



THE SUPREME COURT of OHIO  
OFFICE OF COURT SERVICES

**Reportable Misdemeanors that Can Escalate to Felonies**

THIS DOCUMENT IS FOR INFORMATIONAL PURPOSES ONLY.

Please contact your county or city prosecutor, city law director, or village solicitor for legal information or advice.

| Revised Code §                  | Offense  | Can Offense Escalate to a Felony?   |
|---------------------------------|--|---|
| <a href="#">R.C. 128.32</a>     | Immunity; prohibited conduct   | Yes, second violation and more of R.C. 128.32(F) or (G) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 128.99(B)</a> ]  |
| <a href="#">R.C. 128.60</a>     | Service providers to supply information; confidentiality   | Yes, second violation and more of R.C. 128.60(B) (2) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 128.99(B)</a> ]   |
| <a href="#">R.C. 169.13</a>     | Agreements to pay fee, compensation, commission, or other remuneration to locate, deliver, recover, or assist in recovery of unclaimed funds | Yes, second violation or more of R.C. 169.13(C) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 169.99(B)</a> ]  |
| <a href="#">R.C. 169.16</a>     | Certificate of registration required   | Yes, second violation or more of R.C. 169.16(A) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 169.99(B)</a> ]  |
| <a href="#">R.C. 503.53</a>     | Initiative petition on resolution regulating or restricting adult-oriented businesses  | No  |
| <a href="#">R.C. 718.84</a>     | Information provided to tax administrators; confidentiality  | If the offender recklessly discloses, information received from the IRS in violation of R.C. 718.84(A), then a violation is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 718.95(B)</a> ]   |
| <a href="#">R.C. 901.511(B)</a> | Intent of offense involving any agricultural product or equipment  | Depends – on the first offense, violation of R.C. 901.511(B) is “a misdemeanor or a felony that is one degree higher than the penalty for the most serious underlying specified offense that is involved in a violation.” On a second and subsequent offense, the penalty is two degrees higher. [ <a href="#">R.C. 901.99(E)</a> ] |

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| <a href="#">R.C. 917.13</a>           | Payment reports   | Yes, second violation is a 5 <sup>th</sup> degree felony. Third violation and more are 4 <sup>th</sup> degree felonies. [ <a href="#">R.C. 917.99(B)</a> ]   |
| <a href="#">R.C. 917.14</a>           | Adoption method guaranteeing payment to producer  | Yes, second violation is a 5 <sup>th</sup> degree felony. Third violation and more are 4 <sup>th</sup> degree felonies. [ <a href="#">R.C. 917.99(B)</a> ]   |
| <a href="#">R.C. 921.24(G) or (P)</a> | Prohibited acts   | Yes, second violation or more is a 4 <sup>th</sup> degree felony. [ <a href="#">R.C. 921.99(B)</a> ]   |
| <a href="#">R.C. 926.04</a>           | Handler's license required  | Yes, second violation or more is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 926.99(A)(1)</a> ] Read R.C. 926.99(A)(2)   |
| <a href="#">R.C. 935.18</a>           | Sale or auction of animals prohibited   | Yes, second violation or more of R.C. 935.18(A), (B), (C), (E), (F), or (G) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 935.99(A)</a> ]   |
| <a href="#">R.C. 941.041</a>          | Prohibitions regarding animal diseases  | Yes, second violation of R.C. 941.041 (E) or (F), or if on first offense the animal is found to be infected with or to have been exposed to a dangerously contagious or infectious disease or is adulterated with a residue, it is a 5 <sup>th</sup> degree felony. Third violation or more is a 4 <sup>th</sup> degree felony. [ <a href="#">R.C. 941.99(D)</a> ] |
| <a href="#">R.C. 955.22</a>           | Confining, restraining, debarking dogs; dangerous dog registration certificate  | No   |
| <a href="#">R.C. 959.131(B)</a>       | Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill or commit an act of cruelty against a companion animal | Yes, second violation or more is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 959.99(E)(1)</a> ]  |
| <a href="#">R.C. 1509.072</a>         | Duty to restore disturbed land surface  | No   |
| <a href="#">R.C. 1547.11</a>          | Operation, control, or manipulation under influence of alcohol or drug  | No, however it is considered an "equivalent offense" when considering an enhancement of R.C. 4511.19. [ <a href="#">R.C. 4511.181(A)(6)</a> ] Also, an "equivalent offense" for determining habitual OVI offender. [ <a href="#">R.C. 5502.10(D)(2)(c)</a> ]   |

