncturist and the practitioner's or 19655  
acupuncturist's practice in this state are automatically 19656  
suspended as of the date the practitioner or acupuncturist 19657  
pleads guilty to, is found by a judge or jury to be guilty of, 19658  
or is subject to a judicial finding of eligibility for 19659  
intervention in lieu of conviction in this state or treatment or 19660  
intervention in lieu of conviction in another jurisdiction for 19661  
any of the following criminal offenses in this state or a 19662  
substantially equivalent criminal offense in another 19663  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 19664  
felonious assault, kidnapping, rape, sexual battery, gross 19665  
sexual imposition, aggravated arson, aggravated robbery, or 19666  
aggravated burglary. Continued practice after the suspension 19667  
shall be considered practicing without a license. 19668

The board shall notify the individual subject to the 19669  
suspension by certified mail or in person in accordance with 19670  
section 119.07 of the Revised Code. If an individual whose 19671  
license is suspended under this division fails to make a timely 19672  
request for an adjudication under Chapter 119. of the Revised 19673  
Code, the board shall enter a final order permanently revoking 19674  
the individual's license. 19675

(K) In any instance in which the board is required by 19676

Chapter 119. of the Revised Code to give notice of opportunity 19677  
for hearing and the individual subject to the notice does not 19678  
timely request a hearing in accordance with section 119.07 of 19679  
the Revised Code, the board is not required to hold a hearing, 19680  
but may adopt, by an affirmative vote of not fewer than six of 19681  
its members, a final order that contains the board's findings. 19682  
In the final order, the board may order any of the sanctions 19683  
identified under division (A) or (B) of this section. 19684

(L) Any action taken by the board under division (B) of 19685  
this section resulting in a suspension shall be accompanied by a 19686  
written statement of the conditions under which the license may 19687  
be reinstated. The board shall adopt rules in accordance with 19688  
Chapter 119. of the Revised Code governing conditions to be 19689  
imposed for reinstatement. Reinstatement of a license suspended 19690  
pursuant to division (B) of this section requires an affirmative 19691  
vote of not fewer than six members of the board. 19692

(M) When the board refuses to grant or issue a license to 19693  
an applicant, revokes an individual's license, refuses to renew 19694  
an individual's license, or refuses to reinstate an individual's 19695  
license, the board may specify that its action is permanent. An 19696  
individual subject to a permanent action taken by the board is 19697  
forever thereafter ineligible to hold a license to practice as 19698  
an oriental medicine practitioner or license to practice as an 19699  
acupuncturist and the board shall not accept an application for 19700  
reinstatement of the license or for issuance of a new license. 19701

(N) Notwithstanding any other provision of the Revised 19702  
Code, all of the following apply: 19703

(1) The surrender of a license to practice as an oriental 19704  
medicine practitioner or license to practice as an acupuncturist 19705  
issued under this chapter is not effective unless or until 19706

accepted by the board. Reinstatement of a license surrendered to 19707  
the board requires an affirmative vote of not fewer than six 19708  
members of the board. 19709

(2) An application made under this chapter for a license 19710  
may not be withdrawn without approval of the board. 19711

(3) Failure by an individual to renew a license in 19712  
accordance with section 4762.06 of the Revised Code shall not 19713  
remove or limit the board's jurisdiction to take disciplinary 19714  
action under this section against the individual. 19715

**Sec. 4774.13.** (A) The state medical board, by an 19716  
affirmative vote of not fewer than six members, may revoke or 19717  
may refuse to grant a license to practice as a radiologist 19718  
assistant to an individual found by the board to have committed 19719  
fraud, misrepresentation, or deception in applying for or 19720  
securing the license. 19721

(B) The board, by an affirmative vote of not fewer than 19722  
six members, shall, except as provided in division (C) of this 19723  
section, and to the extent permitted by law, limit, revoke, or 19724  
suspend an individual's license to practice as a radiologist 19725  
assistant, refuse to issue a license to an applicant, refuse to 19726  
renew a license, refuse to reinstate a license, or reprimand or 19727  
place on probation the holder of a license for any of the 19728  
following reasons: 19729

(1) Permitting the holder's name or license to be used by 19730  
another person; 19731

(2) Failure to comply with the requirements of this 19732  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 19733  
by the board; 19734

(3) Violating or attempting to violate, directly or 19735

indirectly, or assisting in or abetting the violation of, or 19736  
conspiring to violate, any provision of this chapter, Chapter 19737  
4731. of the Revised Code, or the rules adopted by the board; 19738

(4) A departure from, or failure to conform to, minimal 19739  
standards of care of similar practitioners under the same or 19740  
similar circumstances whether or not actual injury to the 19741  
patient is established; 19742

(5) Inability to practice according to acceptable and 19743  
prevailing standards of care by reason of mental illness or 19744  
physical illness, including physical deterioration that 19745  
adversely affects cognitive, motor, or perceptive skills; 19746

(6) Impairment of ability to practice according to 19747  
acceptable and prevailing standards of care because of habitual 19748  
or excessive use or abuse of drugs, alcohol, or other substances 19749  
that impair ability to practice; 19750

(7) Willfully betraying a professional confidence; 19751

(8) Making a false, fraudulent, deceptive, or misleading 19752  
statement in securing or attempting to secure a license to 19753  
practice as a radiologist assistant. 19754

As used in this division, "false, fraudulent, deceptive, 19755  
or misleading statement" means a statement that includes a 19756  
misrepresentation of fact, is likely to mislead or deceive 19757  
because of a failure to disclose material facts, is intended or 19758  
is likely to create false or unjustified expectations of 19759  
favorable results, or includes representations or implications 19760  
that in reasonable probability will cause an ordinarily prudent 19761  
person to misunderstand or be deceived. 19762

(9) The obtaining of, or attempting to obtain, money or a 19763  
thing of value by fraudulent misrepresentations in the course of 19764

practice;	19765
(10) A plea of guilty to, a judicial finding of guilt of,	19766
or a judicial finding of eligibility for intervention in lieu of	19767
conviction for, a felony;	19768
(11) Commission of an act that constitutes a felony in	19769
this state, regardless of the jurisdiction in which the act was	19770
committed;	19771
(12) A plea of guilty to, a judicial finding of guilt of,	19772
or a judicial finding of eligibility for intervention in lieu of	19773
conviction for, a misdemeanor committed in the course of	19774
practice;	19775
(13) A plea of guilty to, a judicial finding of guilt of,	19776
or a judicial finding of eligibility for intervention in lieu of	19777
conviction for, a misdemeanor involving moral turpitude;	19778
(14) Commission of an act in the course of practice that	19779
constitutes a misdemeanor in this state, regardless of the	19780
jurisdiction in which the act was committed;	19781
(15) Commission of an act involving moral turpitude that	19782
constitutes a misdemeanor in this state, regardless of the	19783
jurisdiction in which the act was committed;	19784
(16) A plea of guilty to, a judicial finding of guilt of,	19785
or a judicial finding of eligibility for intervention in lieu of	19786
conviction for violating any state or federal law regulating the	19787
possession, distribution, or use of any drug, including	19788
trafficking in drugs;	19789
(17) Any of the following actions taken by the state	19790
agency responsible for regulating the practice of radiologist	19791
assistants in another jurisdiction, for any reason other than	19792

the nonpayment of fees: the limitation, revocation, or 19793  
suspension of an individual's license to practice; acceptance of 19794  
an individual's license surrender; denial of a license; refusal 19795  
to renew or reinstate a license; imposition of probation; or 19796  
issuance of an order of censure or other reprimand; 19797

(18) Violation of the conditions placed by the board on a 19798  
license to practice as a radiologist assistant; 19799

(19) Failure to use universal blood and body fluid 19800  
precautions established by rules adopted under section 4731.051 19801  
of the Revised Code; 19802

(20) Failure to cooperate in an investigation conducted by 19803  
the board under section 4774.14 of the Revised Code, including 19804  
failure to comply with a subpoena or order issued by the board 19805  
or failure to answer truthfully a question presented by the 19806  
board at a deposition or in written interrogatories, except that 19807  
failure to cooperate with an investigation shall not constitute 19808  
grounds for discipline under this section if a court of 19809  
competent jurisdiction has issued an order that either quashes a 19810  
subpoena or permits the individual to withhold the testimony or 19811  
evidence in issue; 19812

(21) Failure to maintain a license as a radiographer under 19813  
Chapter 4773. of the Revised Code; 19814

(22) Failure to maintain certification as a registered 19815  
radiologist assistant from the American registry of radiologic 19816  
technologists, including revocation by the registry of the 19817  
assistant's certification or failure by the assistant to meet 19818  
the registry's requirements for annual registration, or failure 19819  
to notify the board that the certification as a registered 19820  
radiologist assistant has not been maintained; 19821

(23) Failure to comply with any of the rules of ethics 19822  
included in the standards of ethics established by the American 19823  
registry of radiologic technologists, as those rules apply to an 19824  
individual who holds the registry's certification as a 19825  
registered radiologist assistant. 19826

(C) The board shall not refuse to issue a license to an 19827  
applicant because of a plea of guilty to, a judicial finding of 19828  
guilt of, or a judicial finding of eligibility for intervention 19829  
in lieu of conviction for an offense unless the refusal is in 19830  
accordance with section 9.79 of the Revised Code. 19831

(D) Disciplinary actions taken by the board under 19832  
divisions (A) and (B) of this section shall be taken pursuant to 19833  
an adjudication under Chapter 119. of the Revised Code, except 19834  
that in lieu of an adjudication, the board may enter into a 19835  
consent agreement with a radiologist assistant or applicant to 19836  
resolve an allegation of a violation of this chapter or any rule 19837  
adopted under it. A consent agreement, when ratified by an 19838  
affirmative vote of not fewer than six members of the board, 19839  
shall constitute the findings and order of the board with 19840  
respect to the matter addressed in the agreement. If the board 19841  
refuses to ratify a consent agreement, the admissions and 19842  
findings contained in the consent agreement shall be of no force 19843  
or effect. 19844

(E) For purposes of divisions (B) (11), (14), and (15) of 19845  
this section, the commission of the act may be established by a 19846  
finding by the board, pursuant to an adjudication under Chapter 19847  
119. of the Revised Code, that the applicant or license holder 19848  
committed the act in question. The board shall have no 19849  
jurisdiction under these divisions in cases where the trial 19850  
court renders a final judgment in the license holder's favor and 19851

that judgment is based upon an adjudication on the merits. The 19852  
board shall have jurisdiction under these divisions in cases 19853  
where the trial court issues an order of dismissal on technical 19854  
or procedural grounds. 19855

(F) The sealing or expungement of conviction records by 19856  
any court shall have no effect on a prior board order entered 19857  
under the provisions of this section or on the board's 19858  
jurisdiction to take action under the provisions of this section 19859  
if, based upon a plea of guilty, a judicial finding of guilt, or 19860  
a judicial finding of eligibility for intervention in lieu of 19861  
conviction, the board issued a notice of opportunity for a 19862  
hearing prior to the court's order to seal or expunge the 19863  
records. The board shall not be required to seal, destroy, 19864  
redact, or otherwise modify its records to reflect the court's 19865  
sealing or expungement of conviction records. 19866

(G) For purposes of this division, any individual who 19867  
holds a license to practice as a radiologist assistant issued 19868  
under this chapter, or applies for a license, shall be deemed to 19869  
have given consent to submit to a mental or physical examination 19870  
when directed to do so in writing by the board and to have 19871  
waived all objections to the admissibility of testimony or 19872  
examination reports that constitute a privileged communication. 19873

(1) In enforcing division (B)(5) of this section, the 19874  
board, on a showing of a possible violation, may compel any 19875  
individual who holds a license to practice as a radiologist 19876  
assistant issued under this chapter or who has applied for a 19877  
license to submit to a mental or physical examination, or both. 19878  
A physical examination may include an HIV test. The expense of 19879  
the examination is the responsibility of the individual 19880  
compelled to be examined. Failure to submit to a mental or 19881



physical examination or consent to an HIV test ordered by the 19882  
board constitutes an admission of the allegations against the 19883  
individual unless the failure is due to circumstances beyond the 19884  
individual's control, and a default and final order may be 19885  
entered without the taking of testimony or presentation of 19886  
evidence. If the board finds a radiologist assistant unable to 19887  
practice because of the reasons set forth in division (B) (5) of 19888  
this section, the board shall require the radiologist assistant 19889  
to submit to care, counseling, or treatment by physicians 19890  
approved or designated by the board, as a condition for an 19891  
initial, continued, reinstated, or renewed license. An 19892  
individual affected by this division shall be afforded an 19893  
opportunity to demonstrate to the board the ability to resume 19894  
practicing in compliance with acceptable and prevailing 19895  
standards of care. 19896

(2) For purposes of division (B) (6) of this section, if 19897  
the board has reason to believe that any individual who holds a 19898  
license to practice as a radiologist assistant issued under this 19899  
chapter or any applicant for a license suffers such impairment, 19900  
the board may compel the individual to submit to a mental or 19901  
physical examination, or both. The expense of the examination is 19902  
the responsibility of the individual compelled to be examined. 19903  
Any mental or physical examination required under this division 19904  
shall be undertaken by a treatment provider or physician 19905  
qualified to conduct such examination and chosen by the board. 19906

Failure to submit to a mental or physical examination 19907  
ordered by the board constitutes an admission of the allegations 19908  
against the individual unless the failure is due to 19909  
circumstances beyond the individual's control, and a default and 19910  
final order may be entered without the taking of testimony or 19911  
presentation of evidence. If the board determines that the 19912

individual's ability to practice is impaired, the board shall 19913  
suspend the individual's license or deny the individual's 19914  
application and shall require the individual, as a condition for 19915  
an initial, continued, reinstated, or renewed license to 19916  
practice, to submit to treatment. 19917

Before being eligible to apply for reinstatement of a 19918  
license suspended under this division, the radiologist assistant 19919  
shall demonstrate to the board the ability to resume practice in 19920  
compliance with acceptable and prevailing standards of care. The 19921  
demonstration shall include the following: 19922

(a) Certification from a treatment provider approved under 19923  
section 4731.25 of the Revised Code that the individual has 19924  
successfully completed any required inpatient treatment; 19925

(b) Evidence of continuing full compliance with an 19926  
aftercare contract or consent agreement; 19927

(c) Two written reports indicating that the individual's 19928  
ability to practice has been assessed and that the individual 19929  
has been found capable of practicing according to acceptable and 19930  
prevailing standards of care. The reports shall be made by 19931  
individuals or providers approved by the board for making such 19932  
assessments and shall describe the basis for their 19933  
determination. 19934

The board may reinstate a license suspended under this 19935  
division after such demonstration and after the individual has 19936  
entered into a written consent agreement. 19937

When the impaired radiologist assistant resumes practice, 19938  
the board shall require continued monitoring of the radiologist 19939  
assistant. The monitoring shall include monitoring of compliance 19940  
with the written consent agreement entered into before 19941

reinstatement or with conditions imposed by board order after a 19942  
hearing, and, on termination of the consent agreement, 19943  
submission to the board for at least two years of annual written 19944  
progress reports made under penalty of falsification stating 19945  
whether the radiologist assistant has maintained sobriety. 19946

(H) If the secretary and supervising member determine that 19947  
there is clear and convincing evidence that a radiologist 19948  
assistant has violated division (B) of this section and that the 19949  
individual's continued practice presents a danger of immediate 19950  
and serious harm to the public, they may recommend that the 19951  
board suspend the individual's license to practice without a 19952  
prior hearing. Written allegations shall be prepared for 19953  
consideration by the board. 19954

The board, on review of the allegations and by an 19955  
affirmative vote of not fewer than six of its members, excluding 19956  
the secretary and supervising member, may suspend a license 19957  
without a prior hearing. A telephone conference call may be 19958  
utilized for reviewing the allegations and taking the vote on 19959  
the summary suspension. 19960

The board shall issue a written order of suspension by 19961  
certified mail or in person in accordance with section 119.07 of 19962  
the Revised Code. The order shall not be subject to suspension 19963  
by the court during pendency of any appeal filed under section 19964  
119.12 of the Revised Code. If the radiologist assistant 19965  
requests an adjudicatory hearing by the board, the date set for 19966  
the hearing shall be within fifteen days, but not earlier than 19967  
seven days, after the radiologist assistant requests the 19968  
hearing, unless otherwise agreed to by both the board and the 19969  
license holder. 19970

A summary suspension imposed under this division shall 19971

remain in effect, unless reversed on appeal, until a final 19972  
adjudicative order issued by the board pursuant to this section 19973  
and Chapter 119. of the Revised Code becomes effective. The 19974  
board shall issue its final adjudicative order within sixty days 19975  
after completion of its hearing. Failure to issue the order 19976  
within sixty days shall result in dissolution of the summary 19977  
suspension order, but shall not invalidate any subsequent, final 19978  
adjudicative order. 19979

(I) If the board takes action under division (B) (10), 19980  
(12), or (13) of this section, and the judicial finding of 19981  
guilt, guilty plea, or judicial finding of eligibility for 19982  
intervention in lieu of conviction is overturned on appeal, on 19983  
exhaustion of the criminal appeal, a petition for 19984  
reconsideration of the order may be filed with the board along 19985  
with appropriate court documents. On receipt of a petition and 19986  
supporting court documents, the board shall reinstate the 19987  
license to practice as a radiologist assistant. The board may 19988  
then hold an adjudication under Chapter 119. of the Revised Code 19989  
to determine whether the individual committed the act in 19990  
question. Notice of opportunity for hearing shall be given in 19991  
accordance with Chapter 119. of the Revised Code. If the board 19992  
finds, pursuant to an adjudication held under this division, 19993  
that the individual committed the act, or if no hearing is 19994  
requested, it may order any of the sanctions specified in 19995  
division (B) of this section. 19996