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| <a href="#">R.C. 1739.27</a>        | Requiring valid certification of authority                                | Yes, second violation or more is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 1739.99</a> ]   |
| <a href="#">R.C. 2903.06</a>        | Aggravated vehicular homicide, vehicular homicide, vehicular manslaughter | Yes, if the offender was driving under suspension or cancellation or did not have a valid license, or if previously guilty of R.C. 2903.06 or any traffic-related homicide, manslaughter, or assault offense, then a violation of R.C. 2903.08(A) (3) is a 4 <sup>th</sup> degree felony. [ <a href="#">R.C. 2903.06(C) (3)</a> ]                            |
| <a href="#">R.C. 2903.08</a>        | Aggravated vehicular assault; vehicular assault                           | If the offender was driving under suspension or if previously guilty of a violation of R.C. 2903.08 or any other traffic-related homicide, then a violation of R.C. 2903.08(A) (3) is a 4 <sup>th</sup> degree felony. [ <a href="#">R.C. 2903.08(C) (3)</a> ]   |
| <a href="#">R.C. 2903.13</a>        | Assault   | No   |
| <a href="#">R.C. 2903.16</a>        | Failing to provide for a functionally impaired person                     | No   |
| <a href="#">R.C. 2903.21</a>        | Aggravated menacing   | No   |
| <a href="#">R.C. 2903.211</a>       | Menacing by stalking  | Yes, second violation or more of R.C. 2903.211; previously convicted under R.C. 2911.211; or if other conditions listed in R.C. 2903.211 (B) (2) (b) through (i) are met, then a violation is a 4 <sup>th</sup> degree felony. [ <a href="#">R.C. 2903.211(B) (2)</a> ]  |
| <a href="#">R.C. 2903.22</a>        | Menacing  | Yes, if the offender has been previously convicted of an offense of violence <u>and</u> the victim of the prior offense was an employee of a public children services agency <u>and</u> the prior offense was related to that employee's official responsibilities, then a violation is a 4 <sup>th</sup> degree felony. [ <a href="#">R.C. 2903.22(B)</a> ] |
| <a href="#">R.C. 2903.34</a>        | Patient abuse or neglect  | Yes, if guilty previously of any division of R.C. 2903.34 and now guilty of R.C. 2903.34(A) (2), then a violation is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2903.34(D)</a> ]  |
| <a href="#">R.C. 2903.34(A) (3)</a> | Neglect against a resident or patient of the facility                     | Yes, if guilty of any division of R.C. 2903.34 and now guilty of R.C. 2903.34(A) (3), then a violation is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2903.34(E)</a> ]   |

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| <a href="#">R.C. 2903.341</a> | Patient endangerment                 | If previously guilty of R.C. 2903.341, then a violation of R.C. 2903.341 is a 4 <sup>th</sup> degree felony. [ <a href="#">R.C. 2903.341(E)(2)</a> ] If the violation results in serious physical harm to the person with a developmental disability, then a violation of R.C. 2903.341 is a 3 <sup>rd</sup> degree felony.<br>[ <a href="#">R.C. 2903.341(E)(3)</a> ]   |
| <a href="#">R.C. 2905.05</a>  | Criminal child enticement            | Yes, second violation or more or previously violated R.C. 2907.02, 2907.03 (or former R.C. 2907.12), 2905.01, or 2907.05 when the victim was under 17 years-old, then a violation is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2905.05(E)</a> ]  |
| <a href="#">R.C. 2907.04</a>  | Unlawful sexual contact with a minor | No   |
| <a href="#">R.C. 2907.06</a>  | Sexual imposition                    | No   |
| <a href="#">R.C. 2907.08</a>  | Voyeurism                            | No   |
| <a href="#">R.C. 2907.09</a>  | Public indecency                     | Yes, if previously guilty of 3 or more violations of R.C. 2907.09, then a violation of R.C. 2907.09(A)(1) is a 5 <sup>th</sup> degree felony if any person who was likely to view and be affronted by the offender's conduct was a minor. [ <a href="#">R.C. 2907.09(C)(2)</a> ]<br><br>Yes, if previously guilty of 2 or more violations of R.C. 2907.09, then a violation of R.C. 2907.09(A)(2) or (3) is a 5 <sup>th</sup> degree felony if any person who was likely to view or be affronted by the offender's conduct was a minor. [ <a href="#">R.C. 2907.09(C)(3)</a> ]<br><br>Yes, if previously guilty of 2 or more violations of R.C. 2907.09, then a violation of R.C. 2907.09(B)(1), (B)(2) or (B)(3) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2907.09(C)(4)</a> ]<br><br>Yes, if previously guilty of R.C. 2907.09, then a violation of R.C. 2907.09(B)(4) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2907.09(C)(4)</a> ] |

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| <a href="#">R.C. 2907.23</a>  | Enticement or solicitation to patronize a prostitute; procurement of a prostitute for another | No   |
| <a href="#">R.C. 2907.25</a>  | Prostitution – after positive HIV test  | No   |
| <a href="#">R.C. 2907.31</a>  | Disseminating matter harmful to juveniles   | No   |
| <a href="#">R.C. 2909.03</a>  | Arson   | No   |
| <a href="#">R.C. 2909.09</a>  | Vehicular vandalism   | If the violation creates a substantial risk of physical harm to any person or causes serious physical harm to property, a violation of R.C. 2909.03 is a 3 <sup>rd</sup> degree felony. If the violation causes serious physical harm to any person, a violation of R.C. 2909.09 is a 2 <sup>nd</sup> degree felony. [ <a href="#">R.C. 2909.09(C)</a> ] |
| <a href="#">R.C. 2911.32</a>  | Tampering with coin machines  | Yes, second violation or more of R.C. 2911.32 or any theft offense as defined under R.C. 2913.01, then a violation of R.C. 2911.32 is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2911.32(B)</a> ]   |
| <a href="#">R.C. 2913.07</a>  | Motion picture privacy  | Yes, second violation or more of R.C. 2913.07(B) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2913.07(C)</a> ]   |
| <a href="#">R.C. 2915.02</a>  | Gambling  | Yes, if previously convicted of any gambling offense, then a violation of R.C. 2915.02 is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2915.02(K)</a> ]   |
| <a href="#">R.C. 2915.03</a>  | Operating a gambling house  | Yes, if previously convicted of a gambling offense, then a violation of R.C. 2915.03 is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2915.03(B)</a> ]   |
| <a href="#">R.C. 2915.05</a>  | Cheating; corrupting sports   | Yes, if potential gain from cheating is \$1,000 or more, or if previously guilty of any gambling offense or of any theft offense as defined in R.C. 2913.01, then a violation of R.C. 2915.05(A) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2915.05(C)</a> ]   |
| <a href="#">R.C. 2915.081</a> | Illegally operating as distributor of bingo supplies  | Yes, if previously guilty R.C. 2915.081(A) or (E), then a violation of R.C. 2915.081(A) or (E) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2915.081(G)</a> ]  |

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| <a href="#">R.C. 2915.082</a>   | Illegally operating as manufacturer of bingo supplies  | Yes, is previously guilty of R.C. 2915.082(A) or (D), then a violation of R.C. 2915.082(A) or (D) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2915.082(F)</a> ]  |
| <a href="#">R.C. 2915.09</a>    | Illegally conducting bingo game; rules   | Yes, if previously guilty of R.C. 2915.09(C) (12), then a violation of R.C. 2915.09(C) (12) is a 4 <sup>th</sup> degree felony. [ <a href="#">R.C. 2915.09(G)</a> ]   |
| <a href="#">R.C. 2915.091</a>   | Illegally conducting instant bingo – rules   | Yes, if previously guilty of R.C. 2915.091(A), then a violation of R.C. 2915.091(A) or (C) is a 4 <sup>th</sup> degree felony. [ <a href="#">R.C. 2915.091(D)</a> ]   |
| <a href="#">R.C. 2915.092</a>   | Raffles; illegal conduct of raffle; penalties  | Yes, if previously guilty of R.C. 2915.091(B), then a violation of R.C. 2915.092(B) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2915.092(C)</a> ]  |
| <a href="#">R.C. 2915.094</a>   | Owner or lesser conducting instant bingo other than at bingo session at location where primary activity is instant bingo | Yes, if previously guilty of R.C. 2915.094(C) or (D), then a violation of R.C. 2915.094(C) or (D) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2915.094(E)(1)</a> ]   |
| <a href="#">R.C. 2915.13</a>    | Veteran’s organization or fraternal organization authorized to conduct bingo session                                     | Yes, if previously guilty of R.C. 2915.13, then a violation of R.C. 2915.13 is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2915.13(E)</a> ]   |
| <a href="#">R.C. 2917.21(A)</a> | Telecommunications harassment  | Yes, second violation of more of R.C. 2917.21(A) (1), (A) (2), (A) (3), (A) (5), (A) (6), (A) (7), (A) (8), (A) (9), (A) (10), (A) (11), or (B) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2917.21(C)(2)</a> ]<br><br>Yes, second violation or more of R.C. 2917.21(A) (4) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2917.21(C)(3)</a> ] |
| <a href="#">R.C. 2919.12</a>    | Unlawful abortion  | Yes, second violation or more of R.C. 2919.12(A) is a 4 <sup>th</sup> degree felony. [ <a href="#">R.C. 2919.12(D)</a> ]<br><br>Second violation or more of R.C. 2919.12(B) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2919.12(D)</a> ]   |
| <a href="#">R.C. 2919.121</a>   | Unlawful abortion upon minor   | Yes, if previously guilty of R.C. 2919.121, then a violation of R.C. 2919.121(B) is a 4 <sup>th</sup> degree felony. [ <a href="#">R.C. 2919.121(E)</a> ]   |