(J) The license to practice of a radiologist assistant and 19997  
the assistant's practice in this state are automatically 19998  
suspended as of the date the radiologist assistant pleads guilty 19999  
to, is found by a judge or jury to be guilty of, or is subject 20000  
to a judicial finding of eligibility for intervention in lieu of 20001  
conviction in this state or treatment of intervention in lieu of 20002

conviction in another jurisdiction for any of the following 20003  
criminal offenses in this state or a substantially equivalent 20004  
criminal offense in another jurisdiction: aggravated murder, 20005  
murder, voluntary manslaughter, felonious assault, kidnapping, 20006  
rape, sexual battery, gross sexual imposition, aggravated arson, 20007  
aggravated robbery, or aggravated burglary. Continued practice 20008  
after the suspension shall be considered practicing without a 20009  
license. 20010

The board shall notify the individual subject to the 20011  
suspension by certified mail or in person in accordance with 20012  
section 119.07 of the Revised Code. If an individual whose 20013  
license is suspended under this division fails to make a timely 20014  
request for an adjudication under Chapter 119. of the Revised 20015  
Code, the board shall enter a final order permanently revoking 20016  
the individual's license. 20017

(K) In any instance in which the board is required by 20018  
Chapter 119. of the Revised Code to give notice of opportunity 20019  
for hearing and the individual subject to the notice does not 20020  
timely request a hearing in accordance with section 119.07 of 20021  
the Revised Code, the board is not required to hold a hearing, 20022  
but may adopt, by an affirmative vote of not fewer than six of 20023  
its members, a final order that contains the board's findings. 20024  
In the final order, the board may order any of the sanctions 20025  
identified under division (A) or (B) of this section. 20026

(L) Any action taken by the board under division (B) of 20027  
this section resulting in a suspension shall be accompanied by a 20028  
written statement of the conditions under which the radiologist 20029  
assistant's license may be reinstated. The board shall adopt 20030  
rules in accordance with Chapter 119. of the Revised Code 20031  
governing conditions to be imposed for reinstatement. 20032

Reinstatement of a license suspended pursuant to division (B) of  
this section requires an affirmative vote of not fewer than six  
members of the board. 20033  
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(M) When the board refuses to grant or issue a license to  
practice as a radiologist assistant to an applicant, revokes an  
individual's license, refuses to renew an individual's license,  
or refuses to reinstate an individual's license, the board may  
specify that its action is permanent. An individual subject to a  
permanent action taken by the board is forever thereafter  
ineligible to hold a license to practice as a radiologist  
assistant and the board shall not accept an application for  
reinstatement of the license or for issuance of a new license. 20036  
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(N) Notwithstanding any other provision of the Revised  
Code, all of the following apply: 20045  
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(1) The surrender of a license to practice as a  
radiologist assistant issued under this chapter is not effective  
unless or until accepted by the board. Reinstatement of a  
license surrendered to the board requires an affirmative vote of  
not fewer than six members of the board. 20047  
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(2) An application made under this chapter for a license  
to practice may not be withdrawn without approval of the board. 20052  
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(3) Failure by an individual to renew a license to  
practice in accordance with section 4774.06 of the Revised Code  
shall not remove or limit the board's jurisdiction to take  
disciplinary action under this section against the individual. 20054  
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**Sec. 4778.14.** (A) The state medical board, by an  
affirmative vote of not fewer than six members, may revoke or  
may refuse to grant a license to practice as a genetic counselor  
to an individual found by the board to have committed fraud, 20058  
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misrepresentation, or deception in applying for or securing the license. 20062  
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(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a genetic counselor, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons: 20064  
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(1) Permitting the holder's name or license to be used by another person; 20072  
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(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board; 20074  
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20076

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board; 20077  
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(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established; 20081  
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(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 20085  
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(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual 20089  
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or excessive use or abuse of drugs, alcohol, or other substances	20091
that impair ability to practice;	20092
(7) Willfully betraying a professional confidence;	20093
(8) Making a false, fraudulent, deceptive, or misleading	20094
statement in securing or attempting to secure a license to	20095
practice as a genetic counselor.	20096
As used in this division, "false, fraudulent, deceptive,	20097
or misleading statement" means a statement that includes a	20098
misrepresentation of fact, is likely to mislead or deceive	20099
because of a failure to disclose material facts, is intended or	20100
is likely to create false or unjustified expectations of	20101
favorable results, or includes representations or implications	20102
that in reasonable probability will cause an ordinarily prudent	20103
person to misunderstand or be deceived.	20104
(9) The obtaining of, or attempting to obtain, money or a	20105
thing of value by fraudulent misrepresentations in the course of	20106
practice;	20107
(10) A plea of guilty to, a judicial finding of guilt of,	20108
or a judicial finding of eligibility for intervention in lieu of	20109
conviction for, a felony;	20110
(11) Commission of an act that constitutes a felony in	20111
this state, regardless of the jurisdiction in which the act was	20112
committed;	20113
(12) A plea of guilty to, a judicial finding of guilt of,	20114
or a judicial finding of eligibility for intervention in lieu of	20115
conviction for, a misdemeanor committed in the course of	20116
practice;	20117
(13) A plea of guilty to, a judicial finding of guilt of,	20118



or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 20119  
20120

(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 20121  
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(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 20124  
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(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 20127  
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(17) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; 20132  
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(18) Violation of the conditions placed by the board on a license to practice as a genetic counselor; 20142  
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(19) Failure to cooperate in an investigation conducted by the board under section 4778.18 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the 20144  
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board at a deposition or in written interrogatories, except that 20148  
failure to cooperate with an investigation shall not constitute 20149  
grounds for discipline under this section if a court of 20150  
competent jurisdiction has issued an order that either quashes a 20151  
subpoena or permits the individual to withhold the testimony or 20152  
evidence in issue; 20153

(20) Failure to maintain the individual's status as a 20154  
certified genetic counselor; 20155

(21) Failure to comply with the code of ethics established 20156  
by the national society of genetic counselors. 20157

(C) The board shall not refuse to issue a license to an 20158  
applicant because of a plea of guilty to, a judicial finding of 20159  
guilt of, or a judicial finding of eligibility for intervention 20160  
in lieu of conviction for an offense unless the refusal is in 20161  
accordance with section 9.79 of the Revised Code. 20162

(D) Disciplinary actions taken by the board under 20163  
divisions (A) and (B) of this section shall be taken pursuant to 20164  
an adjudication under Chapter 119. of the Revised Code, except 20165  
that in lieu of an adjudication, the board may enter into a 20166  
consent agreement with a genetic counselor or applicant to 20167  
resolve an allegation of a violation of this chapter or any rule 20168  
adopted under it. A consent agreement, when ratified by an 20169  
affirmative vote of not fewer than six members of the board, 20170  
shall constitute the findings and order of the board with 20171  
respect to the matter addressed in the agreement. If the board 20172  
refuses to ratify a consent agreement, the admissions and 20173  
findings contained in the consent agreement shall be of no force 20174  
or effect. 20175

A telephone conference call may be utilized for 20176

ratification of a consent agreement that revokes or suspends an individual's license. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

(E) For purposes of divisions (B) (11), (14), and (15) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or license holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the license holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal on technical or procedural grounds.

(F) The sealing or expungement of conviction records by any court shall have no effect on a prior board order entered under the provisions of this section or on the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing or took other formal action under Chapter 119. of the Revised Code prior to the court's order to seal or expunge the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(G) For purposes of this division, any individual who holds a license to practice as a genetic counselor, or applies for a license, shall be deemed to have given consent to submit

to a mental or physical examination when directed to do so in 20207  
writing by the board and to have waived all objections to the 20208  
admissibility of testimony or examination reports that 20209  
constitute a privileged communication. 20210

(1) In enforcing division (B)(5) of this section, the 20211  
board, on a showing of a possible violation, may compel any 20212  
individual who holds a license to practice as a genetic 20213  
counselor or who has applied for a license to practice as a 20214  
genetic counselor to submit to a mental or physical examination, 20215  
or both. A physical examination may include an HIV test. The 20216  
expense of the examination is the responsibility of the 20217  
individual compelled to be examined. Failure to submit to a 20218  
mental or physical examination or consent to an HIV test ordered 20219  
by the board constitutes an admission of the allegations against 20220  
the individual unless the failure is due to circumstances beyond 20221  
the individual's control, and a default and final order may be 20222  
entered without the taking of testimony or presentation of 20223  
evidence. If the board finds a genetic counselor unable to 20224  
practice because of the reasons set forth in division (B)(5) of 20225  
this section, the board shall require the genetic counselor to 20226  
submit to care, counseling, or treatment by physicians approved 20227  
or designated by the board, as a condition for an initial, 20228  
continued, reinstated, or renewed license to practice. An 20229  
individual affected by this division shall be afforded an 20230  
opportunity to demonstrate to the board the ability to resume 20231  
practicing in compliance with acceptable and prevailing 20232  
standards of care. 20233

(2) For purposes of division (B)(6) of this section, if 20234  
the board has reason to believe that any individual who holds a 20235  
license to practice as a genetic counselor or any applicant for 20236  
a license suffers such impairment, the board may compel the 20237

individual to submit to a mental or physical examination, or 20238  
both. The expense of the examination is the responsibility of 20239  
the individual compelled to be examined. Any mental or physical 20240  
examination required under this division shall be undertaken by 20241  
a treatment provider or physician qualified to conduct such 20242  
examination and chosen by the board. 20243

Failure to submit to a mental or physical examination 20244  
ordered by the board constitutes an admission of the allegations 20245  
against the individual unless the failure is due to 20246  
circumstances beyond the individual's control, and a default and 20247  
final order may be entered without the taking of testimony or 20248  
presentation of evidence. If the board determines that the 20249  
individual's ability to practice is impaired, the board shall 20250  
suspend the individual's license or deny the individual's 20251  
application and shall require the individual, as a condition for 20252  
an initial, continued, reinstated, or renewed license, to submit 20253  
to treatment. 20254

Before being eligible to apply for reinstatement of a 20255  
license suspended under this division, the genetic counselor 20256  
shall demonstrate to the board the ability to resume practice in 20257  
compliance with acceptable and prevailing standards of care. The 20258  
demonstration shall include the following: 20259

(a) Certification from a treatment provider approved under 20260  
section 4731.25 of the Revised Code that the individual has 20261  
successfully completed any required inpatient treatment; 20262

(b) Evidence of continuing full compliance with an 20263  
aftercare contract or consent agreement; 20264

(c) Two written reports indicating that the individual's 20265  
ability to practice has been assessed and that the individual 20266

has been found capable of practicing according to acceptable and 20267  
prevailing standards of care. The reports shall be made by 20268  
individuals or providers approved by the board for making such 20269  
assessments and shall describe the basis for their 20270  
determination. 20271

The board may reinstate a license suspended under this 20272  
division after such demonstration and after the individual has 20273  
entered into a written consent agreement. 20274

When the impaired genetic counselor resumes practice, the 20275  
board shall require continued monitoring of the genetic 20276  
counselor. The monitoring shall include monitoring of compliance 20277  
with the written consent agreement entered into before 20278  
reinstatement or with conditions imposed by board order after a 20279  
hearing, and, on termination of the consent agreement, 20280  
submission to the board for at least two years of annual written 20281  
progress reports made under penalty of falsification stating 20282  
whether the genetic counselor has maintained sobriety. 20283

(H) If the secretary and supervising member determine both 20284  
of the following, they may recommend that the board suspend an 20285  
individual's license to practice without a prior hearing: 20286

(1) That there is clear and convincing evidence that a 20287  
genetic counselor has violated division (B) of this section; 20288

(2) That the individual's continued practice presents a 20289  
danger of immediate and serious harm to the public. 20290

Written allegations shall be prepared for consideration by 20291  
the board. The board, on review of the allegations and by an 20292  
affirmative vote of not fewer than six of its members, excluding 20293  
the secretary and supervising member, may suspend a license 20294  
without a prior hearing. A telephone conference call may be 20295

utilized for reviewing the allegations and taking the vote on 20296  
the summary suspension. 20297

The board shall issue a written order of suspension by 20298  
certified mail or in person in accordance with section 119.07 of 20299  
the Revised Code. The order shall not be subject to suspension 20300  
by the court during pendency of any appeal filed under section 20301  
119.12 of the Revised Code. If the genetic counselor requests an 20302  
adjudicatory hearing by the board, the date set for the hearing 20303  
shall be within fifteen days, but not earlier than seven days, 20304  
after the genetic counselor requests the hearing, unless 20305  
otherwise agreed to by both the board and the genetic counselor. 20306

A summary suspension imposed under this division shall 20307  
remain in effect, unless reversed on appeal, until a final 20308  
adjudicative order issued by the board pursuant to this section 20309  
and Chapter 119. of the Revised Code becomes effective. The 20310  
board shall issue its final adjudicative order within sixty days 20311  
after completion of its hearing. Failure to issue the order 20312  
within sixty days shall result in dissolution of the summary 20313  
suspension order, but shall not invalidate any subsequent, final 20314  
adjudicative order. 20315

(I) If the board takes action under division (B) (10), 20316  
(12), or (13) of this section, and the judicial finding of 20317  
guilt, guilty plea, or judicial finding of eligibility for 20318  
intervention in lieu of conviction is overturned on appeal, on 20319  
exhaustion of the criminal appeal, a petition for 20320  
reconsideration of the order may be filed with the board along 20321  
with appropriate court documents. On receipt of a petition and 20322  
supporting court documents, the board shall reinstate the 20323  
license to practice as a genetic counselor. The board may then 20324  
hold an adjudication under Chapter 119. of the Revised Code to 20325

determine whether the individual committed the act in question. 20326  
Notice of opportunity for hearing shall be given in accordance 20327  
with Chapter 119. of the Revised Code. If the board finds, 20328  
pursuant to an adjudication held under this division, that the 20329  
individual committed the act, or if no hearing is requested, it 20330  
may order any of the sanctions specified in division (B) of this 20331  
section. 20332

(J) The license to practice as a genetic counselor and the 20333  
counselor's practice in this state are automatically suspended 20334  
as of the date the genetic counselor pleads guilty to, is found 20335  
by a judge or jury to be guilty of, or is subject to a judicial 20336  
finding of eligibility for intervention in lieu of conviction in 20337  
this state or treatment of intervention in lieu of conviction in 20338  
another jurisdiction for any of the following criminal offenses 20339  
in this state or a substantially equivalent criminal offense in 20340  
another jurisdiction: aggravated murder, murder, voluntary 20341  
manslaughter, felonious assault, kidnapping, rape, sexual 20342  
battery, gross sexual imposition, aggravated arson, aggravated 20343  
robbery, or aggravated burglary. Continued practice after the 20344  
suspension shall be considered practicing without a license. 20345

The board shall notify the individual subject to the 20346  
suspension by certified mail or in person in accordance with 20347  
section 119.07 of the Revised Code. If an individual whose 20348  
license is suspended under this division fails to make a timely 20349  
request for an adjudication under Chapter 119. of the Revised 20350  
Code, the board shall enter a final order permanently revoking 20351  
the individual's license to practice. 20352

(K) In any instance in which the board is required by 20353  
Chapter 119. of the Revised Code to give notice of opportunity 20354  
for hearing and the individual subject to the notice does not 20355



timely request a hearing in accordance with section 119.07 of 20356  
the Revised Code, the board is not required to hold a hearing, 20357  
but may adopt, by an affirmative vote of not fewer than six of 20358  
its members, a final order that contains the board's findings. 20359  
In the final order, the board may order any of the sanctions 20360  
identified under division (A) or (B) of this section. 20361

(L) Any action taken by the board under division (B) of 20362  
this section resulting in a suspension shall be accompanied by a 20363  
written statement of the conditions under which the license of 20364  
the genetic counselor may be reinstated. The board shall adopt 20365  
rules in accordance with Chapter 119. of the Revised Code 20366  
governing conditions to be imposed for reinstatement. 20367  
Reinstatement of a license suspended pursuant to division (B) of 20368  
this section requires an affirmative vote of not fewer than six 20369  
members of the board. 20370

(M) When the board refuses to grant or issue a license to 20371  
practice as a genetic counselor to an applicant, revokes an 20372  
individual's license, refuses to renew an individual's license, 20373  
or refuses to reinstate an individual's license, the board may 20374  
specify that its action is permanent. An individual subject to a 20375  
permanent action taken by the board is forever thereafter 20376  
ineligible to hold a license to practice as a genetic counselor 20377  
and the board shall not accept an application for reinstatement 20378  
of the license or for issuance of a new license. 20379

(N) Notwithstanding any other provision of the Revised 20380  
Code, all of the following apply: 20381

(1) The surrender of a license to practice as a genetic 20382  
counselor is not effective unless or until accepted by the 20383  
board. A telephone conference call may be utilized for 20384  
acceptance of the surrender of an individual's license. The 20385

telephone conference call shall be considered a special meeting 20386  
under division (F) of section 121.22 of the Revised Code. 20387  
Reinstatement of a license surrendered to the board requires an 20388  
affirmative vote of not fewer than six members of the board. 20389

(2) An application made under this chapter for a license 20390  
to practice may not be withdrawn without approval of the board. 20391

(3) Failure by an individual to renew a license in 20392  
accordance with section 4778.06 of the Revised Code shall not 20393  
remove or limit the board's jurisdiction to take disciplinary 20394  
action under this section against the individual. 20395

**Sec. 5120.035.** (A) As used in this section: 20396

(1) "Community treatment provider" means a program that 20397  
provides substance use disorder assessment and treatment for 20398  
persons and that satisfies all of the following: 20399

(a) It is located outside of a state correctional 20400  
institution. 20401

(b) It shall provide the assessment and treatment for 20402  
qualified prisoners referred and transferred to it under this 20403  
section in a suitable facility that is licensed pursuant to 20404  
division (C) of section 2967.14 of the Revised Code. 20405

(c) All qualified prisoners referred and transferred to it 20406  
under this section shall reside initially in the suitable 20407  
facility specified in division (A)(1)(b) of this section while 20408  
undergoing the assessment and treatment. 20409

(2) "Electronic monitoring device" has the same meaning as 20410  
in section 2929.01 of the Revised Code. 20411

(3) "State correctional institution" has the same meaning 20412  
as in section 2967.01 of the Revised Code. 20413

(4) "Qualified prisoner" means a person who satisfies all 20414  
of the following: 20415

(a) The person is confined in a state correctional 20416  
institution under a prison term imposed for a felony of the 20417  
third, fourth, or fifth degree that is not an offense of 20418  
violence. 20419

(b) The department of rehabilitation and correction 20420  
determines, using a standardized assessment tool, that the 20421  
person has a substance use disorder. 20422

(c) The person has not more than twelve months remaining 20423  
to be served under the prison term described in division (A) (4) 20424  
(a) of this section. 20425

(d) The person is not serving any prison term other than 20426  
the term described in division (A) (4) (a) of this section. 20427

(e) The person is eighteen years of age or older. 20428

(f) The person does not show signs of drug or alcohol 20429  
withdrawal and does not require medical detoxification. 20430

(g) As determined by the department of rehabilitation and 20431  
correction, the person is physically and mentally capable of 20432  
uninterrupted participation in the substance use disorder 20433  
treatment program established under division (B) of this 20434  
section. 20435

(B) The department of rehabilitation and correction shall 20436  
establish and operate a program for community-based substance 20437  
use disorder treatment for qualified prisoners. The purpose of 20438  
the program shall be to provide substance use disorder 20439  
assessment and treatment through community treatment providers 20440  
to help reduce substance use relapses and recidivism for 20441

qualified prisoners while preparing them for reentry into the community and improving public safety.