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| <a href="#">R.C. 2919.21</a> | Nonsupport or contributing to nonsupport of dependents | Yes, if the offender failed to provide support for 26 weeks out of 104 consecutive weeks or if previously guilty of R.C. 2919.21(A)(2) or (B), then a violation of R.C. 2919.21(A)(2) or (B) is a 5 <sup>th</sup> degree felony. If previously guilty of a felony violation of this section, then a subsequent violation is a 4 <sup>th</sup> degree felony. [ <a href="#">R.C. 2919.21(G)(1)</a> ]   |
| <a href="#">R.C. 2919.22</a> | Endangering children                                   | <p>Yes, if previously guilty of R.C. 2919.22 or any offense of neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, then a violation of R.C. 2919.22(A) or (B)(1) is a 4<sup>th</sup> degree felony. If serious physical harm to the child is involved, then a violation of R.C. 2919.22(A) is a 3<sup>rd</sup> degree felony, and a violation of R.C. 2919.22(B)(1) is a 2<sup>nd</sup> degree felony. [<a href="#">R.C. 2919.22(E)(2)</a>]</p> <p>If the violation results in serious physical harm to the child, or if previously found guilty of R.C. 2919.22 or any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, then violation of R.C. 2919.22(C) is a 5<sup>th</sup> degree felony. If the violation results in serious physical harm to the child and the offender previously had been convicted of a violation of R.C. 2919.22(C), R.C. 2903.06, R.C. 2903.08, R.C. 2903.07 as it existed prior to March 23, 2000, or R.C. 2903.04 (in a case in which the offender was subject to the sanctions described in division (D) of that section), then a violation of R.C. 2919.22(C) is a 4<sup>th</sup> degree felony. [<a href="#">R.C. 2919.22(E)(5)</a>]</p> |
| <a href="#">R.C. 2919.23</a> | Interference with custody                              | Yes, if previously guilty of R.C. 2919.23 or if the child is removed from the state, then a violation of R.C. 2919.23(A)(1) is a 5 <sup>th</sup> degree felony. If the child suffers physical harm as a result, then a violation of R.C. 2919.23(A)(1) is a 4 <sup>th</sup> degree felony. [ <a href="#">R.C. 2919.23(D)(2)</a> ]   |