(C) (1) The department shall determine which qualified prisoners in its custody should be placed in the substance use disorder treatment program established under division (B) of this section. The department has full discretion in making that determination. If the department determines that a qualified prisoner should be placed in the program, the department may refer the prisoner to a community treatment provider the department has approved under division (E) of this section for participation in the program and transfer the prisoner from the state correctional institution to the provider's approved and licensed facility. Except as otherwise provided in division (C) (3) of this section, no prisoner shall be placed under the program in any facility other than a facility of a community treatment provider that has been so approved. If the department places a prisoner in the program, the prisoner shall receive credit against the prisoner's prison term for all time served in the provider's approved and licensed facility and may earn days of credit under section 2967.193 of the Revised Code, but otherwise neither the placement nor the prisoner's participation in or completion of the program shall result in any reduction of the prisoner's prison term.

(2) If the department places a prisoner in the substance use disorder treatment program, the prisoner does not satisfactorily participate in the program, and the prisoner has not served the prisoner's entire prison term, the department may remove the prisoner from the program and return the prisoner to a state correctional institution.

(3) If the department places a prisoner in the substance

use disorder treatment program and the prisoner is 20472  
satisfactorily participating in the program, the department may 20473  
permit the prisoner to reside at a residence approved by the 20474  
department if the department determines, with input from the 20475  
community treatment provider, that residing at the approved 20476  
residence will help the prisoner prepare for reentry into the 20477  
community and will help reduce substance use relapses and 20478  
recidivism for the prisoner. If a prisoner is permitted under 20479  
this division to reside at a residence approved by the 20480  
department, the prisoner shall be monitored during the period of 20481  
that residence by an electronic monitoring device. 20482

(D) (1) When a prisoner has been placed in the substance 20483  
use disorder treatment program established under division (B) of 20484  
this section, before the prisoner is released from custody of 20485  
the department upon completion of the prisoner's prison term, 20486  
the department shall conduct and prepare an evaluation of the 20487  
prisoner, the prisoner's participation in the program, and the 20488  
prisoner's needs regarding substance use disorder treatment upon 20489  
release. Before the prisoner is released from custody of the 20490  
department upon completion of the prisoner's prison term, the 20491  
parole board or the court acting pursuant to an agreement under 20492  
section 2967.29 of the Revised Code shall consider the 20493  
evaluation, in addition to all other information and materials 20494  
considered, as follows: 20495

(a) If the prisoner is a prisoner for whom post-release 20496  
control is mandatory under section 2967.28 of the Revised Code, 20497  
the board or court shall consider it in determining which post- 20498  
release control sanction or sanctions to impose upon the 20499  
prisoner under that section. 20500

(b) If the prisoner is a prisoner for whom post-release 20501

control is not mandatory under section 2967.28 of the Revised Code, the board or court shall consider it in determining whether a post-release control sanction is necessary and, if so, which post-release control sanction or sanctions to impose upon the prisoner under that section.

(2) If the department determines that a prisoner it placed in the substance use disorder treatment program successfully completed the program and successfully completed a term of post-release control, if applicable, and if the prisoner submits an application under section 2953.32 of the Revised Code for sealing or expungement of the record of the conviction, the director may issue a letter to the court in support of the application.

(E) (1) The department shall accept applications from community treatment providers that satisfy the requirement specified in division (E) (2) of this section and that wish to participate in the substance use disorder treatment program established under division (B) of this section, and shall approve for participation in the program at least four and not more than eight of the providers that apply. To the extent feasible, the department shall approve one or more providers from each geographical quadrant of the state.

(2) Each community treatment provider that applies under division (E) (1) of this section to participate in the program shall have the provider's alcohol and drug addiction services that provide substance use disorder treatment certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. A community treatment provider is not required to have the provider's halfway house or residential treatment certified by the department of mental health and

addiction services. 20532

(F) The department of rehabilitation and correction shall 20533  
adopt rules for the operation of the substance use disorder 20534  
treatment program it establishes under division (B) of this 20535  
section and shall operate the program in accordance with this 20536  
section and those rules. The rules shall establish, at a 20537  
minimum, all of the following: 20538

(1) Criteria that establish which qualified prisoners are 20539  
eligible for the program; 20540

(2) Criteria that must be satisfied to transfer a 20541  
qualified prisoner to a residence pursuant to division (C) (3) of 20542  
this section; 20543

(3) Criteria for the removal of a prisoner from the 20544  
program pursuant to division (C) (2) of this section; 20545

(4) Criteria for determining when an offender has 20546  
successfully completed the program for purposes of division (D) 20547  
(2) of this section; 20548

(5) Criteria for community treatment providers to provide 20549  
assessment and treatment, including minimum standards for 20550  
treatment. 20551

**Sec. 5120.66.** (A) Within ninety days after November 23, 20552  
2005, but not before January 1, 2006, the department of 20553  
rehabilitation and correction shall establish and operate on the 20554  
internet a database that contains all of the following: 20555

(1) For each inmate in the custody of the department under 20556  
a sentence imposed for a conviction of or plea of guilty to any 20557  
offense, all of the following information: 20558

(a) The inmate's name; 20559

(b) For each offense for which the inmate was sentenced to a prison term or term of imprisonment and is in the department's custody, the name of the offense, the Revised Code section of which the offense is a violation, the gender of each victim of the offense if those facts are known, whether each victim of the offense was an adult or child if those facts are known, whether any victim of the offense was a law enforcement officer if that fact is known, the range of the possible prison terms or term of imprisonment that could have been imposed for the offense, the actual prison term or term of imprisonment imposed for the offense, the county in which the offense was committed, the date on which the inmate began serving the prison term or term of imprisonment imposed for the offense, and whichever of the following is applicable:

(i) The date on which the inmate will be eligible for parole relative to the offense if the prison term or term of imprisonment is an indefinite term or life term with parole eligibility;

(ii) The date on which the term ends if the prison term is a definite term;

(iii) The date on which the inmate will be eligible for presumptive release under section 2967.271 of the Revised Code, if the inmate is serving a non-life felony indefinite prison term.

(c) All of the following information that is applicable regarding the inmate:

(i) If known to the department prior to the conduct of any hearing for judicial release of the defendant pursuant to section 2929.20 of the Revised Code in relation to any prison



term or term of imprisonment the inmate is serving for any 20589  
~~offense or any hearing for release of the defendant pursuant to~~ 20590  
~~section 2967.19 of the Revised Code in relation to any such~~ 20591  
~~term~~, notice of the fact that the inmate will be having a 20592  
hearing regarding a possible grant of judicial release ~~or~~ 20593  
~~release~~, the date of the hearing, and the right of any person 20594  
pursuant to division ~~(J)~~ (I) of section 2929.20 ~~or division (H)~~ 20595  
~~of section 2967.19 of the Revised Code, whichever is applicable,~~ 20596  
to submit to the court a written statement regarding the 20597  
possible judicial release ~~or release~~. The department also shall 20598  
post notice of the submission to a sentencing court of any 20599  
recommendation for early judicial release of the inmate 20600  
submitted by the director of the department of rehabilitation 20601  
and correction pursuant to division (O) of section 2967.19 20602  
2929.20 of the Revised Code, as required by that division ~~(E) of~~ 20603  
~~that section.~~ 20604

(ii) If the inmate is serving a prison term pursuant to 20605  
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 20606  
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 20607  
Code, prior to the conduct of any hearing pursuant to section 20608  
2971.05 of the Revised Code to determine whether to modify the 20609  
requirement that the inmate serve the entire prison term in a 20610  
state correctional facility in accordance with division (C) of 20611  
that section, whether to continue, revise, or revoke any 20612  
existing modification of that requirement, or whether to 20613  
terminate the prison term in accordance with division (D) of 20614  
that section, notice of the fact that the inmate will be having 20615  
a hearing regarding those determinations and the date of the 20616  
hearing; 20617