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| <a href="#">R.C. 2919.231</a> | Interfering with action to issue or modify support order | Yes, if previously guilty of R.C. 2919.231 or R.C. 3111.19, then a violation of R.C. 2919.231 is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2919.231(B)</a> ]   |
| <a href="#">R.C. 2919.24</a>  | Contributing to unruliness or delinquency of a child     | No   |
| <a href="#">R.C. 2919.25</a>  | Domestic Violence  | <p>Yes, if previously guilty of R.C. 2919.25 or previously violated an existing or former municipal ordinance or a law of this state or any state that is substantially similar to R.C. 2903.14, R.C. 2909.06, R.C. 2909.07, R.C. 2911.12, R.C. 2911.211, R.C. 2919.22, if the victim was a family or household member at the time of the offense, or was convicted of any offense of violence if the victim was a family or household member at the time of the offense, then a violation of R.C. 2919.25(A) or (B) is a 4<sup>th</sup> degree felony. [<a href="#">R.C. 2919.25(D)(3)</a>]</p> <p>If previously guilty of 2 or more violations of R.C. 2919.25(D)(3), then a violation of R.C. 2919.25(A) or (B) is a 3<sup>rd</sup> degree felony. [<a href="#">R.C. 2919.25(D)(4)</a>]</p> <p>If the offender knew that the victim was pregnant at the time of the violation, then except as otherwise provided in R.C. 2919.25(D)(3) or (4), then a violation of R.C. 2919.25(A) or (B) is a 5<sup>th</sup> degree felony. [<a href="#">R.C. 2919.25(D)(5)</a>]</p> |
| <a href="#">R.C. 2919.27</a>  | Violating protection order                               | <p>Yes, if previously guilty of a violation of a protective order issued pursuant to R.C. 2151.34, R.C. 2903.213, R.C. 2903.214, R.C. 2919.26, or R.C. 3113.31, then a violation of R.C. 2919.27 is a 5<sup>th</sup> degree felony. [<a href="#">R.C. 2919.27(B)(3)</a>]</p> <p>Yes, if previously guilty of 2 or more violations of R.C. 2903.21, R.C. 2903.211, R.C. 2903.22, R.C. 2911.211, or any combination thereof that involved the same person who is the subject of the protection order or consent agreement, then a violation of R.C. 2919.27 is a 5<sup>th</sup> degree felony. [<a href="#">R.C. 2919.27(B)(3)</a>]</p>  |

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| <a href="#">R.C. 2919.27</a><br><br>(Continued) | Violating protection order  | <p>Second or more violations of R.C. 2919.27, then a violation of R.C. 2919.27 is a 5<sup>th</sup> degree felony. [<a href="#">R.C. 2919.27(B)(3)</a>]</p> <p>If an offender violates R.C. 2919.27 while committing a felony offense, then a violation is a 3<sup>rd</sup> degree felony. [<a href="#">R.C. 2919.27(B)(4)</a>]</p>   |
| <a href="#">R.C. 2921.36(D) or (E)</a>          | Attempting to deliver/delivering cash to a person/child confined in a detention facility, or a prisoner who is temporarily released | <p>Yes, if previously guilty of R.C. 2921.36(D), then a violation of R.C. 2921.36(D) is a 5<sup>th</sup> degree felony. [<a href="#">R.C. 2921.36(G)(4)</a>]</p> <p>If previously guilty of R.C. 2921.36(E), then a violation of R.C. 2921.36(E) is a 5<sup>th</sup> degree felony. [<a href="#">R.C. 2921.36(G)(5)</a>]</p>   |
| <a href="#">R.C. 2923.12</a>                    | Carrying concealed weapons  | <p>Yes, if the weapon is a firearm that is loaded or for which the offender has ammunition ready at hand or it is a dangerous ordnance, or if previously guilty of R.C. 2923.12 or any offense of violence, then a violation of R.C. 2923.12(A) is a 4<sup>th</sup> degree felony. If committed aboard an aircraft or with a purpose to carry aboard an aircraft, then a violation of R.C. 2923.12(A) is a 3<sup>rd</sup> degree felony. [<a href="#">R.C. 2923.12(F)(1)</a>]</p> <p>If previously guilty of R.C. 2923.12(B)(2) or (B)(4), then violation of R.C. 2923.12(B)(2) or (4) is a 5<sup>th</sup> degree felony. [<a href="#">R.C. 2923.12(F)(4)</a>]</p> |
| <a href="#">R.C. 2923.126</a>                   | Duties of licensed individual   | <p>If the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon is dangerous ordnance, or if previously guilty of R.C. 2923.126(C)(3)(a) or any offense of violence, a violation of R.C. 2923.126(C)(3)(a) is a 4<sup>th</sup> degree felony. [<a href="#">R.C. 2923.126(C)(3)(a)</a>]</p>   |
| <a href="#">R.C. 2923.16</a>                    | Improperly handling firearms in a motor vehicle   | <p>If previously guilty of R.C. 2923.16(E)(3) or (5), then violation of R.C. 2923.16(E)(3) or (5) is a 5<sup>th</sup> degree felony. [<a href="#">R.C. 2923.16(I)</a>]</p>   |