(iii) At least sixty days before the adult parole 20618  
authority recommends a pardon or commutation of sentence for the 20619

inmate, at least sixty days prior to a hearing before the adult 20620  
parole authority regarding a grant of parole to the inmate in 20621  
relation to any prison term or term of imprisonment the inmate 20622  
is serving for any offense, or at least sixty days prior to a 20623  
hearing before the department regarding a determination of 20624  
whether the inmate must be released under division (C) or (D) (2) 20625  
of section 2967.271 of the Revised Code if the inmate is serving 20626  
a non-life felony indefinite prison term, notice of the fact 20627  
that the inmate might be under consideration for a pardon or 20628  
commutation of sentence or will be having a hearing regarding a 20629  
possible grant of parole or release, the date of any hearing 20630  
regarding a possible grant of parole or release, and the right 20631  
of any person to submit a written statement regarding the 20632  
pending action; 20633

(iv) At least sixty days before the inmate is transferred 20634  
to transitional control under section 2967.26 of the Revised 20635  
Code in relation to any prison term or term of imprisonment the 20636  
inmate is serving for any offense, notice of the pendency of the 20637  
transfer, the date of the possible transfer, and the right of 20638  
any person to submit a statement regarding the possible 20639  
transfer; 20640

(v) Prompt notice of the inmate's escape from any facility 20641  
in which the inmate was incarcerated and of the capture of the 20642  
inmate after an escape; 20643

(vi) Notice of the inmate's death while in confinement; 20644

(vii) Prior to the release of the inmate from confinement, 20645  
notice of the fact that the inmate will be released, of the date 20646  
of the release, and, if applicable, of the standard terms and 20647  
conditions of the release; 20648

(viii) Notice of the inmate's judicial release pursuant to 20649  
section 2929.20 of the Revised Code ~~or release pursuant to~~ 20650  
~~section 2967.19 of the Revised Code.~~ 20651

(2) Information as to where a person can send written 20652  
statements of the types referred to in divisions (A) (1) (c) (i), 20653  
(iii), and (iv) of this section. 20654

(B) (1) The department shall update the database required 20655  
under division (A) of this section every twenty-four hours to 20656  
ensure that the information it contains is accurate and current. 20657

(2) The database required under division (A) of this 20658  
section is a public record open for inspection under section 20659  
149.43 of the Revised Code. The department shall make the 20660  
database searchable by inmate name and by the county and zip 20661  
code where the offender intends to reside after release from a 20662  
state correctional institution if this information is known to 20663  
the department. 20664

(3) The database required under division (A) of this 20665  
section may contain information regarding inmates who are listed 20666  
in the database in addition to the information described in that 20667  
division. 20668

(4) No information included on the database required under 20669  
division (A) of this section shall identify or enable the 20670  
identification of any victim of any offense committed by an 20671  
inmate. 20672

(C) The failure of the department to comply with the 20673  
requirements of division (A) or (B) of this section does not 20674  
give any rights or any grounds for appeal or post-conviction 20675  
relief to any inmate. 20676

(D) This section, and the related provisions of sections 20677

2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code 20678  
enacted in the act in which this section was enacted, shall be 20679  
known as "Laura's Law." 20680

(E) As used in this section, "non-life felony indefinite 20681  
prison term" has the same meaning as in section 2929.01 of the 20682  
Revised Code. 20683

Sec. 5139.101. (A) The department of youth services, in 20684  
coordination with any other agencies deemed necessary, may 20685  
develop a program to assist a youth leaving the supervision, 20686  
control, and custody of the department at twenty-one years of 20687  
age. The program shall provide supportive services for specific 20688  
educational or rehabilitative purposes, under conditions agreed 20689  
upon by both the department and the youth and terminable by 20690  
either. Services shall cease not later than when the youth 20691  
reaches twenty-two years of age and shall not be construed as 20692  
extending control of a child beyond discharge as described in 20693  
section 5139.10 of the Revised Code. 20694

(B) The services provided by the program shall be offered 20695  
to the youth prior to the youth's discharge date, but a youth 20696  
may request and the department shall consider any such request 20697  
for the services described up to ninety days after the youth's 20698  
effective date of discharge, even if the youth has previously 20699  
declined services. 20700

**Sec. 5139.45.** (A) As used in this section: 20701

(1) "Quality assurance committee" means a committee that 20702  
is appointed in the central office of the department of youth 20703  
services by the director of youth services, a committee 20704  
appointed at an institution by the managing officer of the 20705  
institution, or a duly authorized subcommittee of that nature 20706

and that is designated to carry out quality assurance program 20707  
activities. 20708

(2) "Institution" means a state facility that is created 20709  
by the general assembly and that is under the management and 20710  
control of the department of youth services or a private entity 20711  
with which the department has contracted for the institutional 20712  
care and custody of felony delinquents. 20713

~~(2)~~(3) "Quality assurance program" means a comprehensive 20714  
program within the department of youth services to 20715  
systematically review and improve the quality of ~~programming,~~ 20716  
~~operations, education, comprehensive services, including but not~~ 20717  
limited to, medical and mental health services within the 20718  
department and the department's institutions, the safety and 20719  
security of persons receiving care and services within the 20720  
department and the department's institutions, and the efficiency 20721  
and effectiveness of the utilization of staff and resources in 20722  
the delivery of services within the department and the 20723  
department's institutions. 20724

~~(3)~~(4) "Quality assurance program activities" means the 20725  
activities of ~~the institution and the office of quality~~ 20726  
~~assurance and improvement~~a quality assurance committee, of 20727  
persons who provide, collect, or compile information and reports 20728  
required by ~~the office of quality assurance and improvement~~a 20729  
quality assurance committee, and of persons who receive, review, 20730  
or implement the recommendations made by ~~the office of quality~~ 20731  
~~assurance and improvement~~a quality assurance committee. "Quality 20732  
assurance program activities" include, but are not limited to, 20733  
credentialing, infection control, utilization review including 20734  
access to patient care, patient care assessments, medical and 20735  
mental health records, medical and mental health resource 20736

management, mortality and morbidity review, ~~and~~ identification 20737  
and prevention of medical or mental health incidents and risks, 20738  
and other comprehensive service activities whether performed by 20739  
~~the office of quality assurance and improvement~~ a quality 20740  
assurance committee or by persons who are directed by ~~the office~~ 20741  
~~of quality assurance and improvement~~ a quality assurance 20742  
committee. 20743

~~(4)~~ (5) "Quality assurance record" means the proceedings, 20744  
records, minutes, and reports that result from quality assurance 20745  
program activities. "Quality assurance record" does not include 20746  
aggregate statistical information that does not disclose the 20747  
identity of persons receiving or providing services in 20748  
institutions. 20749

(B) ~~The office of quality assurance and improvement is~~ 20750  
~~hereby created as an office in the department of youth services.~~ 20751  
~~The director of youth services shall appoint a managing officer~~ 20752  
~~to carry out quality assurance program activities~~ The director of 20753  
the department of youth services shall appoint a central office 20754  
quality assurance committee consisting of staff members from 20755  
relevant divisions within the department. The managing officer 20756  
of an institution may appoint an institutional quality assurance 20757  
committee. 20758

(C) (1) Except as otherwise provided in division (F) of 20759  
this section, quality assurance records are confidential and are 20760  
not public records under section 149.43 of the Revised Code and 20761  
shall be used only in the course of the proper functions of a 20762  
quality assurance program. 20763

(2) Except as provided in division (F) of this section, no 20764  
person who possesses or has access to quality assurance records 20765  
and who knows that the records are quality assurance records 20766

shall willfully disclose the contents of the records to any 20767  
person or entity. 20768

(D) (1) Except as otherwise provided in division (F) of 20769  
this section, a quality assurance record is not subject to 20770  
discovery and is not admissible as evidence in any judicial or 20771  
administrative proceeding. 20772

(2) Except as provided in division (F) of this section, no 20773  
~~employee of the office of quality assurance and improvement~~ 20774  
~~member of a quality assurance committee or a person who is~~ 20775  
performing a function that is part of a quality assurance 20776  
program shall be permitted or required to testify in a judicial 20777  
or administrative proceeding with respect to a quality assurance 20778  
record or with respect to any finding, recommendation, 20779  
evaluation, opinion, or other action taken by the ~~office or~~ 20780  
~~program or by the person within the scope of the quality~~ 20781  
~~assurance program~~ committee, member, or person. 20782

(3) Information, documents, or records otherwise available 20783  
from original sources shall not be unavailable for discovery or 20784  
inadmissible as evidence in a judicial or administrative 20785  
proceeding under division (D) (1) of this section merely because 20786  
they were presented to ~~the office of quality assurance and~~ 20787  
~~improvement~~ a quality assurance committee. No person ~~who is an~~ 20788  
~~employee of the office of quality assurance and improvement~~ 20789  
~~testifying before a quality assurance committee or person who is~~ 20790  
a member of a quality assurance committee shall be prohibited 20791  
from testifying as to matters within the person's knowledge, but 20792  
the person shall not be asked about an opinion formed by the 20793  
person as a result of the ~~person's quality assurance program~~ 20794  
~~activities~~ quality assurance committee proceedings. 20795