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## Reportable Misdemeanors that Can Escalate to Felonies

| Revised Code §                | Offense  | Can Offense Escalate to a Felony?  |
|-------------------------------|--|--|
| <a href="#">R.C. 2923.201</a> | Possessing a defaced firearm   | Yes, second violation or more of R.C. 2923.01 (A) (1) is a 4 <sup>th</sup> degree felony. [ <a href="#">R.C. 2923.201(B)(1)</a> ]<br><br>Yes, second violation or more of R.C. 2923.01 (A) (2) is a 4 <sup>th</sup> degree felony. [ <a href="#">R.C. 2923.201(B)(2)</a> ]   |
| <a href="#">R.C. 2925.03</a>  | Trafficking; aggravated trafficking in drugs   | No   |
| <a href="#">R.C. 2925.04</a>  | Illegal manufacture of drugs; illegal cultivation of marijuana, methamphetamine offenses | No   |
| <a href="#">R.C. 2925.11</a>  | Possession of controlled substances  | Yes, if previously guilty of drug abuse offense, then a violation of R.C. 2925.11 (C) (2) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2925.11(C)(2)(a)</a> ] Can be higher level of felony based on amount of drug.   |
| <a href="#">R.C. 2925.13</a>  | Permitting drug abuse  | Yes, if the felony drug abuse offense is a violation of R.C. 2925.05. R.C. 2925.03, or R.C. 2925.04, or if the offense is a violation of R.C. 2925.041 and the offender had actual knowledge that the person who assembled or possessed the chemicals did so with the intent to manufacture a controlled substance in Schedule I or II in violation of R.C. 2925.04, then a violation of R.C. 2925.13 is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2925.13(C)(3)</a> ] |
| <a href="#">R.C. 2925.31</a>  | Abusing harmful intoxicants  | Yes, if previously guilty of a drug abuse offense, then a violation of R.C. 2925.31 is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2925.31(B)</a> ]  |
| <a href="#">R.C. 2927.15</a>  | Privilege or consent to collect bodily substance   | Yes, if previously guilty of R.C. 2927.15(A), then a violation of R.C. 2927.15(A) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 2927.15(C)</a> ]  |
| <a href="#">R.C.2927.27</a>   | Illegal bail bond agent practices  | Yes, if previously guilty of 2 or more violation of R.C. 2927.27(A) or (B), then a violation of R.C. 2927.27 is a 3 <sup>rd</sup> degree felony. [ <a href="#">R.C.2927.27(C)(2) and (3)</a> ]   |

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## Reportable Misdemeanors that Can Escalate to Felonies

| Revised Code §                  | Offense  | Can Offense Escalate to a Felony?  |
|---------------------------------|--|--|
| <a href="#">R.C. 3113.06</a>    | Failure to pay maintenance cost to agency                                      | Yes, if failed to pay the cost of child maintenance for a total of 26 weeks out of 104 consecutive weeks, or if previously guilty of R.C. 3113.06, then a violation of R.C. 3113.06 is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 3113.99</a> ] |
| <a href="#">R.C. 3719.07</a>    | Record of all controlled substances received, administered, dispensed, or used | Yes, if previously guilty of R.C. 3719.07 or R.C. 3719.08 or a drug abuse offense, then a violation of R.C. 3719.07 is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 3719.99(C)</a> ]  |
| <a href="#">R.C. 3719.08</a>    | Label required   | Yes, if previously guilty of R.C. 3719.07 or R.C. 3719.08 or a drug abuse offense, then a violation of R.C. 3719.08 is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 3719.99(C)</a> ]  |
| <a href="#">R.C. 3716.11</a>    | Placing harmful or hazardous objects in food or confection                     | No   |
| <a href="#">R.C. 3743.60</a>    | Prohibitions   | Yes, if previously guilty of R.C. 3743.60(I), then a violation of R.C. 3743.60(I) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 3743.99(C)</a> ]  |
| <a href="#">R.C. 3743.61</a>    | Wholesaler restrictions  | Yes, if previously guilty of R.C. 3743.61(I), then a violation of R.C. 3743.61(I) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 3743.99(C)</a> ]  |
| <a href="#">R.C. 3772.99</a>    | Enforcement of chapter   | Yes, second violation or more of R.C. 3772.99(D)(1), (D)(2), (D)(3), (D)(4), or (D)(5) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 3772.99(D)</a> ]   |
| <a href="#">R.C. 3905.84</a>    | Surety bail bond agent to be qualified, licensed, and appointed                | Yes, on a third or subsequent violation of R.C. 3905.84, a violation of R.C. 3905.84 is a 3 <sup>rd</sup> degree felony. [ <a href="#">R.C. 3905.99(E)</a> ]   |
| <a href="#">R.C. 3999.18(B)</a> | Requiring valid certificate of authority                                       | Yes, if previously guilty of R.C. 3999.18(B), then a violation of R.C. 3999.18(B) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 3999.99(H)</a> ]  |
| <a href="#">R.C. 4109.21</a>    | Registering as employer of minors conducting door-to-door sales activity       | Yes, if previously guilty of R.C. 4109.21 and contains aggravating circumstances, then a violation of R.C. 4109.21 with aggravating circumstances is a 4 <sup>th</sup> degree felony. [ <a href="#">R.C. 4109.99(E)</a> ]                                |

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## Reportable Misdemeanors that Can Escalate to Felonies

| Revised Code §               | Offense  | Can Offense Escalate to a Felony?  |
|------------------------------|--|--|
| <a href="#">R.C. 4141.48</a> | Acquisition of trade or business to lower contribution rate prohibited | <p>If the tax avoided by trade or business is \$10,000 or more but less than \$50,000, then a violation is a 5<sup>th</sup> degree felony under R.C. 2929.14. [<a href="#">R.C. 4141.99(F)(3)</a>]</p> <p>If the tax avoided by trade or business is \$50,000 or more, but less than \$100,000, then a violation is a 4<sup>th</sup> degree felony under R.C. 2929.14. [<a href="#">R.C. 4141.99(F)(2)</a>]</p> <p>If the tax avoided by the trade or business is \$100,000 or more, then a violation is a 3<sup>rd</sup> degree felony under R.C. 2929.14. [<a href="#">R.C. 4141.99(F)(1)</a>]</p>   |
| <a href="#">R.C. 4511.19</a> | Operating vehicle under the influence of alcohol or drugs – OVI        | <p>Yes, if previously guilty of 3 or 4 violations of R.C. 4511.19(A) or (B) or other equivalent offenses within the past 10 years, then a violation of R.C. 4511.19(A) or (B) is a 4<sup>th</sup> degree felony. [<a href="#">R.C. 4511.19(G)(1)(d)</a>]</p> <p>If previously guilty of 5 or more violations of a similar nature of R.C. 4511.19(A) or (B) within the past 20 years, then a violation of R.C. 4511.19(A) or (B) is a 4<sup>th</sup> degree felony. [<a href="#">R.C. 4511.19(G)(1)(d)</a>]</p> <p>If previous conviction of R.C. 4511.19(A) was a felony, regardless of when the conviction occurred, then a violation of R.C. 4511.19(A) is a 3<sup>rd</sup> degree felony. [<a href="#">R.C. 4511.19(G)(1)(e)</a>]</p> |
| <a href="#">R.C. 4549.20</a> | Improper replacement of motor vehicle air bag                          | <p>Yes, if the violation causes serious physical harm or if previously guilty of R.C. 4549.20(B) or (D), then a violation of R.C. 4549.20(B) or (D) is a 5<sup>th</sup> degree felony. [<a href="#">R.C. 4549.20(E)(1)</a>]</p>  |
| <a href="#">R.C. 4707.02</a> | Unlicensed practice  | <p>Yes, second violation or more of R.C. 4707.02 is a 5<sup>th</sup> degree felony. [<a href="#">R.C. 4707.99(A)</a>]</p>  |
| <a href="#">R.C. 4715.09</a> | Unlicensed practice prohibited   | <p>Yes, if previously guilty of R.C. 4715.09, then a violation is a 5<sup>th</sup> degree felony. [<a href="#">R.C. 4715.99(C)</a>]</p>  |