(E) (1) A person who, without malice and in the reasonable 20796

belief that the information is warranted by the facts known to 20797  
the person, provides information to a person engaged in quality 20798  
assurance program activities is not liable for damages in a 20799  
civil action for injury, death, or loss to person or property as 20800  
a result of providing the information. 20801

(2) ~~An employee of the office of quality assurance and~~ 20802  
~~improvement~~A member of a quality assurance committee, a person 20803  
engaged in quality assurance program activities, or an employee 20804  
of the department of youth services shall not be liable in 20805  
damages in a civil action for injury, death, or loss to person 20806  
or property for any acts, omissions, decisions, or other conduct 20807  
within the scope of the functions of the quality assurance 20808  
program. 20809

(3) Nothing in this section shall relieve any institution 20810  
from liability arising from the treatment of a patient. 20811

(F) Quality assurance records may be disclosed, and 20812  
testimony may be provided concerning quality assurance records, 20813  
only to the following persons or entities or under the following 20814  
circumstances: 20815

(1) Persons who are employed or retained by the department 20816  
of youth services and who have the authority to evaluate or 20817  
implement the recommendations of ~~an institution or the office of~~ 20818  
~~quality assurance and improvement~~a quality assurance committee; 20819

(2) Public or private agencies or organizations if needed 20820  
to perform a licensing or accreditation function related to 20821  
institutions or to perform monitoring of institutions as 20822  
required by law; 20823

(3) A governmental board or agency, a professional health 20824  
care society or organization, or a professional standards review 20825



organization, if the records or testimony are needed to perform 20826  
licensing, credentialing, or monitoring of professional 20827  
standards with respect to medical or mental health professionals 20828  
employed or retained by the department; 20829

(4) A criminal or civil law enforcement agency or public 20830  
health agency charged by law with the protection of public 20831  
health or safety, if a qualified representative of the agency 20832  
makes a written request stating that the records or testimony 20833  
are necessary for a purpose authorized by law; 20834

(5) In a judicial or administrative proceeding commenced 20835  
by an entity described in division (F) (3) or (4) of this section 20836  
for a purpose described in that division but only with respect 20837  
to the subject of the proceedings. 20838

(G) A disclosure of quality assurance records pursuant to 20839  
division (F) of this section does not otherwise waive the 20840  
confidential and privileged status of the disclosed quality 20841  
assurance records. The names and other identifying information 20842  
regarding individual patients or employees of ~~the office of~~ 20843  
~~quality assurance and improvement~~ a quality assurance committee 20844  
contained in a quality assurance record shall be redacted from 20845  
the record prior to the disclosure of the record unless the 20846  
identity of an individual is necessary for the purpose for which 20847  
the disclosure is being made and does not constitute a clearly 20848  
unwarranted invasion of personal privacy. 20849

**Sec. 5149.101.** (A) (1) A board hearing officer, a board 20850  
member, or the office of victims' services may petition the 20851  
board for a full board hearing that relates to the proposed 20852  
parole or re-parole of a prisoner, including any prisoner 20853  
described in section 2967.132 of the Revised Code. At a meeting 20854  
of the board at which a majority of board members are present, 20855

the majority of those present shall determine whether a full 20856  
board hearing shall be held. 20857

(2) A victim of a violation of section 2903.01 or 2903.02 20858  
of the Revised Code, an offense of violence that is a felony of 20859  
the first, second, or third degree, or an offense punished by a 20860  
sentence of life imprisonment, the victim's representative, or 20861  
any person described in division (B)(5) of this section may 20862  
request the board to hold a full board hearing that relates to 20863  
the proposed parole or re-parole of the person that committed 20864  
the violation. If a victim, victim's representative, or other 20865  
person requests a full board hearing pursuant to this division, 20866  
the board shall hold a full board hearing. 20867

At least thirty days before the full hearing, except as 20868  
otherwise provided in this division, the board shall give notice 20869  
of the date, time, and place of the hearing to the victim 20870  
regardless of whether the victim has requested the notification. 20871  
The notice of the date, time, and place of the hearing shall not 20872  
be given under this division to a victim if the victim has 20873  
requested pursuant to division (B)(2) of section 2930.03 of the 20874  
Revised Code that the notice not be provided to the victim. At 20875  
least thirty days before the full board hearing and regardless 20876  
of whether the victim has requested that the notice be provided 20877  
or not be provided under this division to the victim, the board 20878  
shall give similar notice to the prosecuting attorney in the 20879  
case, the law enforcement agency that arrested the prisoner if 20880  
any officer of that agency was a victim of the offense, and, if 20881  
different than the victim, the person who requested the full 20882  
hearing. If the prosecuting attorney has not previously been 20883  
sent an institutional summary report with respect to the 20884  
prisoner, upon the request of the prosecuting attorney, the 20885  
board shall include with the notice sent to the prosecuting 20886

attorney an institutional summary report that covers the 20887  
offender's participation while confined in a state correctional 20888  
institution in training, work, and other rehabilitative 20889  
activities and any disciplinary action taken against the 20890  
offender while so confined. Upon the request of a law 20891  
enforcement agency that has not previously been sent an 20892  
institutional summary report with respect to the prisoner, the 20893  
board also shall send a copy of the institutional summary report 20894  
to the law enforcement agency. If notice is to be provided as 20895  
described in this division, the board may give the notice by any 20896  
reasonable means, including regular mail, telephone, and 20897  
electronic mail, in accordance with division (D)(1) of section 20898  
2930.16 of the Revised Code. If the notice is based on an 20899  
offense committed prior to March 22, 2013, the notice also shall 20900  
include the opt-out information described in division (D)(1) of 20901  
section 2930.16 of the Revised Code. The board, in accordance 20902  
with division (D)(2) of section 2930.16 of the Revised Code, 20903  
shall keep a record of all attempts to provide the notice, and 20904  
of all notices provided, under this division. 20905

The preceding paragraph, and the notice-related provisions 20906  
of divisions (E)(2) and (K) of section 2929.20, division (D)(1) 20907  
of section 2930.16, division (H) of section 2967.12, division 20908  
(E)(1)(b) of section 2967.19 as it existed prior to the 20909  
effective date of this amendment, division ~~(A)(3)(b)~~ (A)(2)(b) 20910  
of section 2967.26, and division (D)(1) of section 2967.28 of 20911  
the Revised Code enacted in the act in which this paragraph was 20912  
enacted, shall be known as "Roberta's Law." 20913

(B) At a full board hearing that relates to the proposed 20914  
parole or re-parole of a prisoner and that has been petitioned 20915  
for or requested in accordance with division (A) of this 20916  
section, the parole board shall permit the following persons to 20917

appear and to give testimony or to submit written statements: 20918

(1) The prosecuting attorney of the county in which the 20919  
original indictment against the prisoner was found and members 20920  
of any law enforcement agency that assisted in the prosecution 20921  
of the original offense; 20922

(2) The judge of the court of common pleas who imposed the 20923  
original sentence of incarceration upon the prisoner, or the 20924  
judge's successor; 20925

(3) The victim of the original offense for which the 20926  
prisoner is serving the sentence or the victim's representative 20927  
designated pursuant to section 2930.02 of the Revised Code; 20928

(4) The victim of any behavior that resulted in parole 20929  
being revoked; 20930

(5) With respect to a full board hearing held pursuant to 20931  
division (A) (2) of this section, all of the following: 20932

(a) The spouse of the victim of the original offense; 20933

(b) The parent or parents of the victim of the original 20934  
offense; 20935

(c) The sibling of the victim of the original offense; 20936

(d) The child or children of the victim of the original 20937  
offense. 20938

(6) Counsel or some other person designated by the 20939  
prisoner as a representative, as described in division (C) of 20940  
this section. 20941

(C) Except as otherwise provided in this division, a full 20942  
board hearing of the parole board is not subject to section 20943  
121.22 of the Revised Code. The persons who may attend a full 20944

board hearing are the persons described in divisions (B) (1) to 20945  
(6) of this section, and representatives of the press, radio and 20946  
television stations, and broadcasting networks who are members 20947  
of a generally recognized professional media organization. 20948

At the request of a person described in division (B) (3) of 20949  
this section, representatives of the news media described in 20950  
this division shall be excluded from the hearing while that 20951  
person is giving testimony at the hearing. The prisoner being 20952  
considered for parole has no right to be present at the hearing, 20953  
but may be represented by counsel or some other person 20954  
designated by the prisoner. 20955

If there is an objection at a full board hearing to a 20956  
recommendation for the parole of a prisoner, the board may 20957  
approve or disapprove the recommendation or defer its decision 20958  
until a subsequent full board hearing. The board may permit 20959  
interested persons other than those listed in this division and 20960  
division (B) of this section to attend full board hearings 20961  
pursuant to rules adopted by the adult parole authority. 20962

(D) If the victim of the original offense died as a result 20963  
of the offense and the offense was aggravated murder, murder, an 20964  
offense of violence that is a felony of the first, second, or 20965  
third degree, or an offense punished by a sentence of life 20966  
imprisonment, the family of the victim may show at a full board 20967  
hearing a video recording not exceeding five minutes in length 20968  
memorializing the victim. 20969

(E) The adult parole authority shall adopt rules for the 20970  
implementation of this section. The rules shall specify 20971  
reasonable restrictions on the number of media representatives 20972  
that may attend a hearing, based on considerations of space, and 20973  
other procedures designed to accomplish an effective, orderly 20974

process for full board hearings. 20975

**Sec. 5149.38.** (A) In each voluntary county, subject to 20976  
division (B) of this section and not later than ~~September 1,~~ 20977  
~~2022~~ June 30, 2022, a county commissioner representing the board 20978  
of county commissioners of the county, the administrative judge 20979  
of the general division of the court of common pleas of the 20980  
county, the sheriff of the county, and an official from any 20981  
municipality operating a local correctional facility in the 20982  
county to which courts of the county sentence offenders shall 20983  
agree to, sign, and submit to the department of rehabilitation 20984  
and correction for its approval a memorandum of understanding 20985  
that does all of the following: 20986

(1) Sets forth the plans by which the county will use 20987  
grant money provided to the county in state fiscal year 2023 and 20988  
succeeding state fiscal years under the targeting community 20989  
alternatives to prison (T-CAP) program; 20990

(2) Specifies the manner in which the county will address 20991  
a per diem reimbursement of local correctional facilities for 20992  
prisoners who serve a prison term in the facility pursuant to 20993  
division (B) (3) (c) of section 2929.34 of the Revised Code. The 20994  
per diem reimbursement rate shall be the rate determined in 20995  
division (F) (1) of this section and shall be specified in the 20996  
memorandum; 20997

(3) Specifies whether the memorandum of understanding will 20998  
apply to prison terms for felonies of the fifth degree or prison 20999  
terms for felonies of the fourth and fifth degree pursuant to 21000  
division (B) (3) (c) of section 2929.34 of the Revised Code. 21001

(B) Two or more voluntary counties may join together to 21002  
jointly establish a memorandum of understanding of the type 21003

described in division (A) of this section. Not later than 21004  
~~September 1, 2022~~June 30, 2022, a county commissioner from each 21005  
of the affiliating voluntary counties representing the county's 21006  
board of county commissioners, the administrative judge of the 21007  
general division of the court of common pleas of each 21008  
affiliating voluntary county, the sheriff of each affiliating 21009  
voluntary county, and an official from any municipality 21010  
operating a local correctional facility in the affiliating 21011  
voluntary counties to which courts of the counties sentence 21012  
offenders shall agree to, sign, and submit to the department of 21013  
rehabilitation and correction for its approval the memorandum of 21014  
understanding. The memorandum of understanding shall set forth 21015  
the plans by which, and specify the manner in which, the 21016  
affiliating counties will complete the tasks identified in 21017  
divisions (A) (1) to (3) of this section. 21018

(C) The department of rehabilitation and correction shall 21019  
adopt rules establishing standards for approval of memorandums 21020  
of understanding submitted to it under division (A) or (B) of 21021  
this section. The department shall review the memorandums of 21022  
understanding submitted to it and may require the county or 21023  
counties that submit a memorandum to modify the memorandum. The 21024  
director of rehabilitation and correction shall approve 21025  
memorandums of understanding submitted to it under division (A) 21026  
or (B) of this section that the director determines satisfy the 21027  
standards adopted by the department within thirty days after 21028  
receiving each memorandum submitted. 21029

(D) Any person responsible for agreeing to, signing, and 21030  
submitting a memorandum of understanding under division (A) or 21031  
(B) of this section may delegate the person's authority to do so 21032  
to an employee of the agency, entity, or office served by the 21033  
person. 21034

(E) The persons signing a memorandum of understanding 21035  
under division (A) or (B) of this section, or their successors 21036  
in office, may revise the memorandum as they determine 21037  
necessary. Any revision of the memorandum shall be signed by the 21038  
parties specified in division (A) or (B) of this section and 21039  
submitted to the department of rehabilitation and correction for 21040  
its approval under division (C) of this section within thirty 21041  
days after the beginning of the state fiscal year. 21042

(F) (1) In each county, commencing in calendar year 2023, 21043  
on or before the first day of February of each calendar year the 21044  
sheriff shall determine the per diem costs for the preceding 21045  
calendar year for each of the local correctional facilities for 21046  
the housing in the facility of prisoners who serve a term in it 21047  
pursuant to division (B) (3) (c) of section 2929.34 of the Revised 21048  
Code. The per diem cost so determined shall apply in the 21049  
calendar year in which the determination is made. 21050

(2) For each county, the per diem cost determined under 21051  
division (F) (1) of this section that applies with respect to a 21052  
facility in a specified calendar year shall be the per diem rate 21053  
of reimbursement in that calendar year, under the targeting 21054  
community alternatives to prison (T-CAP) program, for prisoners 21055  
who serve a term in the facility pursuant to division (B) (3) (c) 21056  
of section 2929.34 of the Revised Code. 21057

(3) The per diem costs of housing determined under 21058  
division (F) (1) of this section for a facility shall be the 21059  
actual costs of housing the specified prisoners in the facility, 21060  
on a per diem basis. 21061

(G) As used in this section: 21062

(1) "Local correctional facility" means a facility of a 21063



type described in division (C) or (D) of section 2929.34 of the Revised Code. 21064  
21065

(2) "Voluntary county" has the same meanings as in section 2929.34 of the Revised Code. 21066  
21067

**Section 2.** That existing sections 109.11, 109.57, 109.71, 21068  
109.73, 109.75, 109.79, 109.801, 149.43, 307.93, 313.10, 341.42, 21069  
753.32, 2151.34, 2151.358, 2746.02, 2903.214, 2907.05, 2923.12, 21070  
2923.125, 2923.128, 2923.1213, 2923.16, 2925.11, 2925.12, 21071  
2925.14, 2925.141, 2929.01, 2929.13, 2929.14, 2929.20, 2929.34, 21072  
2930.03, 2930.06, 2930.16, 2939.21, 2941.1413, 2945.71, 2945.73, 21073  
2951.041, 2953.25, 2953.31, 2953.32, 2953.34, 2953.37, 2953.38, 21074  
2953.52, 2953.521, 2953.56, 2953.57, 2953.58, 2953.59, 2953.61, 21075  
2967.04, 2967.12, 2967.132, 2967.193, 2967.26, 2967.271, 21076  
2967.28, 3113.31, 3770.021, 4301.69, 4506.01, 4510.04, 4511.19, 21077  
4511.21, 4723.28, 4729.16, 4729.56, 4729.57, 4729.96, 4730.25, 21078  
4731.22, 4734.31, 4752.09, 4759.07, 4760.13, 4761.09, 4762.13, 21079  
4774.13, 4778.14, 5120.035, 5120.66, 5139.45, 5149.101, and 21080  
5149.38 of the Revised Code are hereby repealed. 21081

**Section 3.** That sections 2953.321, 2953.33, 2953.35, 21082  
2953.36, 2953.51, 2953.53, 2953.54, 2953.55, and 2967.19 of the 21083  
Revised Code are hereby repealed. 21084

**Section 4.** The General Assembly, applying the principle 21085  
stated in division (B) of section 1.52 of the Revised Code that 21086  
amendments are to be harmonized if reasonably capable of 21087  
simultaneous operation, finds that the following sections, 21088  
presented in this act as composites of the sections as amended 21089  
by the acts indicated, are the resulting versions of the 21090  
sections in effect prior to the effective date of the sections 21091  
as presented in this act: 21092

Section 109.73 of the Revised Code as amended by both H.B. 24 and S.B. 68 of the 133rd General Assembly.	21093 21094
Section 2907.05 of the Revised Code as amended by both S.B. 201 and S.B. 229 of the 132nd General Assembly.	21095 21096
Section 2923.1213 of the Revised Code as amended by both H.B. 234 and S.B. 43 of the 130th General Assembly.	21097 21098
Section 2925.11 of the Revised Code as amended by S.B. 1, S.B. 201, and S.B. 229, all of the 132nd General Assembly.	21099 21100
Section 2929.01 of the Revised Code as amended by H.B. 66 and H.B. 431, both of the 133rd General Assembly.	21101 21102
Section 2929.14 of the Revised Code as amended by both H.B. 136 and S.B. 256 of the 133rd General Assembly.	21103 21104
Section 2953.32 of the Revised Code as amended by H.B. 1, H.B. 431, and S.B. 10, all of the 133rd General Assembly.	21105 21106
Section 2953.37 (2953.35) of the Revised Code as amended by both H.B. 228 and H.B. 425 of the 132nd General Assembly.	21107 21108
Section 2967.193 of the Revised Code as amended by both S.B. 145 and S.B. 201 of the 132nd General Assembly.	21109 21110
Section 4301.69 of the Revised Code as amended by both H.B. 137 and S.B. 131 of the 126th General Assembly.	21111 21112
Section 4723.28 of the Revised Code as amended by both H.B. 203 and H.B. 263 of the 133rd General Assembly.	21113 21114
Section 4730.25 of the Revised Code as amended by both H.B. 203 and H.B. 263 both of the 133rd General Assembly.	21115 21116
Section 4734.31 of the Revised Code as amended by H.B. 151, H.B. 263, and H.B. 442, all of the 133rd General Assembly.	21117 21118