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## Reportable Misdemeanors that Can Escalate to Felonies

| Revised Code §                | Offense  | Can Offense Escalate to a Felony?   |
|-------------------------------|--|---|
| <a href="#">R.C. 4715.19</a>  | Employment of unlicensed dentist unlawful – misrepresentation, impersonation, or false application unlawful  | Yes, if previously guilty of R.C. 4715.19, then a violation of R.C. 4715.19 is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 4715.99(C)</a> ]                               |
| <a href="#">R.C. 4715.20</a>  | Conditions to practice as dental hygienist   | Yes, if previously guilty of R.C. 4715.20, then a violation is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 4715.99(C)</a> ]   |
| <a href="#">R.C. 4715.29</a>  | Employment of a dental hygienist   | Yes, if previously guilty of R.C. 4715.29, then a violation is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 4715.99(C)</a> ]   |
| <a href="#">R.C. 4715.32</a>  | Using diploma or license with intent to defraud  | Yes, if previously guilty of R.C. 4715.32, then a violation is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 4715.99(C)</a> ]   |
| <a href="#">R.C. 4715.39</a>  | Permitted duties   | Yes, if previously guilty of R.C. 4715.39, then a violation is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 4715.99(C)</a> ]   |
| <a href="#">R.C. 4715.52</a>  | Unlicensed practice  | Yes, if previously guilty of R.C. 4715.52, then a violation is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 4715.99(C)</a> ]   |
| <a href="#">R.C. 4715.61</a>  | Registration as expanded function dental auxiliary required  | Yes, if previously guilty of R.C. 4715.61, then a violation is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 4715.99(C)</a> ]   |
| <a href="#">R.C. 4728.99</a>  | Penalty  | Yes, if previously guilty of R.C. Chpt. 4728, then a violation of R.C. Chapter 4728 is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 4728.99</a> ]                          |
| <a href="#">R.C. 4729.51</a>  | Selling, purchasing, distributing, or delivering dangerous or investigational drugs                          | Yes, if previously guilty of R.C. Chpts. 4729, 2925 or 3719, then a violation of R.C. 4729.51 (E) (1) (c) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 4729.99(H)</a> ] |
| <a href="#">R.C. 4729.552</a> | License as a category III terminal distributor of dangerous drugs with pain management clinic classification | Yes, if previously guilty of R.C. 4729.552(C), then a violation of R.C. 4729.552(C) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 4729.99(K)</a> ]                       |

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## Reportable Misdemeanors that Can Escalate to Felonies

| Revised Code §               | Offense   | Can Offense Escalate to a Felony?   |
|------------------------------|---|---|
| <a href="#">R.C. 4729.86</a> | Applicable additional provisions regarding drug database  | Yes, if previously guilty of R.C. 4729.86(A) (1), (2), or (3), then a violation of R.C. 4729.86(A) (2) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 4729.99(J) (2)</a> ]                                      |
| <a href="#">R.C. 4729.95</a> | Violations  | Yes, if previously guilty of 2 or more violations of R.C. 4729.95(A), (B), or (C), then a violation of R.C. 4729.95(A), (B), or (C) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 4729.99(I) (1) and (2)</a> ] |
| <a href="#">R.C. 4730.02</a> | Prohibited acts   | Yes, if previously guilty of R.C. 4730.02, then a violation is a 4 <sup>th</sup> degree felony. [ <a href="#">R.C. 4730.99(A)</a> ]   |
| <a href="#">R.C. 4749.13</a> | Prohibited acts   | Yes, if previously guilty of R.C. 4749.13(A), then a violation of R.C. 4749.13(A) is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 4749.99(A)</a> ]   |
| <a href="#">R.C. 4760.02</a> | Certificate required to practice                          | Yes, second violation or more is a 4 <sup>th</sup> degree felony. [ <a href="#">R.C. 4760.99(A)</a> ]   |
| <a href="#">R.C. 4762.02</a> | License to practice                                       | Yes, second violation or more is a 4 <sup>th</sup> degree felony. [ <a href="#">R.C. 4762.99(A)</a> ]   |
| <a href="#">R.C. 4773.02</a> | License requirement                                       | Yes, second violation ore more is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 4773.99(A)</a> ]  |
| <a href="#">R.C. 4774.02</a> | Certificate required to practice as radiologist assistant | Yes, second violation or more of R.C. 4774.02(A) (1) or (A) (2) is a 4 <sup>th</sup> degree felony. [ <a href="#">R.C. 4774.99(A)</a> ]   |
| <a href="#">R.C. 4778.02</a> | License required  | Yes, second violation or more of R.C. 4778.02 is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 4778.99</a> ]  |
| <a href="#">R.C. 5104.02</a> | License required  | Yes, third violation or more is a 5 <sup>th</sup> degree felony. [ <a href="#">R.C. 5104.99(A) (2) (d)</a> ]  |
| <a href="#">R.C. 2923.03</a> | Complicity  | Complicity to any of the above  |

This document was created in collaboration with the Ohio Attorney General's Office.  
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